

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury

Date: August 20, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

AUGUST 20, 2014

VOLUME I

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2 STATE OF MISSOURI
3 21ST JUDICIAL CIRCUIT

4
5 STATE OF MISSOURI,

6
7
8
9 vs.

10
11 DARREN WILSON,

12
13
14
15 The following is a transcript of the Grand Jury
16 proceedings, at the offices of St. Louis County
17 Prosecuting Attorney's Office, 100 South Central
18 Avenue, in the City of Clayton, State of Missouri,
19 on the 20th day of August, 2014, before

20
21
22
23
24
25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Mr. Robert McCulloch, Ms. Kathi Alizadeh and Ms.

5 Sheila Whirley

6 Prosecuting Attorney's Office

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 INTRODUCTION

2 MR. MCCULLOCH: Thank you. I'm Bob
3 McCulloch, the Prosecutor, for the record. I want
4 to talk to you a little bit about this. As you are
5 well aware of what we are here about and that is the
6 shooting death of Michael Brown.

7 I want to tell you how this is going to
8 proceed. Obviously, it is going to be different
9 from a lot of the other cases that you've heard,
10 that you've heard during your term.

11 First things first. Let me introduce, I
12 say a lot of this you already know. These two
13 ladies, for the record, Kathi Alizadeh, Shelia
14 Whirley, they will be the primary, if not the
15 exclusive attorneys working in the grand jury on
16 this case.

17 Obviously, I hope, obviously, there be a
18 lot of other people working on things outside of us
19 getting it ready for the presentation that will be
20 made by Kathi and/or Sheila.

21 Kathi was the prosecutor I have on call
22 for the month of August for all homicide calls. So
23 she received the call about this shooting within
24 minutes of the time the County Police were notified
25 by the Ferguson Police. So she has been working

1 with the police and lots of other things on this
2 since the very beginning.

3 My procedure is always that I have a
4 prosecutor on call solely for homicide cases and
5 they stay with that case from start to finish,
6 whatever that ultimately may be.

7 Sheila, as you know, has been assigned to
8 the grand jury for this term and so she will
9 continue with this grand jury on this case for as
10 long as it does take.

11 There are a few things I do want to go
12 over, first and foremost, to tell you that this is
13 the first, last and probably the only time I think
14 that you will see me in relation to this case.
15 Certainly in the grand jury. Everything that we do,
16 everything that you do, will be recorded with the
17 court reporter, who is under the same oath,
18 essentially, as all the witnesses.

19 As I said, Kathi and Sheila will be the
20 primary attorneys, the attorneys responsible for
21 presenting everything to the grand jury.

22 Really, I'm going to go over just a few
23 things to make sure that we have kind of the ground
24 rules, but the procedure covered.

25 As you know, your term ends on the 10th of

1 September. You also have dockets, there is no
2 docket next week, but on the 3rd and 10th, we have
3 dockets. Those dockets will be adjusted, but they
4 won't be canceled. But they will be adjusted to
5 accommodate whatever time that we need for
6 presentations on this case.

7 This case is still in the middle of an
8 investigation, there is a lot going on and certainly
9 you are well aware of what's going on in the
10 evenings and during the day and even out in front of
11 the courthouse here on occasions.

12 So there is a lot that is still going on
13 with the officers gathering the evidence, evidence
14 is being tested, being evaluated. I say evaluated,
15 it is being looked at, firearms evidence, the
16 firearms people are looking at that, DNA evidence,
17 the DNA are examining that.

18 In addition, the federal government, U.S.
19 Department of Justice, is doing a parallel, but an
20 independent investigation of the same thing.

21 So a lot of, actually everything pretty
22 much that the County Police or any other state or
23 local department is doing is being replicated by the
24 U.S. Attorney, by the FBI, or by the Justice
25 Department, they are all part of the Justice

1 Department.

2 As that is going back and forth and there
3 is some witnesses they will be talking to that the
4 County Police may not necessarily be talking to.
5 Some that the County had talked to that they haven't
6 or won't talk to. And so, but all of that will be
7 traded. We're giving them all the statements we
8 have, they are passing statements and any other
9 information that they have on this matter back to
10 us.

11 So it is still independent of one another,
12 but sharing the information because what is
13 significant to this case is also significant to
14 theirs. They are looking at different
15 possibilities.

16 The federal government and the state
17 government are not the same. We have these criminal
18 charges, they look at potential civil rights
19 violations, but for the same conduct that we are
20 looking at for any potential criminal violations.

21 So that may add a little bit, a little bit
22 of a delay. I really don't want to say a delay, but
23 kind of giving things to you out of order here
24 somewhat. Like a trial, lots of information is
25 going to come to you and it is going to come out of

1 chronological order. We will kind of go through
2 that just as a schedule. The schedule is just that.

3 There will be time if we have a particular
4 area, just for example, the DNA evidence. If that
5 is available or when that is available and all of it
6 is available, not just part of it, we will have the
7 time that is in the next two weeks to present that
8 to you all at once. If it is a number of witness
9 statements, we will present all of those to you. We
10 will have it all organized and bring it in.

11 By the time everything is finished, you
12 will have heard everything, you will have every
13 statement, there will be as many witnesses to come
14 in and testify.

15 If they made statements, you will not only
16 get the statements they made, whether they are to
17 police, FBI, or television or on the internet or
18 anything else. If we've got those statements, you
19 will have those statements. You will also have the
20 witness who will come in and testify as to that.

21 Some certainly might be they are just
22 statements that are floating around on the internet
23 and nobody knows who is making that statement, but
24 everybody is doing that and the FBI is doing what
25 they can to locate any of those or the source of

1 them.

2 So the schedule though after
3 September 10th, your term is extended, and the only
4 matter that you will hear anything on will be this
5 Michael Brown case, the Michael Brown shooting. All
6 you get is that so you won't have the docket. There
7 will be another grand jury that starts the week
8 after that who will be doing what you have been
9 doing for the past four months.

10 By the way, greatly appreciate your
11 service on that. I don't want to lose that in the
12 message here. You have done a great job, a great
13 service for the people of this county.

14 But the schedule will then, it is as
15 flexible as flexible can be. It is the only matter
16 that you have and so there is no requirement that
17 you meet on Wednesdays. So whenever all 12 people
18 are available, because all the evidence will be
19 presented to all 12, so we get all 12 of you
20 together, we will work with everybody's schedule.

21 Obviously, we want to be as expeditious as
22 possible, but not rush through it. If that means we
23 are meeting four hours in the morning and whatever
24 works is what we are going to do. Saturdays,
25 evenings, however it works for everybody's schedule,

1 and as long as you get it. If all 12 of you have an
2 entire day, we will have an entire day.

3 If you have four hours sometime, we will
4 work all of that out, but we will work, obviously,
5 around your schedules and you know how that's been.
6 It is a little easier, I suppose, when you could
7 tell family and employers and the like every
8 Wednesday you had to be gone. So this will be a
9 little different, so we will have to coordinate all
10 of that.

11 Also, not necessarily a requirement, we do
12 want to meet here, but there is no requirement of
13 that. If it turns out to be a Wednesday, then we'll
14 figure out something on that.

15 Everything will be recorded. Starting
16 with the oath by the court reporter and everything
17 that I'm saying now and everything that anybody
18 says, whether it is a witness, whether it is one of
19 the attorneys, or one of the jurors, will be
20 recorded as we are going along.

21 The value in the court reporter is that
22 we're getting at least a rough transcript as we are
23 going along. So that will, we won't have to wait
24 six months for all of these tapes to be typed up if
25 we did it in some other fashion.

1 The other is that the questions, you know,
2 unlike a trial jury, you know, you can and have been
3 discussing what you've heard on perhaps between
4 witnesses or during breaks and the like. Remind you
5 that's part of your deliberation and so none of that
6 happens while there is anybody else in the room and
7 that includes, of course, the attorney and the court
8 reporter.

9 At the end of every witness, the reporter
10 will make an announcement that essentially he is
11 going to finalize the disc. For every witness who
12 testifies and every session of their testimony,
13 there will be a separate disc made so that when he
14 finalizes that, what it does is it finalizes the
15 disc.

16 After that, it can't be altered, nothing
17 can be added, nothing can be deleted. And so if
18 that witness comes back at some other time, there
19 will be a separate disc for that and we will do the
20 same. We will do that with every person who comes
21 in and testifies.

22 You will have presented to you every bit
23 of evidence from the photos, from the scene of the
24 shooting, diagrams of that, the physical evidence
25 that was seized at the time, at the location, the

1 DNA evidence, anything and everything that pertains
2 to this case will be presented to the grand jury.
3 It will all be available to you for your review as
4 it is coming in.

5 Sheila, primarily, will be at least
6 getting things started in terms of asking the
7 witness questions, much as you've seen her for the
8 whole summer doing that.

9 Jurors, and you're experienced enough now
10 that you can ask whatever questions you want to ask.
11 Any item, anything you want to ask any witness,
12 absolutely ask that information.

13 If something occurs to you sometime after
14 that witness is gone, we will get the witness back
15 at some point and ask those questions again. If
16 somebody else says something, you need to clarify
17 it, we will get witnesses back to do whatever it is
18 that you need done.

19 The one thing we can't do in terms of
20 questions, let me back up a little bit on that while
21 we are talking about the records on that.

22 Just remember that it is going to take a
23 few minutes to finalize this disc once that witness
24 is finished testifying. So if you have discussion,
25 you want to talk or ask each other questions,

1 anything at all about that, make sure you wait long
2 enough that that is finalized and they understand
3 is out of here and the attorneys out of here.
4 They will stick around long enough to remind you of
5 that, wait until everybody is gone before you talk
6 about it because that's, that's not something that
7 anybody but the jurors hear.

8 If you have a question about procedure,
9 the attorneys will answer that. Who is coming in
10 next, you know, we are taking a break now or can we
11 take a break now, anything along the procedure the
12 attorneys will certainly answer that.

13 If you have a question about what a
14 witness said or what is going on or did this witness
15 say this, they're not going to answer those
16 questions. If anything, we will get the witness
17 back to answer any more questions that you asked,
18 but we are not going to answer those questions.

19 Just a couple other things. I assume the
20 judge talked to you this morning, of course, about
21 your oath, of course, both very similar to what
22 just took, whatever the witness will take,
23 that these are confidential proceedings, that
24 nothing leaves this room unless and until ordered by
25 the court or some other legal method. I will talk

1 about those in just a second.

2 The other is the confidentiality and the
3 oath and the anonymity. You are anonymous. You are
4 protected by law from all, your names are not
5 public, your addresses, no information about you is
6 public.

7 There may be some, the demographics of it,
8 I think that is information that can be passed out
9 in terms of, you know, race, gender.

10 MS. ALIZADEH: Age.

11 MR. MCCULLOCH: I won't say the age. The
12 general location that we have. Say, I don't know,
13 three grand jurors who live in municipalities and 12
14 who live in unincorporated or nine live in
15 unincorporated. We have X number who are outside of
16 the 270 loop, X number inside. So many above 70,
17 below 70, all of that demographic information, but
18 nothing that would, anybody would ever be able to
19 identify any individual from just that no matter how
20 they try to put it together.

21 And that is, I just want to share, that's
22 protected by law that's been litigated and those
23 names, the information does not get released.

24 So the other is with the parking. We are
25 trying to arrange the parking very similar to what

1 we had today so that you are inside. Once we're
2 past September 10th, you are meeting on a different
3 schedule, on your schedule, that makes things a lot
4 easier because, you know, everybody knows that the
5 grand jury meets on Wednesday.

6 So if you are meeting some other day, you
7 know, there may be media around, but the good thing
8 about construction going on next door is we can kind
9 of work around the visibility of it, particularly
10 with the parking that we had. We will have all of
11 that arranged.

12 And the media, you know, the media kind of
13 comes and goes around here. I did a number of
14 interviews with local people today for a couple
15 reasons, one is to get it all out of the way. So
16 we're finished with, for the most part, with any
17 kind of interviews with that.

18 I can't control whether anybody shows up
19 outside and just hangs outside the doors and all of
20 that. If there is a protest scheduled or the media
21 is going to be here. We will work with that again.
22 We will know who is there and what's there and all
23 of that. If need be, get you in and get you out of
24 the building without worrying about any of that.

25 The only other thing I'd say when you are

1 coming in, don't wear the grand jury badge and that
2 will, won't tip anybody off that you are on the
3 grand jury, we will have all of that stuff.

4 Am I missing anything?

5 MS. WHIRLEY: Note taking.

6 MR. MCCULLOCH: Oh, you are right. Note
7 taking. You take, as you know, all the notes that
8 you want. Write down anything and everything. If a
9 thought occurs to you, you want to talk to the
10 witness, take all the notes that you want. The
11 notes, of course, can't leave here. They are your
12 notes and your notes alone.

13 Fellow grand jurors won't see your notes
14 and you won't see their notes. At the end of the
15 day or end of the session, the notes will be
16 collected and they will be secured. Any evidence
17 that is presented to you, physical evidence, of
18 course, also will be collected and it will be
19 secured. We have highly secure evidence lockers
20 within the complex here. All of that will be that.

21 At the end of that, you can use your notes
22 for any deliberation when everything is finished.
23 At the end, just so you know, there are going to be
24 massive amounts of information and physical items
25 that are coming here in the next month. You're not

1 going to remember everything. The witness today
2 testifies, you're not going to remember that a month
3 from now, but all of that and the transcripts will
4 all be available and you'll have as long as you
5 need, as long as you want to go through everything
6 again before you start your deliberations. While
7 you are doing deliberations, all of that is
8 available.

9 Unlike a trial jury where you have to send
10 a note out to the judge and the judge would decide
11 if you get something or you don't get something,
12 that rule doesn't apply here. Everything will be
13 here in the room with you and you will have access
14 to all of it. You, of course, have access to your
15 notes throughout all of that.

16 At the end of all of that, you won't have
17 access to those notes, is that it?

18 MS. ALIZADEH: I want to say that what Bob
19 said, everything is going to be recorded in this
20 room while we're presenting this case. That, of
21 course, doesn't include your deliberations, those
22 will not be recorded. And when we have juries who
23 are hearing evidence in trial, typically the jury,
24 not typically, always the jury is told prior to
25 trial to keep an open mind throughout the entire

1 process, don't form any opinions until you've heard
2 all of the evidence.

3 There's no requirement that you all can't
4 talk about things amongst yourselves. So if there
5 is something that you all talk about and decide, we
6 would like to hear from this person or you have a
7 question about us bringing another witness in, you
8 all can discuss that amongst yourselves so long as
9 you are not deliberating and starting to form
10 opinions until you have heard everything, okay.

11 So there will be times for you all when
12 there is no recording going on, where you all can
13 discuss your schedule, you know, when we might meet
14 again, and if there's any questions that you have
15 that you want us to try to provide the answer for.

16 Again, as Bob said, Sheila and I can't
17 answer other than just procedural things or
18 questions of law. But if there is some question
19 that you have, if we can find somebody who can
20 answer that question for you, we will do so, we'll
21 try to bring somebody in to answer those questions,
22 okay?

23 MR. MCCULLOCH: I'm glad she said it. You
24 do need, and I know you will keep an open mind on
25 everything. You haven't heard a single thing yet

1 other than what has been in the media, believe me
2 that's not evidence. Don't form any opinion on
3 anything that you've heard, good, bad or ugly in the
4 media.

5 Everything that's been collected, every
6 statement that has ever been made, it will all be
7 here for you. You need to keep that open mind to
8 give everybody, including the entire community, a
9 full and as open as it can be, but certainly as
10 thorough and as expedient of all the evidence that
11 you can.

12 I know people keep talking about the
13 transparency, at the end of all of this, depending
14 on your determination, as other cases, if there are
15 charges that you find should be lodged and are
16 lodged, then all of that information will come out
17 pursuant to the course of the case. There are rules
18 that apply then as to how things are handled and all
19 of that. It doesn't come out right away because you
20 can't prejudice a potential jury panel. So all of
21 that evidence, just like here, is presented to a
22 trial jury in the courtroom and not put out in the
23 media. So everybody can see it and then make their
24 mind up before they ever come into a courtroom.

25 If your determination is that there are no

1 charges to be filed, then everything will be
2 released immediately or as close to immediately as
3 we can get, and that's everything. Your
4 deliberations aren't, as I said, your deliberations
5 are not recorded and never will be recorded, notes
6 won't be released, but every bit of evidence that
7 you have, the testimony of the witnesses who come
8 in, the statements of the witnesses, the physical
9 evidence, the photographs, everything that you have
10 seen and heard will be released to the public. That
11 is as transparent as we can get short of putting a
12 pool TV camera in here and that's not going to
13 happen.

14 It is, obviously, an awesome burden, but
15 it is going to be an awful lot of work and we will
16 make it as orderly and organized as we can to you.

17 As I said, if there is anything at all
18 that we can do to do that, working with your
19 schedules, work longer, we have no set hours. So
20 whatever it takes, we will get that to you. We
21 don't want to rush through anything, but we also
22 don't want to drag it out.

23 I'm anticipating, in all honesty, without
24 basing it on a whole lot, that we hope to have this
25 completed by the middle of October. It doesn't mean

1 every day that you will be here from September 10th
2 until then, but the more days we can have some
3 session, the more expedient this will get out there
4 and that's important to everybody, of course.

5 The most important thing that you get all
6 the information and all of the evidence and make
7 your determination on that.

8 Any questions now, procedure that I can
9 answer?

10 Alternate jurors, do we
11 have them?

12 MR. MCCULLOCH: We are in the hope that
13 all 12 of you are perfect, healthy specimens, who
14 have no plans to leave town or go on vacation for
15 two months. All 12 will hear everything and the
16 only way we have alternates is to have them in here
17 at the time and we do that at a trial, but here it
18 is just, it doesn't work in the grand jury. So we
19 have all 12 when we can get all 12 of you together.

20 If we can only get 11 together, we are
21 going to have to find a different time. I hope
22 everybody can be as flexible as possible, and again,
23 we will be as flexible as possible. We have no set
24 hours. Every day is Monday, weekends, whatever
25 works for you is when we are going to be here.

1 Morning, noon or night, or any day.

2 Thank you. As I said, this is probably
3 the last time you will see me. I can't imagine what
4 it would be unless there is something that came up
5 that you wanted to see me, so thanks.

6 MS. ALIZADEH: As Bob said, Sheila and I
7 are both going to be presenting this case to you and
8 there may be times where I know Sheila has a case
9 set for trial next week and it might just be, of
10 course, we don't have next week. There might be
11 days where you are only go to see me, only go to see
12 Sheila, we are trying to split up the work as much
13 as we can just to make it easier for the both of us,
14 but there is no, don't read into anything about why
15 is Sheila only having this witness or Kathi is
16 presenting this witness because we are just trying
17 to split it up.

18 And so on days when Sheila might be
19 presenting somebody, if I can be, I will also be
20 here in the room, but I won't be commenting, I won't
21 be asking any questions, it will be Sheila
22 presenting, and the same thing on a day where I
23 might be presenting a witness, Sheila may be here,
24 but it is just for our benefit. We both want to see
25 as much and as hear as much as we can, but there

1 might be times when we are not available.

2 MR. MCCULLOCH: Good thing about being the
3 boss is I have a lot of flexibility in adjusting
4 their schedules, so that will happen, but we will
5 keep that to a minimum because we want to, in
6 addition to all 12 of you hearing here, and the two
7 of them here as much as possible. You will hear
8 everything, they will hopefully hear everything.

9 MS. WHIRLEY: I am Sheila Whirley.
10 Present in the room is Kathi Alizadeh and the
11 witness, is with the Medical
12 Examiner's Office. He is the investigator, he is
13 going to take the oath in a minute and also present
14 are Jurors 1 through 12.

15 would you approach to take the
16 oath?

17 THE WITNESS: Yes, ma'am.

18 MS. WHIRLEY: And, of course, the court
19 reporter, is here.

20

21

22

23

24

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 MS. WHIRLEY: This proceeding involves the
9 shooting of Michael Brown.
10 BY MS. WHIRLEY:

11 Q All right. you've stated
12 your name. What is your occupation?

13 A Medical legal investigator.

14 Q And where are you employed?

15 A The St. Louis County Medical Examiner's
16 Office.

17 Q How long?

18 A Approximately 25 years.

19 Q Now, what does a medical investigator do?

20 A We investigate the deaths that occur in
21 St. Louis County.

22 Q You investigate deaths that occur in St.
23 Louis County?

24 A Correct.

25 Q Do you require any special training for

1 your job? Let me rephrase that, have you had any
2 training?

3 **A** Yes, I have on-the-job training and
4 courses that we take.

5 **Q** What kind of courses do you take?

6 **A** There is a medical legal death
7 investigating courses, approximately last all week
8 and --

9 **Q** So about 40 hours?

10 **A** 40 hours.

11 **Q** What kind of things are you taught?

12 **A** Just how to investigate, what to look for,
13 what changes in the body after death.

14 **Q** You have been doing this for 25 years?

15 **A** Yes, ma'am.

16 **Q** Okay. What kind of schedule do you work
17 now?

18 **A** I work 32 hours a week.

19 **Q** And do you work throughout the week or
20 weekends?

21 **A** Just weekends.

22 **Q** Only weekends?

23 **A** Yes, ma'am.

24 **Q** So how many hours, you said 32, so 16 on
25 Saturday?

1 **A** 16 on Saturday and 16 on Sunday.

2 **Q** And you were called this particular
3 Saturday?

4 **A** Correct.

5 **Q** What was the date of the occurrence?

6 **A** I'm not sure.

7 **Q** I'm going to give you what's marked for
8 purposes of identification State's Exhibit Number 1.
9 And you can refer to this through this proceeding if
10 you need to tell me what the date was?

11 **A** It was the 9th.

12 **Q** Okay. The 9th of?

13 **A** August.

14 **Q** Okay. And I want to talk a little bit
15 more about your background before we get into the
16 crux of this.

17 **A** Yes, ma'am.

18 **Q** What is the purpose of a medical
19 investigator at a Medical Examiner's Office, why
20 have you?

21 **A** We are the eyes and ears of our
22 pathologist. The person who is conducting the
23 autopsy. They don't go to the scenes, we go to the
24 scenes for them.

25 **Q** Okay.

1 **A** And bring back information for them so
2 they can properly do the autopsy.

3 **Q** I see. When you go to the scene, do you
4 have any special tools that you take with you?

5 **A** We have cameras and things to establish
6 the time of death, and other equipment that we
7 collect evidence.

8 **Q** Okay. So tell us what a medical examiner
9 does once, well, first of all, how do you get the
10 call?

11 **A** Usually a police officer or hospital or
12 paramedic will call us and let us know there is a
13 deceased person.

14 **Q** Do you have a certain timeframe that you
15 must follow? I know the person is always deceased
16 by the time you are called, correct?

17 **A** Correct.

18 **Q** Are there some time parameters when you
19 need to arrive to the scene?

20 **A** No, ma'am.

21 **Q** Okay. So you go by yourself?

22 **A** Yes, ma'am.

23 **Q** Okay. Do you call anyone to come?

24 **A** We do have a delivery service that we
25 call.

1 **Q** What is a delivery service?

2 **A** Delivery service is the person who picks
3 up the body.

4 **Q** Do you call the delivery service when you
5 get the call?

6 **A** Correct.

7 **Q** Once you get there?

8 **A** No, once I get the call, I call them to
9 let them know what is going on, where it is at.

10 **Q** They meet you there?

11 **A** Right.

12 **Q** So at the scene once you arrive, what do
13 you do? Like take us through an investigation.

14 **A** I try to meet the reporting officer, speak
15 to him, find out what happened. They go and look at
16 the body and see if everything is consistent with
17 what he told me or whatever witnesses told him, and
18 then I come back and I would talk to the family or
19 one of the witnesses if they were there.

20 **Q** So when you talk to people, it is not
21 necessarily the people who directly saw the
22 incident?

23 **A** Correct.

24 **Q** You are getting kind of hearsay
25 information?

1 **A** Yes, ma'am.

2 **Q** And you don't necessarily see what is
3 occurring yourself any of these times?

4 **A** Correct.

5 **Q** By the time you get there, it has
6 happened?

7 **A** After the fact, correct.

8 **Q** Why do you talk to the officers?

9 **A** Because the first responding officer makes
10 contact with the person who called the police to
11 find out what's going on.

12 **Q** Why do you need to know what's going on.
13 I mean, there is a deceased body, why do you need to
14 know more?

15 **A** To see if the story is consistent with his
16 death, as opposed to suicide or a homicide, just
17 trying to establish a timeline.

18 **Q** But you are not the one who makes the call
19 as to what the cause of death is?

20 **A** Correct.

21 **Q** Or the manner of death?

22 **A** Correct.

23 **Q** Or whether or not it is a homicide or a
24 suicide, you don't make that call?

25 **A** Correct.

1 **Q** You just gather it for the pathologist?

2 **A** Yes, ma'am.

3 **Q** All right. Do you write a report?

4 **A** Yes, ma'am.

5 **Q** Okay. How long generally does your
6 investigation take?

7 **A** It can take anywhere from several minutes
8 to an hour or two.

9 **Q** Okay. And what's included in your report?

10 **A** My initial contact with the reporting
11 officer, the reporting person, the location, what I
12 saw when I got there, the condition of the body, and
13 a paragraph or two on witness statements.

14 **Q** Who is your supervisor, who do you report
15 to?

16 **A** Chief Investigator

17 **Q** Who would approve your report, is that the
18 same person?

19 **A** He would.

20 **Q** All right. Do you generally take
21 photographs?

22 **A** Yes.

23 **Q** Okay. And let's talk specifically about
24 the case involving the shooting of Michael Brown.

25 Did you take photographs?

1 **A** No, ma'am.

2 **Q** Why not?

3 **A** My battery in my camera died.

4 **Q** Were photographs being taken?

5 **A** Yes, ma'am.

6 **Q** By whom?

7 **A** St. Louis County Police Department.

8 **Q** Like their identification unit?

9 **A** Their identification unit, correct.

10 **Q** You saw them taking photographs?

11 **A** Yes, ma'am.

12 **Q** Do you have access to those photographs?

13 **A** If we need them, we can get them.

14 **Q** Is that something you would want,
15 photographs?

16 **A** Sometimes the pathologist asks for them.

17 **Q** Okay. Do you know if they were asked for
18 in this case?

19 **A** I don't know.

20 **Q** Okay. I thought I heard you say, or if
21 you didn't, let me ask the question, did you take
22 measurements of anything?

23 **A** Yes, we can if we need to, yes.

24 **Q** Did you in this case?

25 **A** No, ma'am.

1 **Q** Because you didn't need to?

2 **A** Correct.

3 **Q** Why not?

4 **A** I got there, it was self-explanatory what
5 happened. Somebody shot somebody. There was no
6 question as to any distances or anything of that
7 nature at the time I was there.

8 **Q** Okay. And if it turns out there was some
9 concern about the distances, that's not something
10 that you would be qualified to tell us about?

11 **A** If I took the measurements I could tell
12 you about them.

13 **Q** What kind of distances when you say
14 distance?

15 **A** Like for the Brown case?

16 **Q** Uh-huh.

17 **A** Maybe like if he was close enough to leave
18 stippling on his clothing, things of that nature.

19 **Q** So you didn't take any measurements
20 though?

21 **A** Correct, I didn't see no stippling, no
22 indication how close he actually was going to be.

23 **Q** Did you look for stippling?

24 **A** Yes, ma'am.

25 **Q** Where did you look for it at?

1 **A** Around the wounds.

2 **Q** Wounds?

3 **A** Yes.

4 **Q** When you say stippling, what is stippling?

5 **A** It is gunpowder, burning of the gun
6 powder.

7 **Q** You say you looked for it around his
8 wounds?

9 **A** Correct.

10 **Q** And what did you see?

11 **A** I didn't see any.

12 **Q** Okay. So this occurred on, tell us the
13 date again?

14 **A** Uh --

15 **Q** I'm sorry?

16 **A** The 9th.

17 **Q** The 9th of?

18 **A** August.

19 **Q** Of August?

20 **A** August 9th.

21 **Q** What time were you told this occurred?

22 **A** Our office got the initial call at 1:30.

23 **Q** Did you get information that it occurred
24 earlier than 1:30?

25 **A** Yes, ma'am.

1 **Q** What time is that?

2 **A** Around noon time.

3 **Q** Okay. So it occurred around noon time.

4 You get the call around 1:30?

5 **A** Correct.

6 **Q** And the call comes from St. Louis County?

7 **A** Yes, ma'am.

8 **Q** Do you know who called?

9 **A** Sergeant.

10 **Q** Or whom?

11 **A**

12 **Q** Did you talk to that person?

13 **A** No, I didn't.

14 **Q** So someone gave you the assignment?

15 **A** Correct. No wait, I'm sorry, I did talk
16 to him.

17 **Q** You did?

18 **A** Yeah, the initial call came into our on
19 duty investigator, he gave me the information and I
20 called the sergeant.

21 **Q** What did you call him for?

22 **A** To set up a time when they need me, when
23 to actually be out there.

24 **Q** Okay.

25 **A** Go ahead.

1 **Q** Why did you need to set up a time?

2 **A** Because other officers are responding to
3 the scene, St. Louis County detectives, their ID
4 unit, that may take anywhere from 30 minutes to
5 several hours before I could actually get in and
6 actually see the body.

7 **Q** So you don't want to be there when they
8 are doing their thing?

9 **A** Correct.

10 **Q** Okay. And so you were called at 1:30.
11 And what time did you arrive?

12 **A** Approximately 1430, 2:30.

13 **Q** That's 2:30. In about an hour. Is there
14 any reason why it took you an hour to arrive?

15 **A** No, ma'am, just waited. I called them
16 about 2:15, they said they were showing up, the ID
17 people were there showing up. So I went ahead and
18 responded to the scene.

19 **Q** You were giving them time to do what they
20 needed to do?

21 **A** Correct.

22 **Q** So describe the scene to us when you
23 arrived. I mean, like were there a lot of people
24 out?

25 **A** It was an apartment complex where crime

1 scene tape up, and a crowd has gathered, quite a few
2 people there. He was deceased, was laying in the
3 middle of the street. There was already some orange
4 barriers around him to keep the crowd from seeing
5 him.

6 Q Was the crowd saying anything?

7 A They were just, I don't know how to
8 explain it. I guess voicing their concerns at what
9 is going on, why is this taking so long, things of
10 that nature.

11 Q Why is it taking so long?

12 A Correct.

13 Q And you could discern what they were
14 saying?

15 A I hear them, but I don't listen.

16 Q But you did know they were asking why it's
17 taking so long?

18 A Yes.

19 Q Do you know what that meant?

20 A I assume the body was laying out there too
21 long, they didn't like the body being out there.

22 Q When you arrived, tell us what it looked
23 like, the body, was it covered, uncovered?

24 A He was covered with several white sheets
25 laying in the prone position.

1 **Q** Prone means?

2 **A** Face down. There is a double yellow line,
3 I guess it is east and west traffic, he was right in
4 the middle of the roadway.

5 **Q** Okay. What did you do?

6 **A** When I was able to go to the body?

7 **Q** Yes.

8 **A** I went over there with the police
9 officers, the ID officers, we removed the sheets,
10 took photographs of his back, lifted up the shirt,
11 took more photographs. Then we rolled him over, I
12 placed white clean sheets down on the ground and
13 rolled him over onto those. Took more photographs,
14 documented the injuries, looked through his pockets,
15 looked through his pants for any weapons or anything
16 of that nature.

17 And then got some clean paper bags,
18 placed them on his hands and then we put him back on
19 the sheet and into a white bag and sealed it up.

20 **Q** How long were you on the scene?

21 **A** Probably a couple hours.

22 **Q** And when you left, the body left, the
23 deceased left; is that right?

24 **A** Correct.

25 **Q** You --

1 **A** I was actually with the body for about 15,
2 20 minutes by the time I was waiting to get to the
3 body.

4 **Q** You were there, you think, a total of a
5 couple hours?

6 **A** Correct.

7 **Q** Did you talk to any of the bystanders or
8 people that were not police officers?

9 **A** Just his grandmother.

10 **Q** Tell us about that.

11 **A** I was walking back to my vehicle to make
12 some phone calls and a lady came up and she asked me
13 if I was a medical examiner, I told her I was. She
14 asked me why the body was still on the street, why
15 is it taking so long.

16 I explained to her, you know, it
17 takes a thorough investigation and crowd control,
18 just getting everybody into the scene was taking
19 time to do that and once everybody is here, we can
20 get our information that we need and the evidence
21 collected and then we can be out of here. Once
22 everything starts, it doesn't take long.

23 **Q** Okay.

24 **A** She seemed to be fine with that, and she
25 said she is going to walk around the crowd and try

1 to get people to move back.

2 Q She did?

3 A Yes, ma'am.

4 Q She was very pleasant --

5 A Yes, ma'am.

6 Q -- with you? Did you notice his mother
7 there?

8 A The officer pointed his mother out in the
9 crowd.

10 Q Did you have any conversation with her?

11 A No, ma'am.

12 Q Did she do anything or say anything that
13 you overheard?

14 A Not really, just crying hysterically and
15 oh, my God, and stuff like that.

16 Q Was there anything about his tattoo?

17 A There was an officer stated that she said
18 he had a tattoo on his arm, Big Mike, that is one of
19 the things we need to do is get him identified.

20 I actually didn't know if she
21 actually walked over there and actually seen him, or
22 she just knows that's him and explained the tattoo.
23 When we rolled him over, we saw the tattoo and knew
24 it was him.

25 Q You overheard, or an officer told you that

1 that's what she said?

2 **A** Correct.

3 **Q** That he had a tattoo Big Mike?

4 **A** Correct.

5 **Q** Then you verified the tattoo?

6 **A** Correct. We can use tattoos for
7 identification in our office.

8 **Q** Now, when you said you rolled over the
9 body and you checked the body for injuries and
10 photos were taken, you didn't take those photos, you
11 know photos were taken?

12 **A** Yes, ma'am.

13 **Q** Can you describe the injuries as you saw
14 them?

15 **A** I saw one in the top of the head, several
16 on his right eye, a bunch of blood, dried up blood.
17 I guess road material, there was one here, there was
18 an injury here, an injury on his side right here,
19 two in the arm and one in here and a wound on his
20 hand.

21 **Q** Did you see any wounds to his back?

22 **A** No, ma'am.

23 **Q** When you say he was laying prone, which is
24 face down, where was his hands and that kind of
25 thing?

1 **A** He was prone and his left hand was under
2 him and his right arm was slightly out to his side.

3 **Q** Could you stand up for me?

4 **A** If I stood up and I was laying down it
5 would be like this. (indicating)

6 **Q** So his right hand was where?

7 **A** On the ground, slightly away from his
8 back.

9 **Q** Okay. And his left hand was where?

10 **A** More like by his waistband, in front of
11 him.

12 **Q** On his side as he is laying, not outside
13 his body?

14 **A** No, like he fell on it, right.

15 **Q** Okay. Did he have any weapons?

16 **A** No, ma'am.

17 **Q** You checked him for weapons; is that
18 right?

19 **A** Correct.

20 **Q** Did you happen to speak to the officer who
21 was charged, who is not charged, but who is alleged
22 who did the shooting?

23 **A** No, ma'am.

24 **Q** Okay. He wasn't at the scene when you got
25 there?

1 **A** Correct.

2 **Q** Okay. Any other bystanders come up to you
3 or say anything?

4 **A** No, ma'am.

5 **Q** Okay. Were you frightened or afraid?

6 **A** No, ma'am.

7 **Q** Okay. Now, you said you talked to the
8 police, they gave you information about what
9 happened?

10 **A** Correct.

11 **Q** And this isn't any firsthand account that
12 you have, you did ask them what happened?

13 **A** Correct.

14 **Q** Who did you talk to?

15 **A** Detective , was one of the
16 detectives.

17 **Q** And what did he say?

18 **A** That there was a, that Officer Wilson was
19 driving down the roadway, he encountered the two
20 individuals in the street, asked them to exit the
21 street and an altercation started from there. And
22 the decedent ran away from the vehicle, the officer
23 gave chase. They met up again in the middle of the
24 roadway and shots were fired.

25 **Q** Okay. And did Detective

1 represent to you that he actually saw this occur?

2 **A** No, ma'am, he wasn't there.

3 **Q** I'm sorry?

4 **A** No, he did not see it.

5 **Q** He is telling you what he heard?

6 **A** Correct, information he received from
7 whoever he ended up hearing it.

8 **Q** Do you know who that was?

9 **A** No, ma'am.

10 **Q** Were there any paramedics at the scene
11 when you arrived?

12 **A** No, ma'am, they were already gone.

13 **Q** And when discussing the body again,
14 Michael Brown, was it like firm or hard, or tell us
15 about rigor mortis, what is rigor mortis?

16 **A** Rigor mortis is hardening of the muscles
17 after death.

18 **Q** Okay. When does that set in?

19 **A** It starts immediately, but you actually,
20 full rigor mortis about 12 hours after death.

21 **Q** Okay.

22 **A** Then it goes away and it comes back. Many
23 different variables, different size of people, where
24 they're at, location of the body, what they were
25 doing prior.

1 **Q** Weather?

2 **A** Medications, weather, drugs, everything.

3 **Q** Did you notice any rigor mortis on Michael
4 Brown?

5 **A** It was starting to set in, correct.

6 **Q** Where?

7 **A** I felt it in his arms, his hands.

8 **Q** Okay. Do you know whether or not he had
9 been moved or anything when you arrived?

10 **A** It didn't look like he was moved from the
11 position that he was --

12 **Q** You don't ask that question?

13 **A** We do ask that question. Sometimes we can
14 tell if the body has been moved.

15 **Q** How?

16 **A** By livor mortis.

17 **Q** What is that?

18 **A** Settling of the blood.

19 **Q** How can you tell by the livor mortis?
20 Explain.

21 **A** Actually, with light skin people you can
22 see it, in dark skin people it is hard to see.

23 **Q** Okay.

24 **A** That's why I didn't put that in the report
25 as to livor mortis.

1 **Q** What do you see? I don't understand.

2 **A** It is when your blood starts, all the
3 blood just settles at the lowest part and gravity
4 takes over and all the blood comes down here and
5 this would be like discolored.

6 **Q** Okay.

7 **A** Anywhere from like a light pink to a dark
8 blue, and that sets in about 12 hours. If you move
9 somebody, it will change position.

10 **Q** Oh. And it was based on your training and
11 experience and your discussion with the officers he
12 had not been moved?

13 **A** Correct.

14 **Q** All right. When you got there, did the
15 police delay you or tell you, you know, they weren't
16 ready for you to do your part or did you get right
17 in?

18 **A** No, I didn't get right in, they still had
19 some photographs to take and evidence to collect and
20 document.

21 **Q** So once you got there, I know you said it
22 took you about 15 minutes to do what you needed to
23 do, but once you got there, how long did you wait
24 before you were able to do what you needed to do
25 would you say?

1 **A** I would guess about an hour.

2 **Q** Okay. Is that unusual?

3 **A** No, ma'am, not for homicides, no.

4 **Q** Okay. Now, did you take any notes
5 regarding what was occurring?

6 **A** Yes, ma'am.

7 **Q** Okay. Is that your regular system that
8 you take notes as you are out on the scene?

9 **A** Yes, ma'am.

10 **Q** And you use those notes to write your
11 report?

12 **A** Correct.

13 **Q** How soon do you write your report?

14 **A** As soon as I get back to the office.

15 **Q** Is that what you did in this case?

16 **A** Yes, ma'am.

17 **Q** Okay. What do you do with those notes?

18 **A** I usually destroy them after the report is
19 completed.

20 **Q** You shred them?

21 **A** Yes.

22 **Q** Did you do that in this case?

23 **A** Yes, ma'am.

24 **Q** Why do you shred them?

25 **A** Everything in my report is going to be

1 from my notes.

2 **Q** Okay. Is there stuff that you did not put
3 in your notes that you want to tell us about or that
4 you did not put in the report?

5 **A** Other than?

6 **Q** Anything?

7 **A** In looking at the report, I would like to
8 clarify, the east and west position of the body may
9 not be accurate, may not be correct. I was just
10 going by the street that I came in on, that I came
11 down. It should have been an east and west street.
12 So that should have been west and his feet should
13 have been east.

14 Sometimes in a subdivision the
15 streets, they curve, so his head may be a little bit
16 off. Like southwest, and his feet may be northeast
17 or something in a different report, but I should say
18 that the head was pointing towards Florissant and
19 his feet was, what's the name of the other street,
20 the other main intersection that I came in on to get
21 to Canfield.

22 **Q** Okay.

23 **A** I can't think of the street right now.

24 **Q** Okay. Is there anything else looking at
25 your report that you need to modify or add?

1 **A** Not that I can think of.

2 **Q** When you are writing your report, if there
3 is something that you discover later, do you write a
4 supplemental?

5 **A** Yes, ma'am.

6 **Q** Can you recall an instance where you did
7 write a supplemental? You don't have to tell us the
8 name of the case or anything.

9 **A** Cases like, maybe on this kind of case
10 like this, maybe the doctor asked us what was he
11 doing before this happened. I would have to go
12 back, contact an officer, maybe his family and find
13 out why he was with so and so doing something or you
14 know, whatever he was doing prior to his death. I
15 may have to go back and get that information.

16 They may call me, the doctor may ask
17 me, can you call the family to see if they have any
18 kind of medical history, and things of that nature.

19 **Q** Okay. And getting back again because one
20 other thing I want to ask you about the injuries,
21 did you count the gunshot wounds?

22 **A** Yes, ma'am, what I thought was gunshot
23 wounds.

24 **Q** Clarify what you mean?

25 **A** Just because there is a hole in a person

1 doesn't actually mean it came from a bullet.

2 Q Okay.

3 A It could be a stabbing, could have fallen
4 on a rock, could be a laceration.

5 Q But you counted a certain amount of wounds
6 that may or may not have been gunshot wounds?

7 A Correct.

8 Q How many did you count?

9 A I think nine altogether, nine.

10 Q Where were they located, you can tell us?
11 Refer to your report.

12 A One on top of the head, one to the right
13 forehead, one around the eye, and then one in the
14 neck, close to the neck/chest area, one on the right
15 side and the rest in the arm and one in the hand.

16 Q Okay. You said total like nine?

17 A Correct, nine injuries.

18 Q Did he have any other abrasions to his
19 body?

20 A He had abrasions on the back of his hand,
21 left hand and abrasion on the right side of his
22 face.

23 Q What is an abrasion?

24 A Several scratches.

25 Q And when you were done, you said you

1 wrapped him up in a clean sheet?

2 **A** Yes, ma'am.

3 **Q** And then you told delivery person, what
4 did you tell them to do?

5 **A** We work as a team. And I roll them over
6 and I put them in a sheet, we tie them up and lift
7 him up, put him in bag, seal up the bag. Actually,
8 just zip it. We have a lock that we put on there
9 and the lock stays on there until the next day.

10 **Q** Okay.

11 **A** And then the delivery service, the two
12 people will pick up the body, put it on a cot and
13 transport it back to the facility.

14 **Q** To the Medical Examiner's Office?

15 **A** Correct.

16 **Q** Did you go back to the office too?

17 **A** Yes, ma'am.

18 **Q** When they were packaging Michael Brown and
19 putting him in the delivery, the car, I guess it is
20 like a hearse or something?

21 **A** It is an Escalade.

22 **Q** An Escalade. Did anybody say anything as
23 you are leaving or did the mom come up to you?

24 **A** No, we were inside the crime scene tape,
25 nobody was actually able to come up to the vehicle.

1 **Q** Okay. All right. Questions?

2 MS. ALIZADEH: Can I ask a couple?

3

4 **Q** (By Ms. Alizadeh) Shortly after, at some
5 point, and I assume quickly you learned that this
6 was a police officer shooting, correct?

7 **A** Correct.

8 **Q** Do you handle those any differently than
9 you do other scene shootings?

10 **A** No, ma'am.

11 **Q** The entire time you were there, there was
12 police officers present, correct?

13 **A** Correct.

14 **Q** From St. Louis County?

15 **A** Yes, ma'am.

16 **Q** Were there any Ferguson officers present?

17 **A** There was multiple different jurisdictions
18 there.

19 **Q** Okay. At any time did anyone, whether it
20 is a police officer or anyone else, did you feel
21 that they were preventing you from doing your job
22 the way you thought it should be done?

23 **A** No, ma'am.

24 **Q** Did anybody suggest that you do something
25 that you would not have normally done?

1 **A** No, ma'am.

2 **Q** Did, and you said that this was obviously
3 a shooting, you would not have handled this any
4 differently if it was a nonpolice related shooting?

5 **A** Correct.

6 **Q** And then also you said that you checked
7 the body of Michael Brown and you checked in his
8 pockets and you were looking for weapons, a weapon?

9 **A** Correct.

10 **Q** Did you have reason to believe that there
11 was a weapon or is that a standard thing?

12 **A** Standard procedures.

13 **Q** Okay. Did you find anything in his
14 pockets?

15 **A** We found two lighters, two \$5 bills and a
16 small little bag of marijuana, or what appeared to
17 be marijuana. It was a green substance, grass,
18 looks like marijuana to me.

19 **Q** Okay.

20 **A** That was it.

21 **Q** And when you say we found, who is the we?

22 **A** Actually, it was me taking the stuff out
23 of the pockets, detectives were standing there
24 taking notes, the ID people were standing there,
25 they should have taken photographs of it. After we

1 were done, I put it back in the pocket.

2 **Q** You were the one who actually reached into
3 the pockets?

4 **A** Yes, ma'am.

5 **Q** To your knowledge, were you the first
6 person to go into those pockets or do you know if
7 there was anybody else?

8 **A** I couldn't answer that one.

9 **Q** You don't ask or make any attempt to ask
10 if someone --

11 **A** We do, we do ask if anybody went in there
12 and got his cell phone out. Sometimes they take the
13 wallet out to get his ID out or take the cell phone
14 to get information off the phone, and that wasn't
15 done.

16 **Q** To your knowledge?

17 **A** To my knowledge it wasn't done.

18 MS. ALIZADEH: Okay, that's it.

19 When you got there, you
20 said you were taking photographs and I understand
21 you weren't actually taking them, were you directing
22 the police on what photographs to take?

23 **A** No, ma'am.

24 You were relying on them
25 to take the actual photographs?

1 **A** Correct.

2 You said injuries, how
3 many were down the right side?

4 **A** Just one injury on the right side, right
5 below his nipple, one right here, clavicle area.

6 You said the forehead,
7 the eye, the neck, the side, the hand, the arm and
8 the hand?

9 **A** Correct. And one in the top of the head
10 too.

11 And the position of the
12 body, I didn't quite hear because I'm opposite from
13 you. When looking at you, you said one arm was out,
14 was that the right arm?

15 **A** Right arm was out.

16 Right arm was out and the
17 left arm was against his waistband?

18 **A** Correct, yes, ma'am.

19 And you modified the
20 direction of the body. Can you say again was it
21 east or the west or the west to east?

22 **A** I'm going to assume his head was west and
23 his feet was east.

24 His head was west and his
25 feet were east and that's the modification?

1 **A** That's what I have in my report, I just
2 want to make sure I clarify that his head actually
3 faced West Florissant and his feet was Glen Oak,
4 Glen Oak was the other street.

5 So his face was at West
6 Florissant?

7 **A** Correct.

8 And his feet were at Glen
9 Oak?

10 **A** Correct.

11 Was he face down?

12 **A** Yes, ma'am.

13 MS. WHIRLEY: When you say modify, this is
14 Sheila Whirley, you are talking about your report,
15 not that you did anything to that body to change the
16 position of the body?

17 **A** No, ma'am.

18 MS. WHIRLEY: Your modification is to make
19 a correction in your report?

20 **A** Yes. Like an officer comes up with a
21 compass, it is northwest by southeast or it is east
22 and west, you know, or south and north, I just want
23 to clarify myself. I was trying to figure out where
24 I was at by the street location.

25 MS. WHIRLEY: Okay, I see.

7 I'm trying to get a
8 clarification. You said that the police officers
9 had already examined the body, photoing the body,
0 taking pictures of everything on the body.

16 **A** They don't actually examine, they just
17 take photographs. They don't touch the body until I
18 get there and I can't touch the body until the
19 detectives get there. We kind of do it in tandem.
20 We don't want to disturb the scene. They come in
21 and they photograph everything like it is. I come
22 in, if I move anything, then they photograph it
23 again.

Gore Perry Reporting and Video

25 Q So approximately 1:30 p.m. to 2:30 p.m.,

1 you called, but you said you arrived at the scene at
2 about 2:30 approximately your time. Now, I
3 understand you stated that after you got to the
4 scene then you had to wait another hour, is that my
5 understanding?

6 **A** Yes, ma'am, approximately about another
7 hour.

8 So actually your
9 investigation didn't start until about 3:30 p.m.
10 that day?

11 **A** Correct.

12 MS. WHIRLEY: So what was happening in
13 that hour?

14 **A** What happens, the crime scene unit they
15 show up, they have to get their cameras ready to
16 make their placards, grab all of their little place
17 cards and find evidence on the scene, mark the
18 evidence, lay it there, take photographs of it.

19 A lot of time you have to clear out a
20 way, a path for me to get to the body. I'll be
21 walking through there kicking shell casings and
22 different evidence around.

23 MS. WHIRLEY: So all of that was
24 occurring?

25 **A** That was going on then, correct. Like I

1 said, they just got there, they are talking amongst
2 themselves on what they are going to do. There is
3 several officers. Some transcribe, some give out
4 measurements, some photograph, you have a
5 transcriber with the photographer.

6 MS. WHIRLEY: This was St. Louis County on
7 the scene?

8 A Correct, yes, ma'am.

9 MS. WHIRLEY: It is your understanding
10 that Ferguson was on the scene first?

11 A Correct.

12 MS. WHIRLEY: And then the scene was
13 turned over to St. Louis County?

14 A Yes, ma'am.

15 MS. WHIRLEY: Yes, sir.

16 : . Were paramedics
17 called initially do you know to, you know, the first
18 instance, did they do anything to the body?

19 A I don't know if they were called or not.
20 I know they arrived on scene shortly after it
21 happened. I looked at the body, they didn't have no
22 leads, any kind of what they usually do is put a
23 lead on their body for EKGs to see if there is any
24 kind of heartbeats. None of that was placed on
25 there. Everything from there on is going to be

1 assumption. I don't want to assume what they did.

2 Who would determine before
3 you got there this person was deceased?

4 **A** The paramedics or police officer, I don't
5 know.

6 MS. WHIRLEY: When you got there, the body
7 was deceased?

8 **A** Correct.

9 MS. WHIRLEY: Michael Brown was deceased?

10 **A** Yes, ma'am.

11 To just continue that, to
12 put the EKG on to determine that, do they typically
13 have to move the body?

14 **A** No. I guess from the wounds that they
15 observed was actually a fatal wound.

16 MS. WHIRLEY:

17 : . So in 25 years
18 of work, how common when you have responded at the
19 scene for a shooting involved an officer and another
20 civilian, is that something that happens often?

21 **A** I have been on several of them.

22 So several of them in 25
23 years?

24 **A** Several police shootings.

25 So in this case, did it

1 seem peculiar or out of the ordinary that the
2 shooting officer was not present?

3 **A** No, not at all.

4 Not at all?

5 **A** No.

6 Do you know what the
7 protocol is for that?

8 **A** They probably took him to the hospital or
9 back to the police station interviews. Majority of
10 the time, they're not there.

11 MS. WHIRLEY:

12 MS. ALIZADEH: Could I make a suggestion?
13 I know you all aren't used to this, but when you do
14 ask a question because we don't know how well this
15 is all picking up until we listen to this later or
16 have an opportunity to check it, so if you would
17 make, you don't have to get right up on it, but make
18 an effort to kind of speak into the microphone so
19 that we can be sure that your questions are
20 recorded, that would be great. If I see you not
21 doing that because you are not used to it, I might
22 say, could you get close to the mike, okay.

23 MS. WHIRLEY: Let me just say, this is
24 your mike, we are kind of sharing it, just to let
25 you know.

4 And you didn't find any?

6 If you would have found
7 some, what does that determine?

8 **A** That tells me that the weapon was fired at
9 a certain distance from the body.

10 So usually you can tell
11 the closeness, I guess?

12 **A** Correct. If the altercation was maybe
13 12 inches or less when the gun fired.

14 MS. ALIZADEH: Just for the sake of
15 clarification, you're not a ballistics expert?

16 **A** Correct, I'm not a ballistics expert.

17 MS. ALIZADEH: There if you would like, we
18 anticipate you may hear evidence as this goes along
19 about that, but he's not an expert in ballistics.

20 **A** Depends on weapon, age of the weapon.

21 MS. ALIZADEH: He can talk about his
22 experiences and what he knows from his personal and
23 professional training, but he's not really a
24 ballistics expert.

25 He asked a question that

1 led to another question.

2 **A** Sure.

3 You said there were no
4 leads on the body by paramedics?

5 **A** Correct.

6 Are you able to see that
7 after they leave?

8 **A** Yes, ma'am, they are small stickers.

9 So they don't take those
10 off?

11 **A** No.

12 They would be on there?

13 **A** Correct.

14 You were able to see?

15 **A** I didn't see any on there.

16 They didn't even --

17 **A** Correct.

18 MS. ALIZADEH: One other suggestion, try
19 to refrain from using each other names just for
20 again, for your sakes and for the anonymity part of
21 it.

22 We can have the court reporter redact that
23 out. But of course, you know, it is on disc. This
24 is all new to us, so we are learning as we go.

25 MS. WHIRLEY: Anything else?

1 MS. ALIZADEH: Don't be afraid to ask a
2 question because I've been kind of making
3 suggestions. I don't want to intimidate anybody
4 into, I don't want to ask a question because I think
5 Kathi might yell at me. But if there is any, any
6 other questions for this witness.

7 You don't see
8 any gun power or anything on his clothes, that
9 doesn't mean when the gun went off, he couldn't
10 find, he couldn't find that?

11 A Correct.

12 He could find that on
13 other clothes?

14 A Correct. He may find some and he may not
15 find some.

16 : Will we get a
17 copy of your report? I'd like to see the report.

18 MS. WHIRLEY: Yes. It is Exhibit Number
19 1. We will have that with your notes whenever you
20 are ready to look at it, you can.
21 Anything else?

22 : . Are there any
23 other things besides the wounds that you are looking
24 at or documenting as you are looking at this
25 particular body before you transport it or is it

1 just the wounds itself you are looking at?

2 **A** I look at the whole body overall.

3

4 Okay.

5 **A** Position of the clothing, wounds, if it's
6 a female, fingernails, everything from the top of
7 the head down to the bottom of his feet we look at.

8 Typically do you, when you
9 file a report outside of this prior to this
10 particular case, would you typically file
11 photographs with your report?

12 **A** Yes, sir.

13 And then with regard to
14 this specific case, are you anticipating getting
15 those photos and filing with your report?

16 **A** My own photos that I would take on the
17 scene I would print out and be with my report.

18 Okay.

19 **A** But the police photos, the police have
20 those, but we can request those if we need them.

21 Okay. Are you
22 anticipating --

23 **A** Or pathologist, I don't know the
24 pathologist --

25 MS. WHIRLEY: You will see those photos.

1 I'm just wondering is he
2 anticipating to get those photos to file with your
3 report?

4 **A** They don't get filed with our report.

5 Okay, all right.

6 : . Now, you said
7 that you didn't take photos yourself, you said that
8 you didn't take photos yourselves?

9 **A** Correct.

10 Upon arriving at the scene
11 as the batteries had died in your camera?

12 **A** Yes, ma'am.

13 All right. So I mean, is
14 there some protocol with your department that you
15 have to have your camera charged up all times?

16 **A** No, ma'am.

17 Just to alleviate this
18 type of thing happening?

19 **A** No, ma'am.

20 So right now we only have
21 the photos that St. Louis County or whatever --

22 **A** Correct.

23 -- did? Okay.

24 **A** Correct. My photographs would have been
25 him laying on the ground with the sheets over him,

1 removing the sheets and his back, you know, the
2 whole body.

3 Uh-huh.

4 **A** And maybe that's it.

5 Okay.

6 **A** Anywhere from two to four pictures, no
7 more than that. Just trying to give the pathologist
8 a picture of what's going on when this person died.

9 Okay.

10 : Did you notice
11 any other wounds on the body hands wise?

12 **A** Just the abrasion on the back of the left
13 hand and abrasion on his face and nothing really
14 obvious.

15 MS. ALIZADEH: And just to
16 clarify, you said your job is to document the body?

17 **A** Correct.

18 MS. ALIZADEH: As you find it and you also
19 make a determination if you believe the body has
20 been moved, was there any reason for you to believe
21 that the body was moved in this case?

22 **A** No, ma'am.

23 MS. ALIZADEH: Now is it your job to look
24 at anything around the body, whether it be blood
25 splatters or shell casings?

3 **A** Yes.

6 **A** No, ma'am.

10 **A** Nothing in the reports, no.

11 MS. ALIZADEH: Okay.

14 **A** There were numerous shell casings on the
15 scene.

18 **A** Correct.

19 MS. WHIRLEY: Why not?

20 **A** At the time where they were at and they
21 were still being processed, I guess let the police
22 take care of that part. They are trying to figure
23 out what shots were fired and what order, I didn't
24 see no reason to see where they were at.

25 . Wouldn't the

1 shells kind of determine how the body was shot, what
2 angle, how far, the distance?

3 **A** They could at times.

4 MS. WHIRLEY: That's not what you are
5 qualified to figure out?

6 **A** Correct. I don't know if they were moved,
7 kicked around, people trampled through there, things
8 of that nature. And the semiautomatic weapon, are
9 the shell casings going to go out to the right side
10 and eject.

11 MS. ALIZADEH: And so your
12 purpose in being there and your function is to
13 assist the medical examiner in doing their job?

14 **A** Yes, ma'am.

15 MS. ALIZADEH: You're not there as a
16 police agent or an agent of any police department?

17 **A** Correct. As a matter of fact, my mission
18 is just for the body.

19 MS. ALIZADEH: Just for the medical
20 examiner?

21 **A** Correct.

22 : . Whose
23 responsibility is it to write the whole report
24 overview of that at the scene, is that the police
25 department? Obviously, it is not this individual.

1 **A** Police department.

2 MS. ALIZADEH: I anticipate you will be
3 hearing testimony from the investigators who do
4 document the crime scene in any kind of crime scene
5 and especially such as this, there is going to be
6 probably a number of officers who were doing
7 different things at the crime scene to process the
8 scene.

9 **A** This crime scene, can I say something?
10 The crime scene was huge, he's here, some of his
11 shoes are farther away from him. You have a vehicle
12 and his hat, it may stretch out 100 yards. I'm just
13 there for the body. Just trying to let our
14 pathologist know he's here, there are other things
15 there, this is what's going on with the body.

16 MS. WHIRLEY: It is your job to take the
17 body when you leave?

18 **A** Correct. And the police will come in and
19 photograph everything else, document it where it is
20 at and take their notes.

21 MS. WHIRLEY:

22 : . You mentioned
23 before that when you arrived at the scene and you
24 saw the body for the first time, he was in the
25 middle of the road, is that my understanding?

1 **A** Yes, ma'am.

2 This road that he's on, is
3 this like one lane each direction?

4 **A** Two lanes.

5 Two lanes each side.

6 Okay. So you have the center yellow dividing line?

7 **A** Yes, ma'am.

8 Where was he in
9 conjunction to that dividing line, was he right on
10 it?

11 **A** Yeah, right on the line.

12 Was it bisecting him or
13 dissecting?

14 **A** It was dissecting.

15 MS. WHIRLEY: The cars were able to drive
16 around him?

17 **A** I'm sorry?

18 MS. WHIRLEY: Were cars able to drive
19 around him?

20 **A** I would think so. By the time I got
21 there, crime scene tape was already up.

22 MS. WHIRLEY: Preventing anyone from
23 driving?

24 **A** Correct.

25 I hate to

1 keep going back to the injuries. I want to make
2 sure I got this right, top of head, forehead, eye,
3 neck, arm, side and hand, that's not nine.

4 **A** One on top of the head, two in the eyes,
5 three in the head.

6 Three in the head?

7 **A** Yes, three in the head. I'm calling the
8 face the head.

9 Okay. So top of the
10 head, forehead and eye are three.

11 **A** Two in the chest.

12 Two in the chest.

13 **A** Which I'm calling from the neckline down
14 to the waistline and his arm had one in the upper
15 bicep.

16 Okay.

17 **A** One closer to the middle of the arm --

18 There were two in the
19 arm?

20 **A** Actually three, and then one in the
21 forearm.

22 Three in the arm and one
23 in the hand.

24 **A** Correct.

25 So a total of four in

1 this extremity?

2 **A** Correct.

3 . You don't say
4 there were nine, it could be come in here and come
5 out here?

6 **A** Correct, it is nine wounds.

7 It is nine wounds.

8 **A** Correct.

9 No nine shots?

10 **A** No, nine wounds.

11 MS. WHIRLEY: And just to be clear, you
12 don't know whether those are entrance, exit,
13 abrasions, you can't say?

14 **A** At the time I couldn't say, correct.

15 MS. WHIRLEY: Can you say now?

16 **A** The medical report is done.

17 MS. WHIRLEY: I mean, that's not your
18 report though?

19 **A** Correct. The doctor report is completed
20 and he determined exits and entrances.

21 MS. WHIRLEY: A medical examiner could
22 say?

23 **A** Correct.

24 MS. WHIRLEY: You can't say?

25 **A** I could say.

1 MS. WHIRLEY: From firsthand experience
2 can you tell us?

3 A I can tell an entrance and exit.

4 MS. WHIRLEY: Can you tell us what the
5 wounds were.

6 A But on these I couldn't, that's why I
7 didn't.

8 MS. WHIRLEY: Okay.

9 : . The abrasions
10 that you noticed, were they consistent with where he
11 would have made contact when he hit the ground with
12 his forehead and left hand or could that have been
13 caused by some earlier altercation or something.

14 A To me it looked like it came from the
15 ground, that is more of an assumption.

16 MS. WHIRLEY: Why does it look like it
17 came from the ground?

18 A Because it looked more like a road rash
19 abrasion as opposed to an altercation abrasion, like
20 somebody scratching him.

21 MS. WHIRLEY: What's an altercation
22 abrasion.

23 A Like somebody punches you in the eye, you
24 may get a slight, like somebody's knuckles sliding
25 across your face.

1 MS. WHIRLEY: Okay.

2 **A** As opposed to your face sliding across the
3 concrete. We rolled him over, there is a little bit
4 of gravel embedded in the wound.

5 MS. WHIRLEY: Okay.

6 MS. ALIZADEH: you testified
7 that the body was prone, what about his face because
8 I mean, was his head turned to one side or the
9 other?

10 **A** It was turned facing the left side.

11 MS. ALIZADEH: Okay. So it would have
12 been the right side of his face was against the
13 pavement when you saw it?

14 **A** Yes, ma'am.

15 MS. WHIRLEY: And that's where the
16 abrasion was?

17 **A** Correct.

18 MS. WHIRLEY: Or the injuries?

19 **A** Yes, ma'am.

20 MS. WHIRLEY: Okay.

21 The hand on the top of the
22 head is away resting?

23 **A** Yes, sir.

24 MS. WHIRLEY: Anything else? If need be
25 if you think of something else, we can always and it

1 is directed for we can always
2 bring him back once you have looked at his report,
3 okay?

4 MS. ALIZADEH: Or at any time if there is
5 other questions down the road, all you have to do is
6 ask for us to locate a witness.

7 MS. WHIRLEY: Did you have something?
8 : Just to be
9 clear, the fact that you didn't take pictures, you
10 feel like the county covered whatever pictures you
11 would have supplied yourself?

12 **A** Correct.

13 There is not a hole here
14 because you didn't have the pictures?

15 **A** All pictures are taken by the police. I
16 would have taken them too. A lot of times we direct
17 them, you know, to take a picture of the back, lift
18 up the shirt, take another picture, roll him over,
19 let's take a picture of the front, lift up the
20 shirt, can you take another picture for me, things
21 of that matter.

22 MS. WHIRLEY: But in this case you did not
23 do that or did you?

24 **A** We did.

25 MS. WHIRLEY: Oh, you did.

1 **A** Correct.

2 MS. WHIRLEY: Ask them to take certain
3 pictures?

4 **A** Yes, ma'am.

5 MS. WHIRLEY: Oh, okay. All right,
6 anything else?

7 **A** They would have done those pictures
8 anyway, it is protocol.

9 MS. WHIRLEY: Okay, well, thank you very
10 much. That's it for today.

11 (End of Volume 1, August 20, 2014.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 State of Missouri

2 SS.

3 County of St. Louis

4 I, a Licensed Certified Court
5 Reporter by the Supreme Court in and for the State
6 of Missouri, duly commissioned, qualified and
7 authorized to administer oaths and to certify
8 depositions, in the County of St. Louis, State of
9 Missouri, to be used in the trial of said cause in
10 said court, in the City of Clayton, State of
11 Missouri, by the aforesaid attorneys; on the 20th
12 day of August, 2014.

13 I further certify that the foregoing pages
14 contain a true and accurate reproduction of the
15 proceedings.

16 I further certify that I am not of counsel or
17 attorney for either of the parties to said suit, not
18 related to nor interested in any of the parties or
19 their attorneys.

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 8/20/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 Prosecuting Attorneys Office

18 100 South Central Avenue

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 Prosecuting Attorneys Office

4 100 South Central Avenue, 2nd Floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Hearing Before the Grand Jury,
Volume 2

Date: September 3, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 3, 2014

VOLUME II

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI,

5

6

7 vs.

8

9 DARREN WILSON,

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 3rd day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING

2 MS. ALIZADEH: Good morning. Today's date
3 is September 3rd, 2014 and it is about, I can't see
4 my watch, a little before 9:00, 9:55. (sic) This is
5 Kathy Alizadeh with the Prosecutor's Office and also
6 present in the room are the 12 jurors and Sheila
7 Whirley with the Prosecutor's Office and the court
8 reporter who is taking down everything that's being
9 said at this point.

10 Just some preliminary things. First of
11 all, did everybody get in okay, was there any
12 confusion, you all got in okay?

13 Well, did give you menus for today?
14 (All jurors indicate yes.)

15 MS. ALIZADEH: What I would like to at
16 least begin explaining, and we talked to you about
17 when you want to meet in the future. And we are
18 going to accommodate you whatever time or date you
19 would like to meet. Whatever you decide, if you
20 want to meet, to continue to meet on Wednesdays
21 because that's what you're used to, we will make
22 this room available for you on Wednesdays, okay.
23 We'll do something else with the new grand jury,
24 they'll meet elsewhere.

25 So I would suggest that possibly over the

1 lunch break today maybe talk amongst yourselves.
2 During your lunch break it is not going to be
3 recorded, you all can talk about amongst yourselves
4 about future days.

5 And then maybe at the end of the day today
6 or after the lunch, we are going to need a list of
7 some dates. Those dates are not going to be made
8 public, we're never going to discuss on the record
9 in advance what dates, you know, you're going to be
10 meeting, but we'll need to know so we can start
11 scheduling people.

12 Keep in mind that unlike typical grand
13 jury days, we cannot present evidence on this matter
14 unless all 12 of you are present.

15 I know you all have the phone number for
16 the grand jury. If you all make arrangements to
17 meet on a particular day and then, you know,
18 somebody gets up in the morning and they're sick,
19 they've got the flu, you're going to need to call as
20 soon as possible so we can try to call people and
21 head them off if they haven't already left their
22 homes if one of you can't make it, then we're not
23 going to be able to hear anything that day, okay?

24 : . So the
25 alternates, alternates will not be called in on

1 this, is that my understanding?

2 MS. ALIZADEH: That's correct, they're not
3 going to have heard everything that you would have
4 heard.

5 Okay.

6 MS. ALIZADEH: Typically the grand jury
7 will hear a whole case in a matter of 15 minutes
8 maybe, but that's not the case here, so there won't
9 be any alternates that are going to be seated.

10 All right.

11 MS. ALIZADEH: So the way I would like to
12 progress is that each day when we meet, we're going
13 to try to be on time and start on time. I think
14 that's respectful of everybody else. We know you
15 are dedicating a lot of your time to do this, so
16 we'll try to be more punctual on future dates.

17 I also want to tell you as you notice we
18 have some additional equipment in this room, there
19 is probably more people in this room than ever
20 before. I'm probably going to bring in some
21 additional fans because it will heat up and get warm
22 in this room.

23 If anybody at any point feels like they're
24 feeling, you know, a little overheated, please let
25 me know because we'll take a break. With this door

1 open when I walk out here it is way cooler out here
2 than it is in here. If ever you feel like you're,
3 you know, not being able to be attentive because of
4 the heat, stop us, okay.

5 And what I would also like to do is every,
6 the beginning of every time you meet is to give you
7 an overview of what to expect for that day. This is
8 not in the form of like an opening statement where
9 I'm going to talk about what the evidence is going
10 to be, I'm just going to give you the names of the
11 witnesses that we expect to call and who they are
12 and what we anticipate the content of the topic
13 they're testifying about.

14 As you have seen in the past, the witness
15 will take the stand, be sworn, take the stand and
16 then I will begin or Sheila will begin by asking the
17 witness questions.

18 And I'm not trying to say, I don't want to
19 discourage anybody from asking any question that
20 they want to ask, but what I would like to see if
21 possible, because your questions might be answered
22 later on in the testimony. Some of these witnesses
23 are going to have lengthy testimony and at some
24 point, you know, you might ask a question that I'll
25 say he's going to talk about that in a minute.

1 If you don't understand something that's
2 being said at the time, raise your hand, identify
3 yourself by your juror number and say excuse me, I'm
4 not understanding what you're saying right now. But
5 if you have a question that he hasn't, the witness
6 hasn't seemed to answer yet, if you want to jot that
7 down in your notes then, you know, at the end, of
8 course, you know, I will open it up to questions and
9 Sheila may have additional questions or vice versa
10 because we are taking turns on putting on different
11 witnesses because one person can't do all of this.

12 Are there any questions so far?

13 There will be times when I'm going to hand
14 out things to you like maps or reports of other
15 people just so you can have them for your reference
16 while you're hearing the testimony. I would
17 encourage you to still pay attention to the
18 testimony.

19 It can be distracting if you are reading
20 something that's in front of you while a witness is
21 testifying, you are going to be missing something
22 that's being said on the stand. Anything that we
23 give you will be available to you at any time during
24 the time you're sitting. Certainly for your
25 deliberations if you wish to have items back that

1 you've seen before, we'll get those to you.

2 When you do get maps or reports or
3 anything of that nature, what I would like you to do
4 is to just write your juror number on the corner of
5 it, but I don't want you to put any other writing on
6 it.

7 If you have notes you want to take, put
8 them in your notebook because as we've explained to
9 you your notebooks are going to be private, they're
10 locked up, nobody is looking at them and they will
11 be destroyed at the end of the process here. I
12 don't want you making notes on anything that is, you
13 know, not your notebooks, okay. Can we agree with
14 that?

15 After our last session Sheila and I sat
16 down and listened to some parts of the testimony,
17 the mikes pick up very well. Remember last time I
18 said I wasn't sure how that was going to go? So I
19 was kind of encouraging people to lean forward. I
20 think we're not going to have any problem as long as
21 people keep their voices up, we should be able to
22 hear everybody that wants to speak.

23 And if at all, you know, you cannot hear a
24 witness as usual, you know, you need to raise your
25 hand, I can't hear you or I didn't hear what you

1 said.

2 Any questions about that so far?

3 Sheila, one other thing I forgot. So the
4 next time we meet, we will need for you to be on
5 time because Judge who is the grand
6 jury judge, is going to be here before we start that
7 day and she's going to read to you another charge.
8 When I say charge, it is like she's charging you
9 with an oath, I guess.

10 That is having to do with the fact that
11 you're session is being extended. So I told her,
12 you know, what time I thought we wanted to get
13 started. You know she's going to be here a little
14 before that. So if we can make sure that everybody
15 is here on time so, you know, she doesn't have to
16 wait around for us.

17 MS. WHIRLEY: What time we talking, 8:00
18 or 8:30.

19 MS. ALIZADEH: I think we were talking
20 about 8:30.

21 MS. WHIRLEY: So 8:30.

22 MS. ALIZADEH: You all can be here by
23 8:30?

24 MS. WHIRLEY: You actually prefer 8:30?

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. WHIRLEY: Okay. Because 8:00 worked well. I think they prefer 8:00 to bring them in the way they did today, they prefer 8:00.

MS. ALIZADEH: So what time do you all think you can be here and seated for Judge

(All indicate 8:00.)

MS. ALIZADEH: I will tell her to be here at 8:00 for the next time you meet.

You have a question?

I know she spoke a lot about secrecy and we all take that very seriously.

MS. ALIZADEH: I don't know the answer to that question. I do know what that is, so I will have to check with our people and see what they say about that.

Okay.

MS. ALIZADEH: I can't imagine there would be a problem with that.

MS. WHIRLEY: I didn't hear over here, I'm

1 sorry.

2 MS. ALIZADEH: You want to go ahead and
3 restate it?

4

5

6 MS. WHIRLEY:

7

8 MS. WHIRLEY:

9 Because of what we are
10 going to be doing.

11 MS. WHIRLEY: Okay, I didn't hear you.

12 MS. ALIZADEH: As we mentioned before,
13 people in your lives know you are on a grand jury
14 and have been. Of course, we're not going to
15 disclose to any media outlet or the public in
16 general your identities, but your families and your
17 employers know that you are on the grand jury.

18 But more importantly, what you are charged
19 with is that you cannot discuss anything that you
20 hear in here. So, you know, if you have
21 conversations with your family or your employers
22 about, you know, your meeting times and your meeting
23 dates, how long this is going to take, that's up to
24 you and I understand that that's something that you
25 all need to work out with the people in your lives.

1 We would like to get this done as quickly
2 as possible, but then again, we are not going to
3 rush anything.

4 If there is a need to meet until after the
5 first of the year, that's what we are going to do.
6 I don't anticipate that, but there is no way after
7 this whole process is over that anybody is going to
8 say we rushed anything, okay. I want you to have as
9 much time as you need, hear as much evidence as you
10 think you need to hear. If we don't call somebody
11 that you want to hear from, we'll get them here,
12 okay.

13 So for the next meeting we'll start at
14 8:00, the Judge will give you a charge. Today we're
15 going to have testimony on the investigation into
16 the shooting of Michael Brown in the morning
17 session, hopefully we can get done by lunch time.
18 In the afternoon today you are going to hear a
19 regular docket of cases that we need to move through
20 the grand jury.

21 After that, we anticipate that all of
22 your, everything you will hear every time you sit
23 will just be evidence on the investigation into the
24 shooting of Michael Brown.

25 I know this is different than other cases

1 because normally when we've charged somebody with an
2 offense, you have the charge in front of you, you
3 can read what the charge is, you can read what maybe
4 the elements are and you don't have that in this
5 case.

6 I understand that that kind of leaves you
7 not sure how you are supposed to look at this
8 evidence.

9 So after this morning session, Sheila and
10 I will sit down and we will come up with statutes
11 for you on the various degrees of homicide and there
12 will be some other relevant statutes on the use of
13 lethal or deadly force when, and possibly
14 self-defense statutes, so you will have by the time
15 you are here next time. We'll have that for you so
16 you can kind of at least understand the law as you
17 are hearing this evidence.

18 We're putting on witnesses in a certain
19 order because we're trying to make this easier for
20 you to digest and understand the evidence as it
21 comes in because unlike a trial, I'm not making an
22 opening statement. I can't outline for you what all
23 the evidence is. In a trial, you know, a jury gets
24 to hear that, that's not going to happen here
25 because I'm not making an opening statement.

1 So we're trying to put the evidence on in
2 a more logical order so you can kind of understand
3 as the witnesses progress, oh yeah, I remember
4 hearing about that the other day. Um, but as it
5 happens, sometimes we have scheduling issues with
6 witnesses, and sometimes things might be out of
7 order.

8 There might be an occasion where you hear
9 testimony from a witness and then you say to me or
10 Sheila, well, you know, what about that, was that
11 found at the scene? Well, you're just, I can't
12 answer those kind of questions for you, you're just
13 going to have to hope you are going to hear evidence
14 about that and at the conclusion of all of this, if
15 you have additional questions and you give us those
16 questions, we will see if we can get those answered
17 through witness testimony, okay.

18 I think the best thing for every day is
19 for us to tell you how your day is going to go. So
20 today you are going to hear from two witnesses. The
21 first witness is St. Louis County Detective,
22 Detective He is a crime
23 scene investigator. He will testify about what he
24 did in relation to his investigation into the
25 incident that occurred involving the shooting of

1 Michael Brown, okay.

2 We're going to see pictures, and some of
3 them are going to be graphic and disturbing and I
4 have to just get that out there in the beginning.

5 The next witness we're going to hear from
6 is going to be I will have him
7 spell that for you. I don't want to misspell it.

8 He is the medical examiner who conducted
9 the autopsy on the body of Michael Brown and he's
10 going to describe his job and what his findings
11 were, okay.

12 So with that, are we ready to get started?
13 : . Now, on
14 the times for next week, we want to be in the garage
15 at 8:00 so we can be here at 8:30, or we want to be
16 at the room at 8:00?

17 MS. WHIRLEY: I think you want to be in
18 the garage at 8:00, that way you can come through
19 the way you did. That seemed to work very well
20 according to So be at the garage at 8:00,
21 unless you hear differently. I will call you if
22 something changes, but 8:00 in the garage. That
23 will probably put us at 8:30, ready for Judge

24

25 MS. ALIZADEH: And that's kind of what I

1 told her earlier this week, 8:30, I thought.

2 From a frequency
3 or time allotment standpoint for future weeks, what
4 is your anticipation from a need, eight hours per
5 week, two days per week if we can do it, how do we
6 balance with what you have available to present to
7 us.

8 MS. ALIZADEH: That's going to depend a
9 lot on your schedule. Sheila and I have talked
10 about this. It would be great if we could go five
11 days a week for as long as it takes to get this
12 done. As I said to Sheila yesterday, we're not
13 going to be able to do that.

14 In a typical case we have a year to
15 prepare to put on evidence and we don't have that
16 here. And so, and as you may, you know, find out as
17 the testimony comes in, we may have additional
18 witnesses that we don't even know about today that
19 we will have to, you know, present evidence on.

20 So that's going to be up to you. If you
21 guys decide well, we'd like to meet for, you know,
22 an afternoon on a certain day of the week and all
23 day on Saturday, you know, or we'd like to meet two
24 evenings during the week, whatever you all think is
25 best. Understanding that the more often we meet,

1 the quicker this will go, but I don't think it is
2 realistic for either side, our side as well as your
3 side to think that we're going to have, be able to
4 put this case on Monday through Friday until we get
5 done. I just don't think we could do it.

6 All right, you can talk about that during
7 lunch what everybody kind of feels comfortable with
8 as far as a schedule, okay.

9 : . As far as
10 my job, I know my session is to end next Wednesday,
11 so will we get a letter stating the fact that it has
12 been extended?

13 MS. ALIZADEH: We can provide that for
14 you.

15 MS. WHIRLEY: will take care of
16 that.

17 Thank you.

18

19

20

21

22

23

24

25

1 of lawful age, having been first duly sworn to
2 testify the truth, the whole truth, and
3 nothing but the truth in the case aforesaid,
4 deposes and says in reply to oral
5 interrogatories, propounded as follows, to-wit:

EXAMINATION

7 BY MS. ALIZADEH:

8 Q Can you state your name and spell it,
9 please?

10 A Good morning everybody. My name is
11

12 Q And where are you employed?

13 A I am a crime scene detective with St.
14 Louis County Police.

15 Q Are you a police officer?

16 A Yes, ma'am.

17 Q And can you briefly describe for the
18 jurors what training you went through to become a
19 police officer?

20 A After receiving a bachelor's degree, you
21 attend the police academy. You start as a police
22 officer like everyone does on the street in a patrol
23 car. After different various assignments and
24 training and interviews, I was accepted into the
25 crime scene unit about five years ago. Once in the

1 crime scene unit, here again, subjected to another
2 10 to 12 weeks of field training and ongoing classes
3 and training after that.

4 Q What does a crime scene investigator, what
5 is your job, what do you do?

6 A Primarily our number one job is evidence
7 at various crime scenes that we are requested to,
8 photographing evidence, collecting evidence,
9 diagramming scenes, videotaping various scenes.

10 Q And so you say that you have been a crime
11 scene investigator now for approximately five years?

12 A Yes, ma'am. I was assigned to this unit
13 in January of 2009.

14 Q And during the time you have been a crime
15 scene investigator, have you also received any
16 additional training either through course work or
17 attending conferences or seminars that are
18 particularly directed toward crime scene
19 investigations?

20 A Yes, ma'am. Everything from interviewing
21 interrogation techniques, to scene photography,
22 setting up death cases, forensic anthropology
23 courses, several things.

24 Q So as a general rule, before we get into
25 the particulars of this investigation, it is fair to

1 say that you have to be called to a crime scene by
2 other police departments or agencies; is that
3 correct?

4 **A** Yes, ma'am.

5 **Q** So you're not driving around in a van
6 looking for crime scenes?

7 **A** Not at all.

8 **Q** So you have a van that you use?

9 **A** I do.

10 **Q** And it has all kinds of things in there
11 that you use during your investigation; is that
12 right?

13 **A** Equipment, tools, supplies, those sorts of
14 things.

15 **Q** And so when you are called, are you
16 on-call, like you could be called in at any time?

17 **A** There are 17 of us in the unit and we
18 work, we cover 24 hour shifts. So at any given time
19 there is a minimum of two of us St. Louis County
20 crime scene detectives on duty, 24 hours a day.

21 **Q** When you receive a call to go to a crime
22 scene, you get your stuff, go, and you drive your
23 van to the crime scene; is that right?

24 **A** Yes, ma'am.

25 **Q** Now, typically when you arrive at a crime

1 scene, what's the first thing you do?

2 **A** First thing I would do is contact either
3 the person in charge of the scene or an officer that
4 knows what's going on. They would typically give me
5 a rundown what they know at that time and walk me
6 through the scene to show me, again, what they know,
7 what occurred and where it occurred.

8 **Q** And so it's, you are not the first officer
9 arriving at a crime scene, other officers are always
10 there before you; is that right?

11 **A** Correct, yes, ma'am.

12 **Q** And so you talk with them about what they
13 know, what they might have already found, correct?

14 **A** Yes.

15 **Q** Okay. Um, and so after you get that
16 information, is that necessary for you to then
17 decide what you are going to document, what you are
18 going to search for and so forth?

19 **A** Yes, it helps greatly knowing what they
20 know and then I can take my time and start digging
21 further into finding evidence and stuff like that.
22 But knowing what they know prior to my arrival helps
23 me establish a starting point for my investigation.

24 **Q** And I would imagine every crime scene is
25 going to be unique, correct?

1 **A** Every one.

2 **Q** And whether it is a shooting or a burglary
3 or sexual assault, those are all different crime
4 scenes, correct?

5 **A** Yes, ma'am.

6 **Q** So after you have spoken with the officers
7 there and gotten some information, what's the next
8 thing you typically do?

9 **A** I would walk through the scene with them,
10 they typically would point out evidence that they've
11 already found or stuff that may have obvious to
12 them, stuff that other witnesses or victims may have
13 shown them already. From that point, for homicide
14 scenes and other death investigation scenes, the
15 first thing that we would do is videotape a
16 walk-through from my own perspective. Not with
17 anyone narrating it or with anyone particularly in
18 front of the camera, it would typically be just my
19 point of view walking through the scene from what I
20 know from that initial contact with the officer.

21 **Q** And in these cases given that other
22 officers are already there before you, is it usual
23 that whatever they have determined the scene to be
24 has been taped off with police tape, that yellow
25 tape that keeps people out of the scene?

1 **A** Yes, ma'am, generally that's the case.
2 Oftentimes through the course of an investigation we
3 may find something, obviously, that's outside the
4 crime scene tape initially, but typically the crime
5 scene tape is already up, a scene has been
6 established for us and then we start our
7 investigation.

8 **Q** And I would imagine that, you know, what
9 you were hoping for is to have a crime scene that is
10 undisturbed, uncontaminated by anyone from the
11 outside who is not involved in the incident itself,
12 would that be fair to say?

13 **A** In an ideal world, yes, that would be
14 perfect.

15 **Q** Does it occur that there is contamination
16 of a scene either because of police officers being
17 there, other pedestrians being there, emergency
18 personnel, first responders being there?

19 **A** Yes, absolutely, that's one of the tenets
20 of crime scene work. That's a theory that anyone or
21 any person that comes in contact with a crime scene
22 you can either take something away, but you will
23 always leave something there, be it footprint,
24 steps, anything.

25 **Q** And so after you have done your video

1 walk-through then, what's the next thing that you
2 do?

3 **A** The next thing we do is after we capture
4 video, we take overall scene photographs. And
5 again, it is photographs from my perspective of what
6 is in place when I show up.

7 If there is a police car that's shown
8 up or crime scene tape, everything is left in place
9 from when I get there and I take my overall
10 photographs from what is in place when I get there.
11 There is no way I can photograph stuff that happened
12 before I get there or try to guess what it looked
13 like before, so the photographs that I take from the
14 crime scene are actually what I see when I show up.

15 **Q** So it would be against protocol to try to
16 rearrange things so that they were the way somebody
17 thought they were before you arrived?

18 **A** Yes, ma'am, correct.

19 **Q** So nobody touches anything once you get
20 there and you then go through it, photograph
21 everything as you see it; is that right?

22 **A** Yes.

23 **Q** And then after you have completed
24 photographing a scene, what do you do next?

25 **A** Once we do the overall photos, we would

1 typically walk through and place down our number of
2 placards to mark the known piece of evidence that we
3 have recognized or determined at that point.

4 After that, we'll start photographing
5 those pieces of evidence individually and then once
6 those things are documented, we'll then start moving
7 things, looking for more pieces of evidence. We
8 always want to be able to show stuff that was in
9 place, how you would normally just walk in and see,
10 there is always going to be hidden pieces of
11 evidence that we need to move, either a car, you
12 know, a couch, move cushions on stuff and start
13 looking for additional pieces of evidence.

14 And then we just restart the same
15 process. Photographing it where we found it,
16 putting a placard in place where we found it and
17 then collecting it.

18 **Q** And then when you collect evidence after
19 you photograph that evidence, you referenced a
20 placard, is that, explain for the jurors what a
21 placard is?

22 **A** A placard, I'm sure you have all seen
23 them, they come in various shapes and colors. There
24 is typically a hard plastic, for lack of a better
25 term, with a number on it. And the only purpose

1 that it truly serves is for primarily me to
2 recognize a photograph, what number of evidence that
3 I'm picking up.

4 Any given scene shell casing or a
5 blood drop somewhere. If you find a picture of this
6 shell casing 100 pictures later of a separate shell
7 casing, it would be nearly impossible for you to
8 determine which was number one and which was number
9 200.

10 So a numbered placard is just a
11 reference for my report writing and my evidence
12 collection of what I've just took a picture of and I
13 can reference that in my evidence.

14 Q So after you have placed your placard and
15 photograph the evidence items with their placards,
16 you begin collecting pieces of evidence, correct?

17 A Yes, ma'am.

18 Q And you always have with you in your van
19 envelopes, plastic bags, swabs, all kind of things
20 that you might need in order to properly package
21 pieces of evidence?

22 A Yes, ma'am.

23 Q And you do that personally yourself?

24 A I do. Typically in larger scenes there is
25 always two of us there. One is keeping notes, one

1 is getting the piece of equipment for someone else.
2 We are working together doing that, but yes, we all
3 do pick up our own evidence and place it in
4 individual bags and envelopes.

5 Q So if it is a particularly large scene, it
6 is more than one crime scene detective present at
7 the scene. Is there one of you that takes over that
8 that is your scene?

9 A Correct, yes, ma'am.

10 Q And so the other detectives that are there
11 are assisting you?

12 A Correct.

13 Q So when you package evidence, do you mark
14 the packages or envelopes or bags with your own
15 handwriting and your notes denoting what it is
16 inside and where?

17 A As far as the labeling on front of the
18 various different envelopes that we have. One
19 person may write that. The one thing if it is your
20 case, in particular the Ferguson case was mine, some
21 envelopes I filled out the front information, but on
22 every envelope we seal it with a piece of evidence
23 tape so it is closed and that is my initials and DSN
24 on the back of every evidence seal.

25 Q Each individual piece of evidence would be

1 packaged separately, is that protocol?

2 **A** Yes.

3 **Q** So after you have filled out the evidence
4 envelope and sealed it with tape and placed your
5 initials and DSN on the envelope, do you prepare an
6 evidence sheet?

7 **A** Yes.

8 **Q** A receipt?

9 **A** Every piece of evidence has a paper trail,
10 it has a receipt that denotes not only what the
11 evidence item is, where it was found, but it also
12 goes to a different part of our crime lab and/or
13 property control. Our crime lab has three or four
14 different wings to it, be it firearms lab, the
15 chemistry lab, the DNA lab, any piece of evidence
16 that goes to any part of those labs has to have its
17 own individual receipt.

18 **Q** So this receipt that is with this packaged
19 evidence stays with that item; is that right?

20 **A** Yes, not only is the evidence receipt, but
21 also serves as the chain of custody but everyone
22 that picks that item up has to sign off on it as the
23 chain of custody.

24 **Q** And it is not unusual for items that you
25 may have collected to go through a number of

1 different hands to get to its final destination,
2 whether it be the lab, whether it be the fingerprint
3 section, whether it be the medical examiner's office
4 and so forth, several people may have handled this
5 package, is that fair to say?

6 **A** Yes, ma'am.

7 **Q** And those people have to sign off on that
8 package?

9 **A** Yes.

10 **Q** And then when they give it to somebody
11 else, they have to sign that they gave it, and the
12 person they gave it to then signs?

13 **A** Yes.

14 **Q** And until the evidence reaches a
15 destination where it is going to be examined or
16 tested, does anyone open that package while they're
17 handling it?

18 **A** No.

19 **Q** Would you agree that it is the general
20 policy of whether it is the St. Louis County Crime
21 Lab or any other place, that if they were eventually
22 to receive one of your evidence envelopes and the
23 envelope tape has been torn or tampered with or in
24 any way changed from when you initially sealed that
25 envelope, do they notify you?

1 **A** Typically. For instance, if I, when I
2 package a piece of evidence, I would put it into our
3 vault, especially if it is overnight. Typically
4 these things happen at night or when the crime lab
5 is closed. Whoever takes that piece of evidence out
6 of the vault or in the lab, they are going to open
7 it.

8 So they will cut my evidence tape.
9 When they're done with it and seal it back up, they
10 put a piece tape over top of it.

11 **Q** Let me stop you, you are talking about a
12 vault that's at the lab?

13 **A** Yes, ma'am.

14 **Q** So that's after the evidence has arrived
15 at the lab?

16 **A** Correct.

17 **Q** But the people that may handle it before
18 it gets to the lab aren't to open that evidence,
19 correct?

20 **A** No, typically I would be the only person
21 that would handle that before it gets to the lab.

22 **Q** Okay. So once it is at the lab and you
23 said sometimes if it is overnight, they have an
24 overnight vault?

25 **A** Yes, ma'am.

1 **Q** You can drop evidence in?

2 **A** Correct.

3 **Q** And so you know no one else from the
4 outside except the lab people are going to be able
5 to get to that?

6 **A** Actually, myself, not myself, but crime
7 scene detectives and our property control director
8 are the only people that have access to it.

9 **Q** So once the lab people come in, they have
10 one of you guys have to open the vault for them to
11 get the evidence out?

12 **A** Yes, ma'am.

13 **Q** And then, of course, if they have to
14 examine it for whatever testing or examination they
15 are going to do, that's when the first time this
16 evidence envelope is opened?

17 **A** Yes. If at any time there is a problem
18 with the receipt, be it if you missed a signature on
19 a receipt or if you have 30 envelopes of evidence
20 and one of them does not have the seal on it, you'll
21 get a call, a page, an email, they won't touch
22 anything until you respond back down there to fix it
23 before they will accept it as evidence.

24 **Q** So the lab is charged with the duty of
25 checking the chain of custody making sure that is

1 all copesetic?

2 **A** Yes.

3 **Q** Making sure the envelope is sealed and has
4 not been tampered with?

5 **A** Yes, ma'am.

6 **Q** And then after you have delivered your
7 evidence items to wherever they're going to go, the
8 lab, property control, and property control for the
9 sake of explaining to the jurors, what is property
10 control?

11 **A** Property control, obviously, the name
12 explains a lot, they control the property. But they
13 primarily take pieces of evidence that are not going
14 to be tested by the forensic lab and fingerprints
15 for that matter.

16 If it is a recovered stolen bicycle
17 from the back of someone's yard, that's not going to
18 go to our lab for DNA testing, that's going to sit
19 in property.

20 **Q** It is what we would think of as an
21 evidence room?

22 **A** Exactly, yes.

23 **Q** So after you have delivered the items of
24 evidence to wherever you are going to send them to
25 and let me ask you this, at some point there is

1 another officer who is in charge of the
2 investigation, would that be fair to say?

3 **A** Yes.

4 **Q** And do you also take instruction from that
5 officer on various parts of what you're doing?

6 **A** I'm assuming you are referring to like a
7 detective that's doing the lead part of the
8 investigation.

9 **Q** Right.

10 **A** They are oftentimes given more
11 information, especially throughout the course of an
12 investigation than what we would typically have at
13 the scene. They are initially outside interviewing
14 witnesses and other people, be it even a suspect
15 and/or victim.

16 At times what they will do because
17 I'm given basic information when I show up to the
18 scene, I'm typically not privy to the ongoing active
19 investigation.

20 So other detectives, be it homicide
21 detectives or anybody else would come into the scene
22 and go hey, we just found out this. Can you look
23 for this.

24 And then I may have a piece of
25 evidence that I already collected that I deemed

1 important to the case, or I assumed it might have
2 something to do with it, and I would think to send
3 it to the DNA lab.

4 Well, they may find out something and
5 say can you go ahead and send that to firearms first
6 before it goes to DNA, can you send this to
7 fingerprints before going to DNA or vice versa.

8 So they come in and ask certain
9 things or ask that things be sent or certain things
10 be collected that I may not have known about
11 initially.

12 Q So, for example, while you are on the
13 scene, a detective may come up and say, hey, the guy
14 just told us he threw the knife in the sewer, now he
15 is going to cause you to go look in the sewer to see
16 if you can find the knife?

17 A Yes, ma'am.

18 Q After you delivered all your items of
19 evidence, then do you make a report?

20 A I do.

21 Q And your report is documenting what,
22 everything you have done at the crime scene; is that
23 correct?

24 A My reports are not narrative filled, like
25 typically police report it is basically an inventory

1 list. It is three sections or sometimes four,
2 depending on what I do at different scenes. The
3 first section is an inventory of the photographs
4 that I took and what they show.

5 The second section if I took latent
6 fingerprints or developed prints, I would list where
7 I found each print, the third section is just a list
8 of the evidence I collected and where it was
9 collected, what the evidence item is and where it
10 was collected and the fourth list, the fourth
11 section would be if I took video or did diagrams of
12 the scene, which is me listing those things as
13 pieces of evidence.

14 Q Okay. And so lets get to the
15 investigation that occurred at the scene of the
16 shooting of Michael Brown. And so you were on duty
17 on August 9th of 2014; is that right?

18 A Yes, ma'am.

19 Q And about what time did you receive a call
20 that you were needed to respond to the scene?

21 A Shortly after 1:00 p.m.

22 Q And where were you when you got that call?

23 A I was actually northbound on I-270 around
24 Highway 40.

25 Q So how long did you go directly to the

1 scene?

2 **A** Um, I switched my radio over to the muni
3 north radio, which dispatches for the Ferguson area,
4 not for Ferguson, but for the munis in that area.
5 And I heard several reports of gunshots being fired
6 near the crime scene, so I stopped and put my vest
7 on.

8 **Q** Okay. What was the call involved in the
9 shooting, what information were you given when you
10 first got the call?

11 **A** I was told that it was an officer involved
12 shooting with a Ferguson officer and Ferguson had
13 requested St. Louis County Crime Scene to respond.

14 **Q** So this incident happened within the city
15 limits of the municipality of Ferguson, correct?

16 **A** Yes, ma'am.

17 **Q** And typically that would not be a
18 jurisdiction that you would investigate in, they
19 would have their own police department, correct?

20 **A** They do. They handle burglaries and stuff
21 like that. We typically do not go in there for
22 property crimes.

23 **Q** But in this case being an officer involved
24 shooting, was it unusual for a municipality to reach
25 out to the County and ask for their assistance or

1 ask them to take over the investigation?

2 **A** No, ma'am. We handle those type of calls
3 for any municipality that ask. We also handle those
4 calls for any department that uses the Major Case
5 Squad.

6 **Q** So when you said that you, on your way,
7 heard on the municipal radio channels that there
8 were shots fired, are you talking about shots that
9 were being fired after the officer involved shooting
10 occurred?

11 **A** Correct.

12 **Q** So that caused you to decide to stop and
13 put on your Kevlar vest?

14 **A** Yes, ma'am. I stopped almost immediately,
15 once I got it put on, I drove directly to the scene.

16 **Q** And so what was the location of the scene?

17 **A** I was given the address Canfield.

18 **Q** So how is it that from where you were
19 driving you eventually travel onto West Florissant;
20 is that correct?

21 **A** Yes, that's the round I took.

22 **Q** And then from West Florissant you turn
23 onto what street to get?

24 **A** You can turn directly onto Canfield and
25 West Florissant.

1 **Q** So from West Florissant when you turn into
2 Canfield, that's a residential area, isn't it?

3 **A** Yes.

4 **Q** And after you travel some distance, not
5 terribly far, you reach an apartment complex,
6 correct?

7 **A** Yes, ma'am.

8 **Q** What's the name of that apartment complex?

9 **A** I honestly can't tell you. I would just
10 assume it was the name Canfield apartment complex.

11 **Q** So when you arrived, turned onto Canfield,
12 did you notice a crowd?

13 **A** Immediately. The distance from West
14 Florissant to the scene, if I can recollect, is
15 probably less than half a mile. And it is a
16 residential street, all the houses have driveways, I
17 have been on that street before. There is typically
18 not a bunch of cars parked on the side streets and
19 stuff like that, but as soon as I turned onto
20 Canfield, I encountered traffic basically at a
21 standstill.

22 There was some officers that were
23 directing traffic near the first cross street
24 because people were pulling in, being told they
25 can't drive through, trying to turn around and it

1 was a little bit of a mess when I showed up.

2 Q Were there also a number of first
3 responders there?

4 A Several.

5 Q Police cars?

6 A Yes, ma'am.

7 Q Ambulances or were they already gone?

8 A I can't testify to that. I don't remember
9 if they were there or not. I know there were
10 several police cars and hundreds of pedestrians.

11 Q Hundreds of pedestrians outside of the
12 police?

13 A Yes, ma'am.

14 Q This is in the middle of day, correct?

15 A Yes, ma'am.

16 Q Daylight hours?

17 A Yes, ma'am.

18 Q Was it raining?

19 A Sunny, nice weather.

20 Q So after you made your way through that
21 initial crowd, did you arrive at an area that was
22 taped off and you determined to be the scene of the
23 crime?

24 A Yes, ma'am.

25 Q And so, what is it that you first did when

1 you arrived?

2 **A** I first sought out whoever it was in
3 charge. I saw some other officers and sergeants
4 from my own department and I obviously made my way
5 over to a group of people that were talking. They
6 were expecting me and I just asked, simply asked can
7 you tell me what's going on.

8 **Q** What information, when you say a group of
9 people, you talking about police officers?

10 **A** Yes, ma'am.

11 **Q** You didn't talk to any witnesses?

12 **A** No, ma'am.

13 **Q** Or anybody in the crowd?

14 **A** No.

15 **Q** And so what did the officers tell you?

16 **A** They told me that they had an officer
17 involved shooting. They were pretty brief with me
18 initially stating that the officers car is down
19 there and at the other end of the street is the
20 victim.

21 **Q** When you, now, the initial call that came
22 out for this, do you recall was this, how is this
23 determined initially?

24 **A** I was told officer involved shooting, that
25 would be the typical term they would use when

1 talking to me on the phone.

2 Q Now, several of the items that you have
3 packaged and also marked, you write or have
4 indicated assault on LEO?

5 A Correct.

6 Q What does that mean?

7 A At my point in the investigation it is
8 obviously right when everything starts and charges,
9 determinations, names assigned to things aren't
10 necessarily set in stone. So during my initial
11 investigation, we are investigating an assault on a
12 law enforcement officer.

13 Q Were you told when you initially arrived
14 at the scene that there was some type of altercation
15 involving an officer and the deceased?

16 A Yes, ma'am.

17 Q And was that described as an assault?

18 A Correct.

19 Q So when you began this investigation, you
20 were characterizing this as an assault of a law
21 enforcement officer, correct?

22 A Yes.

23 Q Is that in any way meant to be your
24 opinion of what happened or who was a victim in this
25 case?

1 **A** No, ma'am. Any time I'm involved in an
2 officer involved shooting, be it a fatal one or
3 nonfatal, it is always during my initial
4 investigation listed as an assault on law
5 enforcement.

6 **Q** And so on various evidence items that you
7 package on these sheets, you list a victim name?

8 **A** Correct.

9 **Q** And when you began this investigation, who
10 was your victim name on these packages?

11 **A** Officer Wilson.

12 **Q** That would be the Ferguson officer?

13 **A** Yes, ma'am.

14 **Q** Again, is that in any way supposed to be
15 some kind of comment on whether you think who was
16 the victim of this incident?

17 **A** No, ma'am. That's how, when we list
18 assault on law enforcement, he was the victim of the
19 assault that we were initially investigating.

20 **Q** Okay. So did you immediately learn the
21 identity of the deceased?

22 **A** We had a preliminary ID. There was no
23 form of positive investigation when I started my
24 investigation.

25 **Q** Okay. And so after having talked to the

1 officers about what happened, what's the first thing
2 you did in this case?

3 **A** One of the sergeants with Ferguson give me
4 a brief walk-through to start my investigation so I
5 can have a logical starting point from where I would
6 start my video, photographs and looking for
7 evidence.

8 **Q** So eventually you did a diagram of the
9 crime scene is that correct?

10 **A** Yes, ma'am that's the last thing we do
11 before we leave.

12 **Q** So given that it is the last thing, but
13 I'm going to use it initially as one of my first
14 things to help the jurors understand what is going
15 on, but as I turn off of, as you enter the apartment
16 complex and at the point where the crime scene is,
17 Canfield is basically a straight street, correct?

18 **A** Yes, ma'am. Where this entire scene
19 occurred is a straight stretch of road.

20 **Q** And is it a paved road?

21 **A** Yes.

22 **Q** Is it marked with any paint or lane
23 parkers?

24 **A** It has a center lane marker, yes.

25 **Q** And is that a double yellow line?

1 **A** Yes, ma'am.

2 **Q** And is this a street where there's a
3 single lane of traffic that proceeds in opposite
4 directions?

5 **A** Correct.

6 **Q** And Canfield is a street that goes east
7 and west?

8 **A** Yes, at that point.

9 **Q** Okay. It is a curvy street?

10 **A** Yes.

11 **Q** But at the point where your crime scene
12 was, it is straight and it pretty much is an east to
13 west street?

14 **A** Yes, ma'am.

15 **Q** And when you started your walk-through
16 with the Ferguson officer, did he direct your
17 attention to Officer Wilson's vehicle?

18 **A** Yes.

19 **Q** And where, in relation to the deceased
20 body, was the vehicle, was it --

21 **A** The west end of the crime scene.

22 **Q** Okay. And then further east down Canfield
23 then was the deceased?

24 **A** Correct.

25 **Q** And so when you began your walk-through,

1 did you start on, what end of this crime scene did
2 you start at?

3 **A** Everyone that I spoke with, the Ferguson
4 officers and my own department, we were on the east
5 end of the crime scene near the victim or the
6 deceased as it were.

7 **Q** Yeah, because I don't want to get confused
8 using the term victim because some of your things
9 are --

10 **A** Yes, ma'am, they are.

11 **Q** Marked victim is Officer Wilson. So let's
12 talk about deceased or Michael Brown in that term.

13 **A** Okay.

14 **Q** And then any officer, the Ferguson officer
15 by his name, okay?

16 **A** Okay.

17 **Q** If everybody doesn't know as of yet, the
18 officer that was identified to you as being involved
19 in this shooting was Darren Wilson; is that correct?

20 **A** Correct.

21 **Q**

22

23

24

25 **A** Okay.

1 **Q** So the vehicle was on the west end of the
2 crime scene, Michael Brown's body was on the east
3 end of the crime scene?

4 **A** Yes.

5 **Q** So when you began your initial
6 walk-through, you started where the body was?

7 **A** Yes, ma'am.

8 **Q** Are you videotaping at this point?

9 **A** No, ma'am.

10 **Q** When you are doing the walk-through then,
11 did you notice that there were already items of
12 apparent evidence or things of interest that had
13 already been marked?

14 **A** Yes, ma'am. There are a lot of times
15 classes that are offered at their own police
16 academy, basically road officers responding to
17 homicide scenes.

18 It is not only training, a lot of
19 times kind of fall backs on common sense. If there
20 is something, be it a shell casing or piece of
21 clothing that you know is part of evidence or
22 evidentiary value, most anyone will typically mark
23 that, be it with a piece of crime scene tape or
24 traffic cones, they will set stuff near items just
25 so one, it is marked and they know where it is at.

1 Two, so someone doesn't accidentally step on it or
2 kick it or move it.

3 Q So did you notice that there were a number
4 of traffic cones that were already in this scene?

5 A Yes, as part of the walk-through they
6 would say that cone over there is marking what we
7 think is a projectile or that traffic cone is
8 marking a shell casing and they would just point
9 things out to me as we were walking through.

10 Q All right. And so after you did this
11 walk-through, did you walk the length of the crime
12 scene going then west and then returning east to
13 where the deceased was?

14 A Yes, ma'am.

15 Q And also, just for the record, the street
16 of Canfield at this point, are there sidewalks on
17 either side of the street?

18 A Yes.

19 Q And there are apartment buildings, this is
20 a complex that has a number of apartment buildings,
21 correct?

22 A Yes, ma'am.

23 Q And the apartment buildings have parking
24 lots?

25 A Yeah.

1 **Q** And there is entrances to the parking
2 lots, there are streets that are coming off of
3 Canfield, correct?

4 **A** Yes, ma'am.

5 **Q** So after you did your walk-through, what's
6 the next thing you did?

7 **A** Um, typically at that point we would go
8 back, my van was parked on the west end of the crime
9 scene just west of where Darren Wilson's vehicle was
10 at. We would go back there, I would prepare my
11 video camera, you know, get a new memory card put
12 in, write some notes down and at that point
13 typically start my video walk-through of the scene.

14 **Q** Is that what you did in this case?

15 **A** No, ma'am.

16 **Q** Why not?

17 **A** As far as the exact times, I couldn't tell
18 you, but during this time when we were heading back
19 to my car, another round of gunshots were fired and
20 extremely close proximity to the crime scene. There
21 was obviously a large crowd reacting to that as well
22 as a police reaction to it.

23 And the decision was made almost
24 immediately to kind of hold, make sure that our
25 crime scene is secured. I have to be able to

1 concentrate what I'm looking at and trying to
2 collect, versus trying to watch the crowd behind me
3 that's growing ever bigger and more angry by the
4 minute.

5 Q And so there was a break in your
6 investigation until you were comfortable that the
7 crime scene was secured; is that right?

8 A Yes, ma'am.

9 Q Is anyone else processing the crime scene
10 or do anything else or touching in the crime scene
11 while you take that break?

12 A No, ma'am. All the manpower there was
13 utilized to try to secure the crime, just secure the
14 perimeter of the crime scene. We had officers
15 10 feet apart, 5 feet apart every inch of the crime
16 scene tape trying to keep people out of it.

17 Q These were county officers, were there
18 Ferguson officers?

19 A County officers, Ferguson officers, I
20 guarantee you there were other neighboring
21 municipality officers that were there.

22 Q Approximately if you had to guess, how
23 many police officers were on the scene?

24 A 50, 50.

25 Q Is that unusual in your experience?

1 **A** Very unusual.

2 **Q** Had you ever had a scene like this before?

3 **A** Never.

4 **Q** And so after this break until you were
5 comfortable about the crime scene was secure, did
6 you begin your video walk-through?

7 **A** I did.

8 **Q** And so are you the one who operates the
9 camera?

10 **A** Yes, ma'am.

11 **Q** And do you shoot the video continuously
12 during your walk-through or do you stop it at
13 certain points?

14 **A** Once I start the actual scene video, I do
15 continue one continuous video.

16 **Q** Did you do that in this case?

17 **A** Yes, ma'am.

18 **Q** Now, you mentioned that typically as you
19 are going, is there audio on the video?

20 **A** There is.

21 **Q** You are not narrating anything?

22 **A** No, ma'am.

23 **Q** And so you can hear things in the
24 background, but you're not speaking on the video?

25 **A** Correct.

1 **Q** Any other officers that are narrating
2 what's going on?

3 **A** No, ma'am.

4 **Q** And so after you did this video
5 walk-through, again, where did you start the video
6 walk-through?

7 **A** I believe if you want to look at the
8 picture of the crime scene as a rectangle, I started
9 at the southwest corner, moved east to northeast to
10 northwest in a counter clockwise motion.

11 **Q** Okay. I'm going to hand you what we have
12 marked, and I want to make something clear on the
13 record, I believe the last time we met there was one
14 item that was marked as an evidentiary item, it was
15 a report for that witness. Just because to make it
16 clear, that was, I think, marked State's Exhibit 1,
17 which is typically what we do in cases. But because
18 this is a grand jury exhibit, we're going to use
19 different, call it something different.

20 So we will at some point re-mark that
21 report, which was State's Exhibit 1 and that will be
22 Grand Jury Exhibit 1. Okay, it is State's Exhibit,
23 it has the typical red sticker that has State's
24 Exhibit, but it will say GJ 1. We are going to mark
25 all of ours GJ and then a sequential number.

1 So I'm going to hand you what I have
2 marked as GJ 2.

3 (Grand Jury Exhibit 2 marked for
4 identification.)

5 **Q** (By Ms. Alizadeh) That's a two page
6 document. Do you recognize that?

7 **A** Yes, ma'am.

8 **Q** Is that your diagram of the crime scene?

9 **A** It is.

10 **Q** And that's the top page, correct?

11 **A** Yes.

12 **Q** And then the second page, what is that?

13 **A** Page two is a legend and it has
14 measurement details and starting points and
15 measurements.

16 **Q** Okay. And does this represent the crime
17 scene that you diagrammed on that day?

18 **A** Yes.

19 **Q** As I'm not offering a piece of evidence
20 like I would in trial, I'm just going to put it up
21 here for your benefit. And I'm going to have to
22 move this for a second. I'm also at this time going
23 to pass out copies of this diagram and the legend
24 that's attached to it. And as I said, if you would
25 just put your on it somewhere in the

1 corner and try to avoid making any marks on it or
2 notes.

3 These numbers, these things are kind
4 of tiny, it might help if you can look at your own
5 version, your own copy.

6 Can you see okay from where you are
7 sitting?

8 **A** I cannot see the left-hand side of it.

9 **Q** Okay. If you would bring your chair,
10 maybe sit next to here. I don't want you to block
11 the view, I'm going to get out of the way too once I
12 get this situated.

13 As best I can show that, can
14 everybody see it? I'm going to move out of the way.

15 So I put GJ 2 up on a projector so it
16 is displayed on the wall. I have a laser pointer
17 and so do you, Detective

18 **A** Yes.

19 **Q** Can you describe, this is the street you
20 are talking about Canfield, correct?

21 **A** Yes, ma'am.

22 **Q** And we see a directional arrow at the
23 corner at the top right?

24 **A** Yes, indicating north.

25 **Q** Okay. And so if you were to drive in this

1 direction, you are going west?

2 **A** Correct.

3 **Q** Toward West Florissant?

4 **A** Yes, ma'am.

5 **Q** As you drive in this direction, you are
6 driving east, deeper into the apartment complex?

7 **A** Yes.

8 **Q** And it eventually comes out and goes?

9 **A** A subdivision, I think it goes into
10 another apartment complex and then into a
11 subdivision.

12 **Q** Okay. And so when you arrived, you have
13 listed or diagrammed here what is a vehicle?

14 **A** Yes, that is Darren Wilson's police car.

15 **Q** And then you also diagrammed what appears
16 to be a body?

17 **A** Yes, that is Michael Brown's body.

18 **Q** And then these boxes that are here that
19 have numbers, it says Canfield?

20 **A** Those are the two apartment buildings that
21 we used as reference points for areas that we
22 collected items of evidence. I can note out the
23 addresses on here, I have it listed and ,
24 from west to east. They are actually descending, so
25 both of these buildings, while they are one

1 building, it contains two addresses.

2 So the first address, this side off
3 the left hand or west end would be , the east
4 end would be . So it is descending from west to
5 east.

6 Q Okay. So now what is this object here
7 that you've drawn?

8 A This is an entrance to a parking lot and
9 this is actually kind of a grassy hill.

10 Q So a vehicle could pull into this area
11 here and enter a parking lot?

12 A Yes, ma'am.

13 Q And then what about this right here?

14 A Same thing, this is a, this is an entrance
15 to a parking lot for this building, this is an
16 entrance to the parking lot for this building, and
17 this right here is another entrance to a parking lot
18 for a building.

19 Q So where you've got an arrow points to
20 Copper Creek Court, that is a driveway that enters a
21 parking area?

22 A Yes, ma'am.

23 Q That residents would park?

24 A Correct.

25 Q And so when you are beginning to process

1 your crime scene, you start, do you start by taking
2 measurements?

3 **A** No, measurements are the last thing that
4 we do.

5 **Q** Okay. And so in this particular case
6 after you completed the video walk-through, what do
7 you do next?

8 **A** Um, after we do the video walk-through, I
9 would take overall scene photos of exactly how the
10 scene is when you arrived before placing down
11 placards or anything that I would do to assist in my
12 investigation.

13 **Q** And so you take those photographs
14 yourself?

15 **A** I do.

16 **Q** And is that, do you use a department
17 issued digital camera to do that?

18 **A** Yes, ma'am.

19 **Q** Does that camera have a memory card?

20 **A** It does.

21 **Q** And after you take these photos, what do
22 you do with the memory card?

23 **A** The memory card is placed into a photo
24 envelope and then taken to our departments photo
25 lab.

1 **Q** Now, when you're processing the crime
2 scene and you are taking photographs, do you ever
3 delete a photograph like if you take it and you look
4 at it and you see that's blurry or doesn't show what
5 you wanted it to show?

6 **A** No, ma'am. When the flash goes off, that
7 picture is what it is.

8 **Q** And so if you hit that shutter button 300
9 times, you have 300 pictures that you send to the
10 photo lab?

11 **A** Yes, ma'am.

12 **Q** Whether it comes out blurry or
13 unrecognizable, it is going to be printed, correct?

14 **A** Right.

15 **Q** So after the photo lab, and then let me
16 ask you this, do you edit those photos in any way,
17 do you on your camera, do you use color contrast or
18 do anything to edit the image that you are taking?

19 **A** No, ma'am, I do not.

20 **Q** And after that card then goes to the lab,
21 does the lab print up your photos?

22 **A** Yes.

23 **Q** Do they call you up and say hey, Matt,
24 photos are ready?

25 **A** For homicide scenes, part of our protocol

1 is we stamp each individual photo as an official
2 photograph, but yes, they download our photographs
3 from our memory card to their servers and then for
4 homicide scenes and other various scenes where stuff
5 is requested they print out 8 X 10s that we come
6 down and stamp.

7 (Deposition Exhibit Number 3
8 marked for identification.)

9 Q (By Ms. Alizadeh) Okay. So I'm going to
10 hand you what I've marked as GJ 3, which is a yellow
11 envelope. Do you recognize your handwriting on
12 that?

13 A Yes, ma'am.

14 Q And when you received that, did that
15 envelope contain photographs?

16 A I filled out this envelope and I put the
17 photographs in here.

18 Q And the photographs that you put in there,
19 were they the photographs that you took on the scene
20 at Canfield that day?

21 A Yes, ma'am.

22 Q And you looked at each photograph
23 individually?

24 A I did.

25 Q And stamped them with your stamp?

1 **A** Correct.

2 **Q** And initialed them and number each one
3 individually, correct?

4 **A** Yes.

5 **Q** On the outside of that envelope, does it
6 say how many photographs you took?

7 **A** 161.

8 **Q** Did you go through those photographs and
9 assure yourself that there are 161 photographs in
10 there?

11 **A** Yes, ma'am.

12 **Q** I'm going to remove these photographs.
13 And these photographs are not individually marked
14 with stickers. So I'm just going to hand you the
15 stack first and you had indicated that you put your
16 stamp on the back?

17 **A** Yes, ma'am.

18 **Q** And typically write the number and your
19 initials, you didn't on that one?

20 **A** I didn't put the initial on that one.

21 **Q** Okay. Let's look at the first one and
22 this is depicting what?

23 **A** This would typically be your first and
24 last picture and anything that's seen, it is crime
25 scene information board.

1 **Q** And so I'm going to put this up there.

2 This has the date, the complaint number, which is
3 what, what's the complaint?

4 **A** Complaint number is basically your report
5 number. I particularly put the county complaint
6 number, which is denoted by our municipal code,
7 which is 99, so our report number would be
8 99-14-43984. The smaller number you see lower right
9 is Ferguson's complaint number, their mini code is
10 33-14-12391.

11 **Q** The 99 is for county number?

12 **A** That denotes county number.

13 **Q** 33 is Ferguson?

14 **A** Yes.

15 **Q** And 14 is 2014?

16 **A** Correct.

17 **Q** Whatever sequential number is the next one
18 up in the hopper is the number you get?

19 **A** Yes, ma'am.

20 **Q** So you've indicated the incident assault
21 on LEO?

22 **A** Correct.

23 **Q** And then detective DSN, that stands for?

24 **A** Departmental serial number, which is slang
25 for badge number.

1 **Q** Each officer has their own DSN?

2 **A** Yes, ma'am.

3 **Q** You are ?

4 **A** Correct.

5 **Q** Now, just so the jurors can see, I'm going
6 to turn this over and you said that you stamp each
7 photograph with your stamp and it says initial
8 photograph St. Louis County Police Department
9 Detective and your DSN, correct?

10 **A** Yes, ma'am.

11 **Q** And then it says badge number?

12 **A** Image number.

13 **Q** Image, okay, and then your initials?

14 **A** Correct.

15 **Q** So there you have written the number one?

16 **A** Yes.

17 **Q** And neglected to put your initialed on
18 there?

19 **A** I did.

20 **Q** But you recall taking this photo of the
21 placard, correct?

22 **A** Yes, ma'am.

23 **Q** Now, I want to draw your attention also
24 because this will become information later, there's
25 some printing on the back of this photo that looks

1 like it is computer generated?

2 **A** Yes.

3 **Q** I'm going to turn it around because it is
4 upside down. Does this printing print out on each
5 photograph as it comes out of the printer at the
6 lab?

7 **A** It does.

8 **Q** So it says on there SLCPD, that's St.
9 Louis County Police Department, correct?

10 **A** Yes, ma'am.

11 **Q** And then it says DCS, and then there's a
12 four digit number?

13 **A** Correct.

14 **Q** And on this photograph it says 0001?

15 **A** Yes, ma'am.

16 **Q** And the one is circled, did you circle
17 that?

18 **A** I did.

19 **Q** And then it says dot JPG?

20 **A** Yes.

21 **Q** And then it says 0001 again; is that
22 right?

23 **A** Yes.

24 **Q** So the printing that appears on the back
25 of each photo, does it sequentially number these as

1 0001 and then the next one in order would be 0002
2 and so forth?

3 **A** As far as the DSC number, that's the
4 number of the photograph on the file card. So this
5 picture is number one, the next picture would be
6 number two.

7 **Q** Okay.

8 **A** The second number that you see 0001, those
9 are not always going to be in sequential order for
10 this stack. Different things number, this one
11 printed up three separate copies. So while this
12 picture will always be number one, the next picture
13 may have number four or number eight, whatever
14 number that photo was print off.

15 If they printed up four photos of
16 that one, it would also be DSC1, the second set of
17 numbers could be 001 through 4, depending on which
18 number it was in the stack.

19 **Q** Okay. So the number that you circled,
20 which is the first number, that's what we are
21 talking about, this is your first photo?

22 **A** Yes, ma'am. There are several ways to
23 stamp the back of these. Some officers just use the
24 official photograph stamp and would just circle that
25 number as the image number.

1 **Q** So when you went through each of these
2 photographs, did you check to make sure you had each
3 of the 161 photos in sequential order?

4 **A** Yes, ma'am.

5 **Q** And then after determining that, you put
6 your initials typically and you write the number on
7 the photograph?

8 **A** Yes, ma'am.

9 **Q** Not every detective does that?

10 **A** No.

11 **Q** So we're just going to go through these.
12 That was Image Number 1, which was your placard that
13 you do at the beginning of every?

14 **A** And the first and last photographs.

15 **Q** Okay. So I'm going to put up here, I'm
16 not going to do this on everyone, but just to show
17 you guys there's the number two, correct?

18 **A** Yes.

19 **Q** And then again on this photo it has got
20 0002 on there?

21 **A** Yes.

22 **Q** This is the second picture you took,
23 correct?

24 **A** Yes, ma'am.

25 **Q** And after having looked at all of these

1 photos, do you feel that these photos accurately
2 depicted the scene as you saw it that day?

3 **A** For the most part, yes, ma'am.

4 **Q** Okay. I want to make sure I get the whole
5 photo. There we go.

6 And so in Image Number 2, can you
7 describe what is depicted there? And you can use
8 your pointer if you want.

9 **A** Okay.

10 **Q** I'm going to get out of the way.

11 **A** This would be the first photo that we took
12 after the initial walk-through and the walk-through
13 with the video. Some of the things that this video
14 shows overall number one, here is where my crime
15 scene van is parked. The traffic cones that you see
16 are things that were set in place prior to my
17 arrival.

18 Different pieces of evidence,
19 Ferguson officers or anyone else officer wise that
20 were there that knew part of the story of the scene
21 would denote that, you know, just kind of make sure
22 hey, this is where this is at or make sure no one
23 steps on it or moves it.

24 **Q** Let me stop you here, Detective.

25 **A** Yes, ma'am.

1 **Q** I know some of you on the end may not be
2 able to see the entire image because of the way that
3 screen is recessed into the wall. So first of all,
4 these photos will all be available to you to handle
5 and look at at any time you want to see them, but if
6 you feel that you can't see, you want to move your
7 chair around here and again, if you are asking
8 questions, just state your juror number, it doesn't
9 matter if you are in order, just as long as you
10 state your juror number.

11 **A** So this perspective where I'm standing is
12 also where I started the video walk-through. It is
13 the southwest corner of the scene.

14 You can see this is Officer Wilson's
15 car, down here you can see another Ferguson vehicle
16 and another Ferguson vehicle down at the eastern
17 end. Those are cars that were there when I showed
18 up to start my investigation. So again, when I show
19 up, I try not to move anything because I photograph
20 how I come into a scene.

21 Those vehicles were not there at the
22 time of the incident, they were placed there by
23 Ferguson officers to help secure a crime scene and
24 to block views of Michael Brown's body.

25 **Q** So Michael Brown's body is in between

1 those two Ferguson police cars and those are SUVs,
2 correct?

3 **A** Yes, ma'am. And you can see the corner of
4 an orange body screen between the two cars, that is
5 something that I set up after my arrival to assist
6 in blocking views.

7 **Q** Why do you do that?

8 **A** A number of reasons one, privacy. Two,
9 seeing a dead body in the middle of the street is
10 often disturbing to a lot of people. It is out of
11 respect for the victim, out of respect for the
12 family, out of respect for everyone to just kind of
13 take away a visual sign of stress more than
14 anything.

15 **Q** You learned at some point that family
16 members of Michael Brown had arrived at the scene,
17 correct?

18 **A** Yes, ma'am.

19 **Q** Were they allowed to enter the crime
20 scene?

21 **A** Initially, no. I think towards the end,
22 not towards the end, but when the medical examiner
23 had arrived and were getting ready to move the body,
24 I believe Michael Brown's father, I think, but a
25 family member was allowed to step inside while we,

1 the crime scene, while we removed his body as part
2 of the investigation.

3 Q So keeping anyone out, including family
4 members, that's all because you want this crime
5 scene to be as pristine and undisturbed as possible,
6 correct?

7 A That's our goal, yes.

8 Q And so at this point, about how long into
9 you being on the scene are we now?

10 A If I arrived 1:15 or so, probably find the
11 time stamp on this photo, it is no less than an hour
12 after I arrived just because in between this photo
13 being taken and my arrival was when the gunshots
14 were fired a second time close to the crime scene
15 and everything was put on hold.

16 Q Now, this shooting occurred at
17 approximately what time?

18 A I think I was told 12:14, 12:15.

19 Q A little after noon?

20 A Yes, ma'am.

21 Q And were you present when the body was
22 removed?

23 A Yes.

24 Q And would it be fair to say that it was
25 almost four hours later before the body was removed?

1 **A** Yes.

2 **Q** Is that unusual that a deceased person
3 would be left at the scene for that long of period
4 of time?

5 **A** No, ma'am, that is fairly common, almost
6 routine.

7 **Q** And in this case, you mentioned that there
8 were a number of times where everybody had to kind
9 of stop what they were doing because the scene was
10 becoming dangerous?

11 **A** Yes, ma'am. Not only do you have to take
12 into the fact what we were dealing with at the scene
13 security and personal safety, but St. Louis County,
14 who was requested to the scene to investigate, we
15 were not notified until almost an hour afterwards.
16 If you look at the time of four hours as a whole, we
17 only got there a little after 1:00 to start our
18 investigation.

19 **Q** Okay. So now in the photograph, I would
20 imagine it is fairly clear to everyone, this is the
21 driver's side of this vehicle, correct?

22 **A** Yes, ma'am.

23 **Q** And it is facing west, towards West
24 Florissant, correct?

25 **A** Correct.

1 **Q** If everyone can look at your diagram, you
2 diagram that as the vehicle, the rear left tire is
3 over the double yellow lines; is that right?

4 **A** Yes, ma'am.

5 **Q** Now, this tape that's wrapped around this
6 vehicle, did you put that tape on there?

7 **A** No, ma'am.

8 **Q** All right. Would you have typically done
9 that?

10 **A** No.

11 **Q** So that was done before your arrival?

12 **A** Yes.

13 **Q** Okay. And so you left it there and that's
14 how you photographed it?

15 **A** Correct.

16 **Q** That's how it was when you got there?

17 **A** Yes.

18 **Q** And then these cones you talked about,
19 these were placed before you got there?

20 **A** Yes, ma'am.

21 **Q** And during your walk-through with the
22 Ferguson officer as you said, would you say why
23 these cones were placed in various locations?

24 **A** Yes, ma'am.

25 **Q** If you all have a question about a

1 particular photograph, rather than having to say can
2 we see that one again that had the blank, blank,
3 blank, ask it now, probably make this go smoother.
4 Yes?

5 : , this may be
6 answered later, I don't know. I just want to know
7 why is the door closed, do we have any idea why the
8 door of the SUV was closed or was it reentered?

9 MS. ALIZADEH: That will probably be
10 addressed by other people. This detective wasn't
11 present beforehand and as he had said, his statement
12 is this is how it was when he got there. So there
13 will be other witnesses who are going to be called
14 to testify being first on the scene, what they saw,
15 whether they photographed anything, but that's the
16 way he observed it.

17 Any other questions about Image Number 2?

18 Q (By Ms. Alizadeh) Image Number 3, again,
19 it has got your three on there. Describe what that
20 image shows?

21 A This is kind of, I moved slightly east
22 from the first viewpoint, and typically what I would
23 do when I'm photographing an overall scene
24 photograph, I would stand in one spot and just pan
25 my camera taking this angle, I twist, this angle,

1 twist, twist. So if you can picture laying four
2 pictures out side by side, you would get, in
3 essence, a panoramic view of the scene.

4 And I would do this at this point, in
5 the middle of the side of street, at the other end,
6 go to the other side and just do the same thing. It
7 is called bracketing photos.

8 Q Okay. And so this is just a slightly
9 different angle from the previous image. You see
10 your that's your van there?

11 A Yes, ma'am.

12 Q On the left side of the image, correct?

13 A Correct.

14 MS. ALIZADEH: Okay. Anyone have any
15 questions about this?

16 Q (By Ms. Alizadeh) Image Number 4.

17 A Again, this would be, the left side of
18 this picture would be the tail end of Darren
19 Wilson's car, again, looking farther east.

20 Q Okay. Now, I think if you can see, this
21 is crime tape; is that right?

22 A Yes, ma'am.

23 Q Police tape, and does it appear that there
24 is police tape back there as well?

25 A Yes, initially when we arrived, this first

1 piece of crime scene tape was the barrier to the
2 crime scene. After several people had torn down the
3 crime scene tape, run onto the scene, the gunshots
4 being fired, the crowd would run from this building
5 in particular from this side of the crime scene,
6 around this building, through the parking lot to
7 this side of the crime scene, depending on what was
8 happening.

9 We had an opening where the crowd had
10 run to the eastern end of the crime scene. So
11 several people moved or put up a new set of crime
12 scene tape farther back into the parking lot to try
13 to keep people farther away from the crime scene.

14 Q Okay. So that was done not because you
15 determined that somehow this area was now a part of
16 the crime scene, it was done to keep the crowd from
17 encroaching upon the crime scene?

18 A Yes, ma'am.

19 Q So there's no particular processing of
20 this scene, you didn't suddenly say I'm going to go
21 and photograph and walk around this area?

22 A No, ma'am. The only thing I think that we
23 did in that area was film a witness' perspective
24 with our video cameras and that is even farther back
25 from where that crime scene tape is set.

1 MS. ALIZADEH: Anyone have any questions
2 about this image?

3 Q (By Ms. Alizadeh) And this is image number
4 five. Can you describe for them what you're seeing,
5 what this image depicts?

6 A From this angle, I think you are going to
7 start to see that I am in the middle of what I would
8 deem the crime scene looking east on the south side,
9 I'm sorry, looking west from the south side of the
10 road, and I will start kind of a pan from my left to
11 my right.

12 Again, you can see Darren Wilson's
13 police car, the cone that had been set up, my crime
14 scene van and then I had mentioned before my crime
15 scene van was just inside the initial crime scene
16 tape. You can see a crowd of people gathering there
17 on top of this hill and, of course, you can see the
18 amount of vehicle traffic that is now blocking
19 Canfield.

20 Q Okay. So the first series of photos you
21 were closer to this area to where this police
22 officer is, and you walk down here and take another
23 series of bracketing photographs?

24 A Yes, ma'am.

25 MS. ALIZADEH: Any questions about that?

1 **Q** (By Ms. Alizadeh) Number 6.

2 **A** Similar image as before, I had just tilted
3 a little bit so now you can see Darren Wilson's car
4 is on the left side of the photo and I'm panning to
5 my right, or to the east.

6 **Q** Image Number 7?

7 **A** The center of the crime scene. I am
8 basically in the middle looking from south to the
9 north across Canfield.

10 MS. ALIZADEH: Any questions?

11 **Q** (By Ms. Alizadeh) Image Number 8. Can you
12 describe what you see in there?

13 **A** Same scene or same location, I've now
14 turned further to the east. This is, I believe this
15 is Caddiefield, at the intersection of Canfield and
16 Caddiefield. A Ferguson police car, an SUV was not
17 described to me, was not there at the scene, it was
18 put in place to block the body.

19 Where the white sheet is laying
20 between this police car and the orange body screens
21 is Michael Brown's body.

22 I'm not sure what department vehicle
23 that is, again, it is a police SUV used to block
24 this street and to assist with security at the crime
25 scene.

1 **Q** So the two vehicles you see in this
2 picture as far as you know had nothing to do with
3 the incident?

4 **A** Yes, ma'am.

5 **Q** Image Number 9.

6 **A** Now, I'm now standing, if you get the
7 perspective, the Ferguson SUV that was in the middle
8 of the street is directly to my right now. I'm
9 looking back west on Canfield. This is Officer
10 Wilson's SUV.

11 MS. ALIZADEH: Any questions?

12 **Q** (By Ms. Alizadeh) Number 10?

13 **A** Same view, I've stepped into the street a
14 little farther this time. You can see this is the
15 back of the vehicle that was blocking Michael
16 Brown's body.

17 **Q** 11?

18 **A** Standing in the same place looking east.
19 I turned my camera to the north, that's the tail end
20 of the same vehicle that you saw in the previous
21 picture.

22 **Q** So this is looking north as you are
23 standing on Canfield?

24 **A** Correct.

25 **Q** And so Michael Brown's body would be

1 outside of the frame on the right?

2 **A** Yes, ma'am.

3 **Q** Image Number 12.

4 **A** I've now turned, same viewpoint looking to
5 the east. You can see the Ferguson police vehicle
6 blocking this end of the crime scene, several cones
7 that were placed out prior to my arrival marking
8 evidence that they had located. Under the sheet is
9 where Michael Brown's body is located. The sheet
10 was also placed there prior to my arrival.

11 The orange body screens are things
12 that I added to the scene when I arrived to assist
13 in our investigation.

14 **Q** From your perspective, the other Ferguson
15 vehicle that was blocking the scene was in this
16 direction; is that correct?

17 **A** Yes, ma'am, it would be over my left
18 shoulder.

19 **Q** That hasn't been removed from the scene?

20 **A** No, ma'am, it is still there.

21 **Q** Number 13.

22 **A** Same standard view, I've moved from the
23 street level back across the sidewalk to show a
24 wider perspective. Again you see, you get a better
25 look at the different cones were set up marking the

1 evidence around it.

2 **Q** And just to clarify, this here is that
3 Copper Creek Court on your diagram?

4 **A** Yes, ma'am.

5 **Q** So vehicles can drive up here and park
6 back here, right?

7 **A** Yes.

8 **Q** Number 14?

9 **A** Standing further east looking back west
10 you can see now that there is crime scene tape
11 between this, my viewpoint and Michael Brown, give
12 you a wider, overall perspective of the crime scene.

13 **Q** You are still looking west on Canfield
14 towards West Florissant?

15 **A** Yes, ma'am.

16 **Q** So this vehicle, again, is not involved in
17 the crime scene, it is blocking?

18 **A** Correct. The vehicle that you see in the
19 far end of this photograph that's angled is Officer
20 Darren Wilson's car.

21 **Q** Now, in the image, what is this thing
22 right here on the ground?

23 **A** This is a sand weight that is used to
24 weigh down these body screens. They are made out of
25 extreme light PVC and cloth, so any type of breeze

1 would move them. You can see that there are several
2 weights holding down the feet of the body screens
3 that are up. This is one that was just left there
4 while we were there.

5 Q That is yours?

6 A It is.

7 Q But not part of the crime scene?

8 A Correct.

9 Q Number 15?

10 A Same viewpoint. I think I just turned a
11 little bit to the north side again because in the
12 last picture, you could see Officer Darren Wilson's
13 car to the far end, I'm just panning to my right.

14 Q 16?

15 A I've now moved to the north side of the
16 street and I'm looking south. This is the car that
17 was used to block the view of the body, the body
18 screens that I assembled and set up. Again, the
19 body screen weight that was left at the scene,
20 Michael Brown's body is behind these screens, this
21 is Caddiefield that you can probably see in your
22 diagram, I think.

23 Q And now we see the crime scene tape along
24 here and running across here. These people back
25 here are just a part of the crowd that's gathered?

1 **A** Yes, ma'am.

2 **Q** Approximately how many people, if you had
3 to guess, bystanders that were just there?

4 **A** In that photograph?

5 **Q** Just overall?

6 **A** Altogether, 3 to 400.

7 **Q** I'm going to show you Image Number 17.

8 **A** Same viewpoint, on the north side of the
9 street looking south. Again, the body screens and
10 then this vehicle here is Darren Wilson's police
11 car.

12 **Q** Now, at any time during the time you were
13 processing the scene, did you feel that anybody,
14 whether it was a police officer or a citizen in any
15 way suggested that you not perform your duties the
16 way you thought they should be performed?

17 **A** No.

18 **Q** Were you ever told don't photograph this
19 or in any way did you feel that someone was trying
20 to influence you to do something other than what you
21 felt you would typically do?

22 **A** No, ma'am, not at all.

23 **Q** Looking at Number 18.

24 **A** Same viewpoint, I've now turned almost
25 completely east. This is the vehicle blocking

1 Michael Brown's body. His body would be just to the
2 left out of frame and this is Darren Wilson's police
3 car.

4 : . I have a
5 question, are you by yourself as you are walking
6 around doing these photographs or anybody with you?

7 **A** During the video process of it, since it
8 is a continuous video, at this particular scene I
9 typically would have one person, another crime scene
10 detective that is assisting me walk with me,
11 basically with a hand on my shoulder making sure I
12 don't trip over something in a hallway or a street,
13 because I'm looking directly at that view finder so
14 I can get the perspective I want to.

15 This particular case there was, I was
16 running the video and I had three other crime scene,
17 two other detectives and my detective sergeant. One
18 was guiding me so I didn't trip or step on anything,
19 the other two to get the perspective for the video.
20 I had to get very close to the crowd. So the two
21 people that were assisting him were making sure the
22 crowd wasn't going to grab, push, throw, do
23 something to us.

24 Okay.

25 **A** Short answer no, I don't do videos by

1 myself, photographs I do, I do by myself.

2 **Q** (By Ms. Alizadeh) You make the
3 determination in what's being photographed, nobody
4 says take a picture of this, don't take a picture of
5 this?

6 **A** Correct.

7 **Q** They might point out?

8 **A** They can point out something that they
9 would like to have a photograph of as part of their
10 investigation. But never have I been told don't
11 photograph this.

12 **Q** Okay. Number 19?

13 **A** This is from the same view point as the
14 previous picture. We use 18 to 35 millimeter
15 lenses. I just zoomed in to the 35 millimeter to
16 show perspective of Darren Wilson's police car.

17 **Q** Number 20?

18 **A** Yes. From the last perspective I have was
19 standing here looking almost directly east. I've
20 now moved to the center of the north side of
21 Canfield looking back east. Again, Caddiefield is,
22 that's the street sign for Copper Creek Court and
23 then Michael Brown's body.

24 **Q** So Darren Wilson's vehicle is down this
25 street to the right?

1 **A** Yes, ma'am.

2 **Q** And that's 21, I believe, let me look.

3 **A** Yes.

4 **Q** Yes, 21?

5 **A** Same perspective. I've now twisted to my
6 right. Caddiefield Court would be to your left.
7 You can no longer see the street sign just looking
8 to my right.

9 **Q** Number 22. You want to hand them to me?

10 **A** I can, I can probably put them up on this.

11 **Q** You want to do that?

12 **A** I can.

13 **Q** This is number?

14 **A** 22.

15 **Q** 22. That will make it easier.

16 **A** Same perspective. The vehicle that was in
17 view in the previous photograph is partially cut
18 off. I'm panning farther to my right showing my
19 bracketed part of the scene. Any questions?

20 Photo Number 23. Same as before,
21 turning farther to my right. Now you can see
22 Darren's police car within the scene and the cones
23 marking different pieces of evidence.

24 Number 24. Almost the exact same
25 photo as before. I think I may have zoomed in to

1 show the area which we were looking at.

2 Number 25. I didn't initial it. As
3 the perspective goes from the diagram, I'm now
4 standing on the northwest corner of the crime scene
5 looking east, Caddiefield is on your right, Copper
6 Creek Court is here on your left, and then the two
7 vehicles that were blocking Michael Brown's body.

8 Number 26. Same perspective just,
9 turning to my right bracketing the photo.

10 Number 27. Turning farther to my
11 right, you can no longer see the two vehicles that
12 were blocking the body and this is the center of
13 Canfield.

14 Number 28. I'm on the north side of
15 the road facing almost directly south in the middle
16 of the crime scene. You can see on the right-hand
17 side of this photograph, the back end of Darren
18 Wilson's police car that has the crime scene tape
19 applied directly to it. The crime scene tape that
20 you see on the ground again from one of the earlier
21 photos, that was one of the crime scene tape
22 officially put after the crowd moved. They were
23 able to take that down and move that crime scene
24 perimeter back.

25 Number 29. Panning to my right

1 further, the previous picture you could see the tail
2 end of the car. Here again is the police car in its
3 entirety and the tape had been torn down.

4 Number 30. I've now moved farther to
5 the west. Still on the north side of the street,
6 this is the front end of Darren Wilson's police car.

7 Q Now, let me stop you here. As a part of
8 the scene like this type of scene, if you had noted
9 or scene, for example, tire marks, whether they are
10 skid marks or marks in the grass indicating
11 possibly, you know, the travel of the vehicle, the
12 speed it was traveling and so forth, and you're not
13 an accident reconstruction person, correct?

14 A No, ma'am.

15 Q If you had seen tire tracks, like skid
16 marks around this vehicle, would you have documented
17 those?

18 A Yes, that would have been something that I
19 would have recognized as probably important to the
20 scene. No tire tracks of any sort, any skid marks
21 or I didn't notice any and none were brought to my
22 attention and I didn't document anything.

23 Q And in preparation for your testimony
24 today, did you and I look in these photographs and
25 did you look to see if you could see in those

1 photographs?

2 **A** We did, yes.

3 **Q** Did you see any type of tire marks or skid
4 marks?

5 **A** No, it was images that we looked at that
6 had closer views of the tires on his police car that
7 were actually focused on pieces of evidence, and we
8 could not see any type of skid or tread mark
9 anywhere.

10 **Q** And those pictures are included in your
11 batch of pictures?

12 **A** Yes, ma'am.

13 MS. WHIRLEY: Was it brought to your
14 attention, this is Sheila Whirley, was it brought to
15 your attention that you should look for skid marks.

16 **A** At the scene?

17 MS. WHIRLEY: Yes.

18 **A** No, ma'am.

19 MS. WHIRLEY: Okay.

20 **A** Number 31. Same perspective where I had
21 moved, I could see in front of Darren Wilson's
22 police car. Now looking back farther to the east,
23 kind of bracketing photos from my right to my left
24 this time.

25 Number 32. Same perspective. Turned

1 from the northwest corner looking almost directly
2 east.

3 Number 33. Same perspective again,
4 18 to 35 millimeter lenses. I just zoomed in that
5 perspective to give you an idea what we were looking
6 at farther down the street.

7 **Q** (By Ms. Alizadeh) So you didn't actually
8 walk closer to that scene?

9 **A** No, ma'am. Just zoomed in from the
10 previous perspective.

11 Number 34, the first group of
12 pictures were what we refer to as my overall photos
13 of everything. Now is when I would typically start
14 taking my individual photos of items of evidence.

15 **Q** Okay. So can you describe what number is
16 this, 34?

17 **A** This is number 34, yes.

18 **Q** What is this picture and why you took it?

19 **A** Okay. As a procedural thing, if I'm going
20 to do my evidence in order, you can see now you will
21 see the yellow evidence tents are placed down
22 throughout the scene. In particular number one. In
23 a perfect world, you would take a photograph of
24 evidence number one, you move to number two, number
25 three just to keep everything in order and that's

1 the order that we find things. There is not
2 necessarily a rule or law that says the item that
3 you see first has to be number one and everything
4 has to go in order.

5 It could very well, for instance, in
6 this scene, if I marked number one and number three,
7 or that's number two there, I could mark 1 through
8 30 and then when we're getting ready to go find a
9 shell casing on the other side of number one and
10 have that be evidence item number 31. So it is not
11 necessarily in the physical space things are
12 numbered, they are numbered how we find them.

13 Q So during the first series of photographs
14 that we've seen and that was kind of your
15 walk-through of the scene?

16 A Yes, ma'am.

17 Q Did you take a break and then place
18 placards in areas or were those placards visible in
19 your earlier photographs?

20 A No, they are not visible in the overall
21 photographs. The overall photographs I take right
22 after the video is done to show an overall view in
23 pictures, not just video, of what the scene looks
24 like when I arrived.

25 Q So after you've got done with the overall

1 walk-through photographs.

2 **A** Yes, ma'am.

3 **Q** Is that when you then go through the scene
4 and put placards down?

5 **A** At that point I would walk through and
6 placard items that I know our evidence. Things that
7 are pointed out to me that were noted by the traffic
8 cones first responding officers put down that they
9 saw, and I would put my placards there on those
10 pieces of items.

11 During that time you may notice
12 another shell casing or something else and, of
13 course, we would placard that. Once those things
14 are placard, we start taking our overall photos and
15 close-up of each placard.

16 **Q** These items that have a placard, and I
17 think maybe you can see that that is number one
18 there, does that correspond with your diagram where
19 you have a number one with a circle on it?

20 **A** Yes, ma'am.

21 **Q** At this point after having documented
22 these placards and you said you took measurements at
23 a later time, those items that are numbered are
24 depicted on the diagram?

25 **A** Correct, on the diagram. All the little

1 bubbles you see, and that's not the best copy of it,
2 but all the small circles that you see have a number
3 inside of them denoting that item of evidence and
4 its location at the scene.

5 Q And then the legend that's attached to
6 that diagram would tell you what number one is?

7 A Correct.

8 Q Okay. And so number one here by the tire,
9 of the front left tire of Darren Wilson's vehicle,
10 what is that?

11 A I don't have my list. I'm not sure, is it
12 a bracelet?

13 Q Here, is this yours?

14 A It is a black and yellow bracelet.

15 Q And then this thing right here, number
16 two, what is that?

17 A A red baseball cap.

18 Q Number three?

19 A A spent .40 caliber shell casing.

20 MS. ALIZADEH: Any questions so far?

21 : . Number
22 five is another black bracelet?

23 A Yes, ma'am.

24 Thank you.

25 A Okay.

1 :

2 **A** Yes, sir.

3 When you, I guess, put the
4 placards down.

5 **A** Correct.

6 Was there anything that
7 you found on your own or was everything already
8 marked?

9 **A** No, there were several items that I found
10 on my own afterwards.

11 .

12 **A** Yes.

13 You said that three and
14 four were .40 caliber spent casings, on the list it
15 says Federal, what is meant by Federal?

16 **A** Federal is a brand name. Federal is the
17 name of the brand that is actually stamped on the
18 tail end of the bullet.

19 Okay.

20 MS. ALIZADEH: Any others? Okay.

21 **A** Image 35.

22 MS. ALIZADEH: Any time you want to take a
23 break or stand up, feel free to do so.

24 **A** The previous image was kind of an overall
25 view of the several placards that you could see. So

1 in the previous image you saw what I would term
2 overall view. This would be an intermediate view
3 kind of referencing where in space placard number
4 one is, you can still see the driver's front wheel
5 of that.

6 Image 36. This would be the close-up
7 view of item number one. This is a hard plastic
8 placard that's number one, that has a scale printed
9 on it to show size. And that's the black and yellow
10 white bracelet.

11 Q (By Ms. Alizadeh) Now at this time, do you
12 know if that bracelet has anything to do with your
13 scene or the incident?

14 A No.

15 Q You are photographing things, you're not
16 sure what involvement they may, they may have direct
17 relation to the incident, they may have no relation
18 to the incident?

19 A Correct.

20 Image 37.

21 Q Can you twist it?

22 A Yes. This would be the overall view that
23 I would show starting to zoom in on item number two,
24 again, giving reference in space how it is located
25 to Darren Wilson's vehicle.

1 MS. ALIZADEH: I will tell all of you that
2 when it comes time to you actually looking at the
3 photos, they are not as blurry as what you are
4 seeing up here.

5 A Thank you for clarifying that. I do take
6 better photographs than that.

7 Image 38. This would be the
8 intermediate view of evidence item number two.

9 Image 39. I think we spoke about
10 this yesterday, the evidence item placard number two
11 has an asphalt mark, tar mark in the middle of the
12 placard. Has nothing to do, this is showing
13 evidence item number two, just happened to be there
14 in the photograph.

15 Q (By Ms. Alizadeh) This thing here to the
16 right?

17 A That is the traffic cone that was in place
18 prior to my arrival marking the location of that
19 piece of evidence.

20 Q So you don't remove the traffic cones when
21 you are doing this?

22 A No, ma'am.

23 . Had that
24 traffic cone not been there, would have placed that
25 placard to the right side of the cap then?

1 **A** Probably.

2 Okay

3 **A** I try not to move anything when I'm
4 placing my placards.

5 Okay.

6 **A** Image Number 40. We were going towards, I
7 think that's item number three, again, my overall
8 view showing space where it is located on the
9 driver's side.

10 Image 41, intermediate view of item
11 number three.

12 Image 42, would be my close-up view
13 of item number three, which again is the spent .40
14 caliber Federal shell casing.

15 **Q** (By Ms. Alizadeh) Now, let me ask you a
16 question. I want to clear up something, some people
17 might perceive, are you in any way saying that that
18 was the third shot fired by giving that number
19 three?

20 **A** No, ma'am.

21 **Q** Are you able to determine when you are
22 collecting these shell casings in what order these
23 shell casings were fired out of a weapon?

24 **A** No, ma'am.

25 **Q** So each little shell casing doesn't come

1 with a number on it that you put in your magazine in
2 a numeric way?

3 **A** No, they do not.

4 **Q** It would help you if they did, correct?

5 **A** Tremendously so. These things, the
6 numbers, the placards in any of my photos and most
7 anyone they have nothing to do with the order in
8 which things were done during a crime. They are
9 specifically the order in which we found that piece
10 of evidence, and the number that's assigned to it is
11 just to help us determine which piece of evidence it
12 is. Has no other chronological significance.

13 **Q** So in your report you refer to that this
14 is evidence item number three in the envelope it is
15 packaged in, it is denoted as evidence item number
16 three?

17 **A** Yes, ma'am.

18 **Q** With a description?

19 **A** Correct.

20 **Q** So it keeps that number?

21 **A** Yes.

22 **Q** This shell casing that you photographed is
23 still number three, your evidence item number three?

24 **A** It is my evidence item number three.

25 **Q** Okay.

1 : I don't know
2 too much about guns and stuff like that, so from
3 that shell casing, where is the front of the bullet,
4 where is the back of the bullet, can you tell me
5 what direction it is facing?

6 MS. ALIZADEH: Let me clarify something
7 here. We will have ballistics people, let me ask
8 you detective, are you trained in firearms?

9 **A** Yes, I am a firearms instructor for our
10 police department.

11 Q (By Ms. Alizadeh) So you feel that it is
12 within your expertise to talk about, this is called
13 a cartridge; is that right?

14 **A** Casing.

15 Q A casing. You are able to answer her
16 question, you feel comfortable doing that?

17 **A** Yes, ma'am, I can do that.

18 Q Okay.

19 **A** As far as the direction the bullet is
20 facing, I can't tell you, but as far as what you
21 would determine the front would be where the actual
22 bullet itself would come from, would be this hollow
23 end of the shell casing.

24 : . You
25 talked a second about how that happens, how a

1 handgun goes through that process, how casings are
2 ejected, it doesn't happen every time they fire a
3 bullet. How far do you think they might travel,
4 anything about that for people that are not familiar
5 with that? You might want to address that.

6 MS. ALIZADEH: You know what, I would like
7 to talk about in answer to your question is his
8 familiarity with cartridges and shell casings and
9 projectiles and firing pins because he can testify
10 about that, but as far as like how they're ejected
11 from a particular gun, how far they travel, I
12 believe we had this conversation before today, you
13 feel that is outside of your area of expertise?

14 **A** Far outside.

15 MS. ALIZADEH: If you want to ask him
16 questions about how, what the components what we
17 normally think of is a bullet what are the
18 components, what happens to it when it is fired, I
19 think he can answer that.

20 Just to rephrase, one of
21 these casings is ejected every time this weapon is
22 fired, this particular weapon is fired, correct?

23 **A** If it functions properly, correct.

24 All right.

25 MS. ALIZADEH: Any other questions?

1 . Are we also to
2 expect all of these listings for a casing are from
3 Officer Wilson's gun at the time.

4 MS. ALIZADEH: We will have testimony that
5 will talked about their comparison. As you recall
6 he talked about taking items of evidence to the lab
7 and our laboratory has a ballistics section. So at
8 some point you will hear about the testing that they
9 did and they will refer to this as evidence item
10 three, but to make it even more confusing for you,
11 the lab will give it it's own number. It will be
12 like Q7 or something.

13 But there will always be paperwork to show
14 that this shell casing right there was picked up by
15 this officer and put in an envelope and it is
16 forever his evidence item number three. It might
17 have another lab number that the lab uses and then
18 someone who is going to testify about what they did
19 with this and what conclusions they draw from their
20 examination.

21 Okay, thank you.

22 **A** Image 43. This would be my overall view
23 of evidence item number four, which is down here in
24 the lower part of the photo.

25 **Q** (By Ms. Alizadeh) This is Darren Wilson's

1 vehicle?

2 **A** Correct, you can still see the placards
3 for one, two and three.

4 **Q** Okay.

5 **A** Image 44. In the previous image I was
6 standing on the southern side of the road looking
7 north, and you can see item number four.

8 What they typically will do again in
9 a perfect world is you always try to angle your
10 placards all facing the same direction. So if you
11 are standing in the middle of the road, you can see
12 the number of each one because they are basically a
13 triangle. And turned to the side you can't see what
14 number it is on.

15 So in this photo all I did was turn
16 or moved to my left a little bit so you can see the
17 front of the evidence placard.

18 **Q** Can I ask you, and you can see it also in
19 Image Number 43, and you can kind of see it in this
20 image, but there is a thing that's down here that's
21 yellow?

22 **A** I believe that is actually a knotted up
23 piece of crime scene tape.

24 **Q** So that's not a placard?

25 **A** No, ma'am, it is not a placard. I believe

1 initially that was laying down somewhere around here
2 near this item number four, which is another shell
3 casing. When and/or something moved or threw it
4 down on the sidewalk.

5 Q So that yellow thing right there has no,
6 as far as you know, no evidentiary value?

7 A Correct.

8 Q You didn't seize it or package it?

9 A No, ma'am.

10 Q Okay.

11 A Image 45. Close-up view of item number
12 four, another spent shell casing.

13 Image 46. I've now moved over to the
14 northern side of the street and this is my overall
15 view of evidence item number five.

16 Again, in a perfect world, the
17 attempt is made to photograph items of evidence in
18 the order that I find them.

19 Image 47. Intermediate view of
20 placard number five.

21 Image 48. Clarify this as again
22 another intermediate view. You can still see part
23 of Darren Wilson's police car, be it that may be a
24 running board somewhere at the bottom of his
25 vehicle, again, placard number five.

1 Image 49. Close-up view of the
2 vehicle, the bottom of the vehicle can no longer be
3 seen. My evidence placard and then a black beaded
4 bracelet.

5 Image Number 50. This, looking at
6 the next photo, this is an overall view of evidence
7 item number eight, I think the last one we had was
8 number five. Again, the ideal world you can
9 photograph everything in sequential order. I
10 believe items number six and seven were farther down
11 the street. So at the time that this photo was
12 taken, I didn't want to move down the street and
13 then move back. Eight and nine were right in front
14 of the car.

15 I stayed in this area to continue
16 with the photograph, this overall view. What we are
17 looking at here is a red stain on the driver's door.

18 Image 51. You can see this is what
19 we would use as a placard. There is some adhesive
20 removable stickers that are numbered one through
21 zero or one through nine and zero that we can make
22 combination of numbers. Obviously, this is
23 something that we would typically stick on a vehicle
24 or a window or something that we can't stick a
25 placard onto, just to number in our photographs as

1 evidence item number eight. It is denoting a red
2 stain below that.

3 52, Image 52. This would be the
4 close-up view and again, it is not in focus with the
5 projector, but you can see that the placard number
6 eight is there, it has a small scale and items of
7 this nature. We would typically insert my own
8 visual scale in the photo to show size and shape of
9 whichever item I'm photographing at that time.

10 Q Now, Detective all of these systems
11 so far that you've testified about are all things
12 that you at some point picked up and put them in an
13 envelope and packaged them, correct?

14 A Yes, ma'am.

15 Q So this is a red stain that is on the side
16 of a vehicle, correct?

17 A Yes.

18 Q Did you seize that?

19 A I did.

20 Q And how do you seize something like that?

21 A This particular piece of evidence, we call
22 it a red stain, it was actually kind of, I don't
23 want to use the term fleshy, but it wasn't like a
24 liquid. I was actually able to seize that with a
25 pair of tweezers.

1 **Q** So that red thing just kind of peeled off
2 the car?

3 **A** It came off completely, yes.

4 **Q** And you packaged that substance or
5 whatever it was?

6 **A** Yes, ma'am.

7 **Q** Was, in your experience with working with,
8 for example, you know, blood stains or blood
9 spatters, did it appear as if it was a blood droplet
10 or spatter?

11 **A** No.

12 **Q** So it was something else?

13 **A** Something else.

14 **Q** All right.

15 **A** Image 53. Overall view, what this is
16 looking at this is obviously, not obviously, still
17 the driver's side of the vehicle, rear passenger
18 door, the rear tire here. You can see the placard I
19 put on there. Again, was an adhesive sticker for
20 number nine. It is covered up partially by the
21 police crime scene tape that was applied by Ferguson
22 prior to our arrival.

23 **Q** So to find that item number nine, you
24 actually lifted up the crime scene tape to look at
25 the vehicle, but then once you placed a placard on

1 the car, you put the crime scene tape back where it
2 was?

3 **A** Yes, ma'am.

4 **Q** So you did move something on the crime
5 scene, but only to search for evidence?

6 **A** Yes, ma'am.

7 Image 54. You can see this
8 photograph, crime scene tape is no longer there and
9 basically what's happening is I am holding the crime
10 scene tape up with my left hand and taking the
11 picture with my right hand.

12 **Q** And what is Exhibit 9 or what is your item
13 number?

14 **A** Number 9 is a red stain on the exterior of
15 the driver's side rear door.

16 **Q** Okay. On the driver's side rear door?

17 **A** Yes, ma'am.

18 **Q** It is a four door vehicle?

19 **A** Correct. A lot of times people use left,
20 right sided vehicle, that often still confuses me.
21 I use driver and passenger side.

22 This would be a close-up view of the
23 red stain on the driver's side rear door. Again,
24 adhesive sticker, and the evidence below it.

25 Image 56, this would be the previous

1 photo was shot more at an angle or somewhat of an
2 angle. This you can see the crime scene tape, I can
3 no longer hold it up with my left hand and hold my
4 scale and tape. So I pushed it down below the item
5 of evidence so I can again put my scale into the
6 photograph so you can show the size and shape of the
7 red stain.

8 Q Now, did you seize that item number nine?

9 A Yes, this particular piece of evidence
10 appeared to be some type of dried liquid. I was
11 able to collect it with a DNA swab.

12 Q So do you have swabs that you carry in
13 your van?

14 A Yes, ma'am, sterile swabs from the
15 manufacturer, sterilized water that we use to wet
16 it. It is oversized professional Q-Tips. We wet
17 the end of it, that piece of evidence we were able
18 just to collect it with a Q-Tip and put it into a
19 package and submit it.

20 Q The entire time you are at the crime
21 scene, are you wearing latex gloves?

22 A Yes, 90, 95 percent of the time if I'm at
23 my van doing paperwork, it is not always easy to
24 write paperwork, but any time I leave my van,
25 majority of the time between collecting different

1 items of evidence, you change gloves between those
2 items.

3 Q So the tools that you use to collect this
4 are in a kit that the police department purchases
5 from a company, correct?

6 A Our crime lab.

7 Q Your crime lab?

8 A Yes.

9 Q They are sterile?

10 A Yes.

11 Q They are specifically for the purpose of
12 collecting items that might be analyzed for DNA at a
13 future time?

14 A Yes, ma'am.

15 Q So no one else's DNA would have been on
16 that Q-Tip prior to you opening that package and
17 then rubbing, you said wet the Q-Tip with sterile
18 water?

19 A Yes, ma'am.

20 Q And then you basically rub it on that
21 stain?

22 A Correct.

23 Q In essence, is it somewhat, it then
24 changes that stain, correct?

25 A It does. Generally the stains that are

1 that small, the stain is gone when we collect it.

2 **Q** Okay.

3 **A** Obviously outside of microscopic traces
4 that would still be left on there, to the naked eye
5 I took that stain off of there.

6 **Q** And then regarding evidence item number
7 eight, the substance that you removed with tweezers?

8 **A** Yes, ma'am.

9 **Q** The tweezers that you use, are those
10 also --

11 **A** Again, supplied by our crime lab,
12 sterilized individually packaged, they came out of
13 the same DNA kit.

14 **Q** You open up those?

15 **A** One time use.

16 **Q** You throw them away when you're done?

17 **A** Yes, ma'am.

18 MS. WHIRLEY: Sheila Whirley. What do you
19 do with those items like number eight and number
20 nine that you seize once you seize them, what do you
21 do with them?

22 **A** Number eight, since I was able to take it
23 off with as a whole with tweezers, it was put on a
24 piece of what we refer to as wax paper, kind of wax
25 paper. This is in our sterilized kit. It is folded

1 so it doesn't get lost. And that folded piece of
2 wax paper is then placed inside of a coin envelope
3 and that envelope is sealed.

4 Item number nine, since we use
5 Q-Tips, we have these basically long Q-Tip boxes and
6 again, they are provided by our crime lab. They
7 come from a sterile environment, they are inside our
8 DNA kit. You don't handle them without gloves.
9 Each individual swab, be it a touch DNA swab or
10 swabbing of a red stain or buccal swab to collect
11 someone's DNA goes into its own individual swab box.

12 MS. WHIRLEY: And then what do you do with
13 it?

14 **A** Once they are in the swab box, they go in
15 an evidence envelope.

16 MS. WHIRLEY: For the purpose of?

17 **A** Sealing that as my piece of evidence and
18 taking it to the crime lab and keeping it as sterile
19 as I can.

20 MS. WHIRLEY: Thank you. That was all.

21 MS. ALIZADEH: Okay.

22 **A** 57. This is a series of photos that I'm
23 attempting to show the driver's side mirror being
24 pushed outside of its natural position. This is
25 something that was brought up as part of the

1 investigation just because we were told that there
2 was a struggle in and/or around the police car.
3 This was an item of evidence like hey, that mirror
4 may have been pushed during the struggle. You make
5 sure to note that in your photos.

6 Q (By Ms. Alizadeh) So this would be an
7 example that somebody had pointed out this may have
8 some relevance to the actual incident and so go
9 ahead and photograph that and document it?

10 A Yes, ma'am.

11 Q So the mirror on that police car, is it a
12 mirror that can move? You don't break it by moving
13 it?

14 A No, it is not broken, it is like many new
15 cars nowadays, it swivels and moves front to back.

16 Q If you are sitting in the driver's seat,
17 the mirror is pushed forward to the front of the
18 vehicle?

19 A Correct.

20 Q If you are sitting in the driver's seat,
21 you can't use that side mirror at that point to
22 check?

23 A No, you would not be able to see that.

24 Q All right.

25 A Image 58. Intermediate view, same

1 driver's side mirror pushed to the front.

2 Q And this thing right here, what's that?

3 A That would be the spotlight that's
4 accessible from the driver's side you operate with
5 your left hand.

6 Is that mirror intact or
7 is it broken?

8 A It is intact. The next photo is a little
9 bit closer up so you can it.

10 : . Is the driver's
11 side window open or closed, I've haven't been able
12 to tell in the photos?

13 A It is not there right now, it is down.

14 It is open.

15 MS. ALIZADEH: Did you determine that the
16 window was broken?

17 A It had been broken out.

18 Q (By Ms. Alizadeh) The driver's side window
19 is broken and there is no glass in the door frame of
20 the driver's side window; is that correct?

21 A Correct.

22 Q And then --

23 A Actually, the glass, the broken glass is
24 still within the door frame itself, but as far as
25 intact window that would be able to roll up and roll

1 down or be halfway up is not there.

2 To clarify there is no
3 glass fragments outside the car or inside the car,
4 it was all contained within the vehicle.

5 **A** No, we talked about this. There is
6 definitely glass inside the car. You can see broken
7 glass in the seat and the floorboard. To my
8 knowledge, I do not remember glass outside of the
9 car.

10 Image 59, it is much clearer than the
11 actual photograph, it is a closer up view of that
12 mirror. You can also see item number eight is still
13 on the car as of this time.

14 Image Number 60. Several things you
15 can see in this video again, it is still --

16 **Q** (By Ms. Alizadeh) Photograph?

17 **A** I did say video. Image, you can see in
18 this image, you can still see the crime scene tape
19 is there. Evidence item number eight with the
20 placard or sticker is still next to it. Nine, I
21 believe, is now underneath this crime scene tape.
22 What we are focusing on in this photograph is a
23 defect to the exterior side of this door.

24 Image 61, intermediate view of the
25 same defect. This would be the handle to the

1 driver's side front door. It is just below.

2 Image 62, a view straight on to the
3 defect with my scale in the photo to show size and
4 shape.

5 Q (By Ms. Alizadeh) Let's back up here for a
6 second. I think you need a break, he's the one
7 whose fingers are flying a million miles an hour.
8 Let me just finish up talking about this and we can
9 take a little break for sure and everybody else can
10 get up and take a break.

11 So this defect that's on the outside
12 of the driver's door or Officer Darren Wilson's
13 vehicle.

14 A Yes, ma'am.

15 Q And so this door is metal, correct?

16 A Yes.

17 Q Can you describe what that defect appears
18 or looks like to you, not what you concluded it is,
19 but describe it?

20 A For lack of a better term, this is convex,
21 it is coming out of the vehicle. It is not a dent
22 in the vehicle. And it is also, it is hard to tell
23 again what you are seeing up there.

24 It is not a stain that's on the
25 vehicle, you can tell that paint has come off of the

1 vehicle. Something from the outside or from the
2 inside coming out made that defect to the exterior.

3 Q And is there a hole, is there a hole in
4 what you are looking at there?

5 A From the outside of the vehicle?

6 Q From the outside of the car?

7 A No.

8 MS. ALIZADEH: Okay. Any questions about
9 this. Okay.

10 MS. WHIRLEY: Is there a hole from the
11 inside looking out?

12 A There is.

13 : Why is it
14 not notated on here?

15 A It is not a piece of evidence.

16 It isn't.

17 A The vehicle was taken as a piece of
18 evidence and processed at the crime lab by another
19 detective, but at the scene that's just a visual
20 note that I was taking. It wasn't a piece of
21 evidence that I could collect.

22 Okay. It is notated in
23 your paperwork?

24 A Yes, ma'am.

25 Okay.

1 MS. ALIZADEH: Okay. We'll take a break
2 here. Let me check on the timing of your lunch.

3 (Recess)

4 MS. ALIZADEH: This is Kathy Alizadeh. It
5 is 11:30, we just took about a ten minute break.
6 Detective is still testifying. Sheila
7 Whirley, she's left the room but everyone else that
8 was present when we began is still present in the
9 room.

10 I want to tell you that your food is
11 scheduled to be here at noon. is just going
12 to knock on the door when the food is here. At that
13 point, I will try to kind of finish up, if he's not
14 done, we're going to get to a part where I can make
15 a logical pause and you will be given your lunch.

16 It might seem like oh, let's go ahead and
17 eat while we are hearing testimony. One, you need a
18 break, I think it is good that you take a little
19 time for lunch, whether it is 30 minutes or an hour,
20 that's up to you.

21 Also, some of these photographs are not
22 going to be things you want to see when you are
23 eating lunch, of course. Ready to get started?

24 Officer , what is your next
25 photograph?

1 **A** Next photograph is Image Number 63. This
2 is again, what I took an overall photo and what we
3 are going to zoom in on is hand impression that is
4 on the rear of Darren Wilson's police car. This is
5 from east looking west on Canfield. This is my
6 crime scene van at the edge of the crime scene.

7 **Q** (By Ms. Alizadeh) Okay.

8 **A** Image 64, rear of the vehicle, the rear
9 glass of the vehicle. This would be kind of the
10 left side or driver's side of the vehicle on the
11 rear lift gate.

12 Again, it is hard to see from this,
13 not only this photograph but kind of this angle it
14 looks like a couple handprint impressions kind of on
15 the glass.

16 65. What I did in this image is I
17 moved just to my left a little bit to combat the
18 reflection of the sunlight, daylight that was there
19 to get a better image of what I was seeing in person
20 to describe what this is. It is not a bloody
21 handprint, it is not a muddy handprint, it would be
22 if the window was clean and somebody slapped a wet
23 hand on there and went down a dusty road, all it is
24 is a dust impression of a hand.

25 After I photographed this, almost

1 immediately a Ferguson officer, I don't know who,
2 came up to me because they noticed me photographing
3 this and were trying to figure out does this apply
4 to the scene? Does it not apply to the scene? I
5 had noticed it and considered I better document it.
6 After I photographed it, somebody came up to me from
7 the department and goes hey, just so you know,
8 Darren was told during roll car to get his car
9 washed because the sergeant saw the handprints on
10 the back window.

11 It was obviously deemed at that point
12 not of evidentiary value to us, but I had already
13 photographed it, so the picture shows what I took.

14 Q So had you thought that might have some
15 relevance, you would have maybe tried to lift a
16 print off of there?

17 A I would have done a number of things.

18 Q I don't want you to belabor it, you didn't
19 act any further on this handprint because it was
20 told to you it was there earlier in the morning?

21 A Correct. We did nothing other than the
22 three photos that you just saw.

23 Q Okay.

24 A Image 66, this is just an overall view of
25 the vehicle itself. I think if I remember the time

1 limit correctly, we were told that the tow truck was
2 close trying to gets its way down Canfield so we can
3 tow the vehicle away.

4 Image 67. Same thing. Just overall
5 image of the vehicle before we were getting ready to
6 tow it.

7 Image 68. Right before this image
8 was taken, my chain of events kind of got scattered.
9 I would have typically have continued photographing
10 the vehicle and then once it was towed I would have
11 taken a picture of where the vehicle was at right
12 after it had been removed.

13 Someone, I'm not sure who, be it
14 family member or someone in the crowd, had tore down
15 some crime scene tape and a few people ran into near
16 the crime scene. The decision was made then that we
17 needed to stop our order of events, how we typically
18 process a scene and we needed to get the body
19 photographed and get the body moved immediately.

20 Typically what you would see in the
21 beginning of the photographs were I had the overall,
22 the intermediate and close-up view of each
23 individual piece of evidence, that got thrown out
24 the window.

25 We not quickly ran down, but we had a

1 large crowd that had gathered now at the end of the
2 crime scene near Michael Brown. The apartment
3 buildings that you can see on either side, one in
4 the front, there is one obviously behind me where
5 I'm taking this picture. Those were filled with
6 residents on the three stories of the stairwells.
7 There were people on roofs, people had started to
8 line the crime scene from the side not being
9 blocked.

10 What we decided on doing is the
11 medical examiner, I think the fire department that
12 was there had sheets and some tarps that we were
13 going to use because the crowd at this point were
14 starting to chant, kill the police, numerous other
15 derogatory things towards everything about us. And
16 we fully expected another, I don't want to use the
17 term riot, but an outburst once we did uncover the
18 body and begin to move it.

19 We made the decision to use the
20 sheets and tarps the best we could to block the view
21 of everybody that was trying their best to get in
22 the crime scene and see what was going on.

23 Several officers that were there, I
24 would say probably 10 to 15 officers grabbed the
25 body screens, sheets, and tarps, and not just held

1 them on the ground, but held them up above their
2 heads because the apartment buildings were very
3 close to where we were at.

4 It is hard to really get a
5 perspective from this view how close those buildings
6 were to the scene. We had people on the third floor
7 apartments that could see straight down, and people
8 on roofs that could see straight down.

9 So we had people in close proximity
10 of the perimeter of that body holding screens to try
11 to block us while we're working and still trying to
12 protect the crime scene as well.

13 **Q** So this blocking maneuver I'll call it
14 that you did, was this done so that you were hiding
15 some of the things that you were doing or was this
16 done so you could avoid inciting the crowd with what
17 they see when you remove the sheet?

18 **A** It was strictly done to avoid any type of
19 emotional response that we were expecting to happen
20 when the body was uncovered.

21 **Q** You also refer to the medical examiner
22 being there?

23 **A** It was medical examiner field
24 investigator, not one of the pathologists.

25 **Q** Do you know which one it was?

1 **A**

2 **Q** So after this photograph, and you said
3 that you, it disrupted your normal course of order?

4 **A** Yes, ma'am.

5 **Q** So you can go ahead and talk about the
6 next image.

7 **A** 69. The first, the previous photo would
8 be the overall view, this would be just the
9 intermediate view of me stepping closer to the body.
10 Again, just kind of drawing your attention to what
11 we are getting ready to photograph.

12 Image 70. This image, obviously,
13 Michael Brown has been uncovered, the sheets have
14 been moved from here to this end of the body, you
15 can see now people's feet, which I would typically
16 just out of habit try to keep people out of my
17 photographs, but again, I'm standing in between
18 policemen now, kind of my back against, with the
19 scene secured and kind of collapsed down on top of
20 us to shield the public's eye.

21 Image 71.

22 **Q** Can you turn it?

23 **A** Yes, I'm sorry. Just like I would
24 normally do at the beginning of the scene taking
25 overall views from all the way around what I'm

1 trying to show you. I do the same thing with a
2 victim or Michael Brown.

3 So before I was standing over here on
4 the right side of the picture looking this way, now
5 I'm looking at his feet, I'm standing on the eastern
6 end looking to the west.

7 Image 72. Same thing, the previous
8 image I was standing probably on the double yellow
9 line, now I've moved slightly to the south and again
10 you can see the feet of the policemen that are
11 standing around holding the screens.

12 Image 73. I'm on the south side of
13 the street looking north and again just kind of an
14 overall intermediate view. This picture in
15 particular you can see that I cut off part of his
16 foot in the photograph.

17 **Q** You mean out of the frame of the
18 photograph?

19 **A** Out of frame, I did not cut part of his
20 foot off. In the photograph his foot is out of the
21 frame.

22 **Q** You see the white sheet is still above his
23 head?

24 **A** Yes. Image 74. Corrected the previous
25 photo by including his entire foot in the frame.

1 Image 75. An overall view, again, I
2 put in the center of the overall view kind of where
3 I'm going with the next information so this would be
4 in our processing of the scene. We do as many face
5 shots and identification shots as the body is found.

6 **Q** Now, when you are processing a death
7 scene, is it common place when you first see the
8 body and document it that there might be evidence of
9 medical intervention, people that might have been to
10 a scene and tried to provide medical aid to a
11 victim?

12 **A** Yes, ma'am, anything from people being
13 intubated with a breathing device, to clothes being
14 removed for CPR purposes, to just the simple EKG
15 type of devices attached to the feet to check to see
16 if there is a heartbeat.

17 **Q** In your experience in those circumstances
18 that when there is some type of medical
19 intervention, when the medical personnel are done,
20 they leave those devices at the scene?

21 **A** They do, yes.

22 **Q** Did you see any evidence of medical
23 intervention?

24 **A** No.

25 **Q** And his clothes didn't appear to have been

1 cut off or in any way moved or removed that you
2 could see where there would be leads placed on his
3 body?

4 **A** No, ma'am.

5 **Q** Okay.

6 **A** Image 76. Intermediate view Michael
7 Brown's shoulders and face.

8 Image 77. This would be the close-up
9 view.

10 Image 78. Again, an overall view and
11 in the center of the screen I see his right hand and
12 injury defect to it.

13 Image 79, what I would determine an
14 intermediate view of his right hand and the defect.

15 Image 80. Moving farther up the
16 right arm, that would be a defect injury to his
17 right forearm.

18 Image 81. This would be kind of
19 moving back again, as far as my perspective because
20 I'm starting to show the tattoo and injury to the
21 inside part of his right arm.

22 Image 82, image of the defect to the
23 inside of his right arm, all of these series of
24 photos I'm showing you. It is the body as it is
25 uncovered to me. He has not been moved, manipulated

1 with me or by any of the medical examiner
2 investigators.

3 Image 83. Photo of right arm again
4 showing visible tattoos that we can use for a
5 positive identification. If we have family members
6 that are there that can say oh, yeah, he has a
7 tattoo of this on his arm or this on his leg, stuff
8 they told us to look for that we can use for
9 identification purposes.

10 Image Number 84. Overall view and
11 what we're looking at here is tattoo on his left
12 arm.

13 Image Number 85. Tattoo on the
14 inside of his left arm.

15 Image Number 86. This would be a
16 view of Michael Brown's back. This is a standard
17 photograph that we take as part of every death
18 investigation, be it an overdose or child death or
19 anything else, we always show lack of injury as
20 well. So this is the medical examiner investigator
21 lifted up the back of his shirt just to show no
22 injuries were present there.

23 Image 87. This image is showing an
24 overall view specifically as to the location of
25 Michael Brown's left hand. These are again a set of

1 images that were requested by the detectives after
2 they had spoken with Darren Wilson and we kind of
3 had a brief, we had his first initial statement they
4 requested these photos as part of his statement. He
5 had said that Michael Brown had come back towards
6 his direction with a hand stuck into his waist band,
7 as if --

8 Q Don't speculate about what as if, this was
9 information that you got, not directly, from an
10 officer?

11 A I did not speak to Officer Wilson, I still
12 have not to this day.

13 Q This was a third hand?

14 A A detective that had spoken with him that
15 was now back at the scene giving us things to look
16 for.

17 Q This is the reason for the photograph, you
18 are not drawing any conclusions or assumptions from
19 that information, correct?

20 A Yes.

21 Q Now, in this photograph you can see yellow
22 lines that are around his extremities?

23 A Yes.

24 Q What's that for?

25 A As part of any scene, we talked about the

1 diagram that you guys have the placards are always
2 left in place even after we collect the evidence.
3 The last thing we do is diagram the scene part of
4 the diagramming of any death scene is where the body
5 position was.

6 Everyone has seen the old fashion
7 silhouette still laying on the ground, those are
8 paper and they move, particularly outdoor scenes.
9 We take chalk and we outline the location of the
10 feet, hands and head where we have those permanent
11 chalk marks, not permanent, but chalk marks on the
12 ground while we were there to measure his location
13 from after he is removed.

14 **Q** Those are marks that you make?

15 **A** Yes.

16 MS. WHIRLEY: And this is Sheila Whirley,
17 was Darren Wilson on the scene when you arrived?

18 **A** He was not.

19 MS. WHIRLEY: Okay, okay. You said you
20 investigated several police shootings?

21 **A** Yes, ma'am.

22 MS. WHIRLEY: Is that unusual for the
23 officer who is involved in the shooting to not be on
24 the scene?

25 **A** No, ma'am.

1 MS. WHIRLEY: That is pretty customary?

2 A It is a lot of protocol from many
3 departments is the officer that is involved
4 typically leaves almost immediately once they are
5 able to.

6 MS. WHIRLEY: Okay.

7 A Image Number 88. Intermediate view of the
8 location of his left hand and arm, or the position.

9 Q (By Ms. Alizadeh) This yellow right here,
10 that's not your chalk mark, is it?

11 A No, ma'am, that's the inside, that's the
12 yellow dividing line for the road. There should be
13 a chalk mark that we can kind of see here denoting
14 where his hand is.

15 Q Okay.

16 A Image 89. Outside of his shirt being
17 lifted up in the back by the medical examiner
18 investigator, this is the first time Michael Brown
19 had been moved. He was rolled onto his right
20 shoulder, again, showing the positioning of his left
21 arm.

22 Q And you were there when the medical
23 examiner rolled him onto his shoulder?

24 A Yes, ma'am.

25 Q Are you familiar with what rigor mortis

1 is?

2 **A** Correct.

3 **Q** Did you, do you believe that rigor mortis
4 had set in on the body of Michael Brown at this
5 point?

6 **A** Yes, ma'am.

7 **Q** And when the medical examiner --
8 MS. WHIRLEY: Medical investigator.

9 **Q** (By Ms. Alizadeh) Medical examiner
10 investigator turned him over, did his limbs stay in
11 the positions that they were when he was on his
12 front?

13 **A** They did, and you can see that not only
14 from the position of his arm, his leg is still up
15 and his head is not moved down.

16 **Q** So this is hand?

17 **A** I believe, is the blue glove.

18 **Q** Okay.

19 **A** The white glove is an employee of the St.
20 Louis Delivery Service, which is the company the
21 medical examiner's office uses to transport Michael
22 Brown.

23 **Q** So is this officer trying to place his arm
24 in a particular position by, in this photograph or
25 is that the way his arm was when he was rolled over?

1 **A** His arm stayed in that position from the
2 time he was rolled over until the time we rolled him
3 over onto his back.

4 **Q** Okay.

5 **A** Image 90. Previous to overall, this would
6 be an intermediate, again, showing the position of
7 his left hand.

8 **Q** And you did not witness anyone manipulate
9 that in any way did you?

10 **A** No, ma'am, other than just rolling him
11 onto his right shoulder.

12 MS. WHIRLEY: His hand, it seems like it
13 is balled up, this is Sheila Whirley, there was
14 nothing in his hand though?

15 **A** Not that I saw at the scene, no.

16 MS. WHIRLEY: Okay. And you would have
17 noted if there was something in his hand?

18 **A** Typically, yes. The body itself belongs
19 to the medical examiner. What we investigate on the
20 body at the scene is very minimal compared to what
21 they do at autopsies. If there was a knife sticking
22 out of his hand, something that is protruding, I
23 would have been able to see that and document that
24 if there was something clenched inside of his hand,
25 that is not something that we would pry his hand

1 open to see at the scene, that would be something
2 that is done after the body arrives at the morgue.

3 MS. WHIRLEY: I understand if there was a
4 weapon in his hand, you would have seen it.

5 A Yes, ma'am.

6 MS. WHIRLEY: And there was not?

7 A No.

8 Image 91. Michael Brown is now
9 rolled completely over onto his back. Again, you'll
10 see the overall photos of me walking kind of a 360
11 degree area around the body. The sheet that he's
12 laying on is not one of the sheets he was covered up
13 with, this is a new sheet, and lack of a better
14 term, body bag brought in by the medical examiner.

15 Q (By Ms. Alizadeh) This thing right here,
16 this blue thing right here?

17 A You will see that in, a couple of the
18 images, that is a handle for the bag to pick him up,
19 it is to assist in carrying people.

20 Q Okay.

21 Would the
22 old sheet that we was on, would this have been
23 collected as evidence as well?

24 A I was asked that yesterday. I did not
25 collect it, I can't say with certainty, but I am

1 assuming those type of things typically go into the
2 body bag and go to the morgue.

3 Image 92. Overall view of the
4 previous one was from like his feet looking towards
5 his head, this side view. Again, better image of
6 that blue material you see was a handle for the body
7 bag.

8 Image 93.

9 Q (By Ms. Alizadeh) Can you turn it?

10 A I'm sorry.

11 Q No, the other way, you're not on, turn it
12 around, there you go?

13 A Okay. Again 360 degree view from his head
14 looking towards his feet. Again, you can kind of
15 get perspective now the policemen that we had
16 blocking the scene.

17 Q You see those weighted sand bags along
18 here for the body screen?

19 A Yes, just like we saw in the previous
20 images at the beginning of my photos where that
21 weight was kind of left in the middle of the street.

22 Q Do you know what this is right here?

23 A I think that's another sheet that had been
24 used to cover him or part of it. There was more
25 than one sheet that had been used to cover him up.

1 **Q** All right.

2 **A** 94.

3 **Q** Can you turn it, the other way, there we
4 go.

5 MS. ALIZADEH: That means your food is
6 here. So maybe we'll try to finish with the images
7 of the body at the scene, six?

8 **A** Five more.

9 MS. ALIZADEH: And break for lunch, is
10 that all right with everybody?

11 **A** Again, just overall view of the body, kind
12 of the exact same position. This may be one of
13 those things where my camera clicked twice. I know
14 at this point there is some items sitting on his
15 stomach, this is where the investigator from the
16 medical examiner's office had removed some items
17 from his pocket to show what he had in his pockets
18 there.

19 **Q** (By Ms. Alizadeh) Now, is it typical at a
20 scene that do you ever go inside the pockets of the
21 deceased person?

22 **A** No, again, in the State of Missouri the
23 deceased body belongs to the medical examiner's
24 office in St. Louis County or to the coroner in
25 different counties, however they are titled. Body

1 belongs to them, that includes stuff that's in their
2 pockets, their clothing, everything.

3 We, myself personally, never touch a
4 body physically unless I'm at the autopsy and I'm
5 fingerprinting the deceased or anything like that.
6 But as far as searching of the body, that is
7 strictly done by the medical examiner investigator.

8 Q Were you present when the investigator
9 searched the body of Michael Brown?

10 A Yes.

11 Q Did you see him remove items from his
12 pockets?

13 A I did.

14 Q Did you see him place the items on, I
15 guess, I would say the belly of Michael Brown?

16 A Yes.

17 Q Is that something that's typically done
18 that the items were placed on the deceased body?

19 A Given space and time, they are either
20 placed on the body or if it is a large amount of
21 things they would be placed directly next to him
22 where I would photograph him and those items are
23 just returned back into the pockets of the deceased.

24 Q Okay.

25 A Image 95. Again, identification purpose

1 photos, he's now been rolled over the other side of
2 the face is what I photographed before because this
3 was the size that was down against the pavement. So
4 now I'm taking my overall intermediate views of the
5 side of the scene.

6 Image 96. Intermediate view of
7 Michael Brown's face.

8 Image 97. Just like on his arms in
9 the previous photos where I did the overall
10 intermediate close-up views of any visible defects
11 or injuries. This is close-up view of a visible
12 defect and injury to his face.

13 **Q** Now, can you tell me what portion, I mean,
14 the bridge of his nose?

15 **A** The bridge of his nose, this would be his
16 left eye.

17 **Q** Okay. And you're standing above his head?

18 **A** Directly above him pointing my camera
19 straight down.

20 Image 98. Intermediate view of items
21 removed from his pocket by

22 And Image 99 would just be a close-up
23 view of those items.

24 **Q** Now, did you seize those items?

25 **A** No, ma'am, I did not.

1 **Q** And that's because you said these items
2 belong to the medical examiner's office because they
3 were on the body?

4 **A** Correct.

5 **Q** Did you handle them in any way?

6 **A** No, ma'am. Image one --

7 **Q** Let me stop here. The items that were
8 photographed on Michael Brown, did you observe
9 put those items back in the pockets?

10 **A** Correct, yes.

11 **Q** Where he got them out?

12 **A** I did.

13 **Q** I think we are done.

14 **A** He's been moved now.

15 MS. ALIZADEH: So we'll stop right now for
16 you guys to have lunch, okay. I would just, I'm
17 going to take the photographs that we haven't
18 discussed with me, these I'm going to leave here.
19 Do what you will, but these have already been, you
20 know, looked at by you. I would suggest that you
21 just have a lunch and not go over any of this stuff,
22 but if you desire to do so, they are here, okay?
23 And let you take that.

24 And it is 12:33 approximately, and we will
25 break for lunch. Why don't you guys let

1 know.

2 MS. WHIRLEY: It is 12:05 p.m.

3 MS. ALIZADEH: Okay, sorry about that.

4 (Recess)

5 Q (By Ms. Alizadeh) So Officer or
6 Detective this is a continuation of your
7 testimony from this morning.

8 A Yes, ma'am.

9 Q So you are still under oath, you
10 understand?

11 A Yes, ma'am.

12 Q And so we're going to resume again with
13 the remainder of the photographs that you took
14 during your investigation of the crime scene.

15 So you can resume with the next
16 photograph?

17 A Image Number 100. This is a standard
18 photo that we take during any death investigation
19 photograph of where the body was after it had been
20 removed by medical examiner personnel.

21 What you can start to see in this
22 photograph are again the chalk markings we put in
23 place while the body was still there for our
24 measurement points. Also you can see an evidence
25 placard here again, once we collect evidence, the

1 placard is left in place for us to measure and
2 diagram from later.

3 **Q** Now at this point, have you collected all
4 of the evidence?

5 **A** At that point we had collected everything
6 that we had found. I had mentioned before in an
7 ideal world you see the overall, intermediate and
8 close-up view of each individual piece of evidence.
9 The shell casings, projectiles and some other items
10 of evidence that were around the body in the chaos
11 of the gunshots being fired near us, people tearing
12 down our crime scene tape and coming in, those shots
13 were missed, the photographs, the images, I'm sorry,
14 were not taken prior to us picking up those items of
15 evidence. We got them out of there to protect those
16 pieces of evidence and just didn't get photographs
17 of them.

18 **Q** But you did document them in your diagram,
19 correct?

20 **A** Yes. The last photo, the previous one
21 that was up there you can see the evidence placard
22 is still there. You will see it in some of the
23 following photos too, you will see the yellow
24 evidence placard still in place.

25 Item of evidence won't be sitting in

1 front of it, but the placard is still where the item
2 was located for measurement purposes.

3 Q Now, something that we talked about this
4 morning, and you and I had a brief conversation out
5 there about something that you recalled, I asked you
6 earlier when you were photographing the body of
7 Michael Brown up close and going to start moving the
8 body, uncovering it and moving it, you had officers
9 that were shielding you with sheets and tarps?

10 A Yes, ma'am.

11 Q And the body screens that you call them?

12 A Yes.

13 Q I had asked you if that was done to
14 conceal what you were doing from public view and so
15 that people wouldn't see what you were doing?

16 A Right.

17 Q And you had described that's not the
18 purpose for why you were being shielded, was there
19 any civilians who were allowed inside that shielded
20 area once you uncovered the body of Michael Brown?

21 A Yes, after we had put the shields up, the
22 tarps and the sheets to block the outside people
23 looking in from above our vantage point, Michael
24 Brown's father, Michael Brown, Senior was allowed
25 inside the crime scene and actually inside the group

1 of tarps to witness and observe what we were doing.

2 That served multiple purposes,
3 primarily to provide positive identification. Would
4 be no different from any other homicide scene where
5 we would have a family member provide us with
6 identification once we do go in and uncover the body
7 and everything else, just like the photographs that
8 I showed you of the tattoos on his arms, those were
9 things that the family told us to look for when
10 identifying him, but it served no other purpose than
11 letting him observe what we were doing and give us
12 positive identification of his son.

13 Q He wasn't allowed to touch anything in
14 that inner circle as you called it?

15 A No, ma'am, he stayed basically on the
16 inner perimeter that we had created.

17 Q Did he positively identify the body in the
18 street as his son?

19 A Not to me personally, but to the detective
20 he was with, yes.

21 Q Did he remain in that perimeter for the
22 duration of the time that Michael Brown's body was
23 on the street?

24 A Yes.

25 Q And after he was removed by the delivery

1 personnel, did he then leave the scene?

2 **A** He did, left the inner perimeter.

3 **Q** Right, okay, you can continue with the
4 next photograph.

5 **A** Image Number 101. Same thing as before
6 showing the 360 degree views of what we're looking
7 at. Again, chalk marks on the ground that are
8 labeled right foot, left foot, see the chalk marking
9 there for the right hand and here for the left hand.

10 Image 102. Same thing as before,
11 north side of the street looking south again, feet
12 and hand chalk markings. A couple things you can
13 see in this photograph are number one, a pile of
14 blue tarps on this side. Those are some of the
15 tarps that we used to shield the view of the public
16 that was around us. Wrapped up in there are some
17 white sheets that were used as well to shield the
18 views, not the ones that I know of that were used to
19 cover the body.

20 Also things that you see in this
21 video here are, image right here is a box that we
22 use to hold our placards and a large 250 foot yellow
23 measuring tape. Just things we were getting ready
24 to do the diagram of the scene.

25 Also you can see in this photo these

1 placards over here next to the different cones,
2 those are placards that again don't have any
3 intermediate or close-up views of the evidence item
4 that they were marking the other side, the placards
5 were left in place for diagram purposes.

6 Image 103. Same angle as before,
7 just an intermediate view of the chalk marks and
8 where Michael Brown's body and everything. It is
9 hard to tell, that is an initial for RH, the right
10 hand.

11 . Officer
12 all of the casings were retrieved?

13 **A** Yes, I'll show you the rest of them when
14 we get towards the end.

15 Number 104. Close-up view. Again,
16 in the actual photograph it shows that is an R and
17 that is an H, just denoting our chalk mark of which
18 body part is shown.

19 Image 105. Again, chalk marks for
20 the bottom and the feet, LF left foot, RF for right
21 foot.

22 Image 106. Closer image of the same
23 left foot and right foot chalk marks.

24 **Q** (By Ms. Alizadeh) Let me ask you because
25 and again, it is not as clear up on the screen, but

1 we talked about yesterday that, for example, what is
2 that thing right there?

3 **A** Oh, you will see this in a couple other
4 ones, that is a cigarette butt. On the street in a
5 couple images that you will see and a couple more
6 slides, you will see other cigarette butts within
7 the scene. Those were deemed as not evidentiary,
8 they were cigarette butts and trash that litter this
9 entire street.

10 Some scenes, obviously, those are
11 important DNA evidence, this scene there is no part
12 of the case up and even to this point where at the
13 scene we knew or thought that a cigarette butt had
14 anything to do with the incident.

15 **Q** So you didn't collect any cigarette butts?

16 **A** No, ma'am.

17 **Q** They were just there?

18 **A** They were left at the scene.

19 . Were
20 there any droppings between the officer's car and
21 the body?

22 **A** What type of dropping?

23 Blood droppings?

24 **A** No.

25 **Q** (By Ms. Alizadeh) There wasn't?

1 **A** No. I walked from my crime scene van to
2 where the body was that day no less than 50 times.
3 Along with the other three detectives, my detective
4 sergeant and countless other crimes against person
5 homicide detectives, and no one saw any, no one
6 noticed any, we looked, nothing was ever found
7 between the officer's car and where Michael Brown
8 was.

9 : . What's
10 the distance between the police car, the officer's
11 car and the body, do you know?

12 **A** 153 feet 9 inches. It is noted on your
13 diagram. If you look on your diagram.

14 MS. ALIZADEH: Page two of your diagram.

15 **A** Page one.

16 MS. ALIZADEH: All right.

17 **A** It is noted in the drawing you will see
18 the bottom line on Canfield and you will see the
19 number 152 feet 9 inches noted in there, that is the
20 distance between the driver's front wheel of Darren
21 Wilson's police car and Michael Brown's head
22 location. That's the distance between the two. And
23 that measurement was taken specifically from a
24 baseline measurement of where Michael Brown's head
25 was located when we marked it and where we marked,

1 chalk marked the officer's tire of his car, that's
2 how we came up with that.

3 The position that you
4 find Mr. Brown face down?

5 **A** Yes.

6 Was looking to the police
7 car?

8 **A** Correct.

9 Thank you.

10 **A** Sure. Image 107. 107, again another
11 overall view. Overall picture of the chalk mark
12 where the left hand was at. Again, another evidence
13 placard here with no evidence next to it, just
14 marking the location of where it was collected.

15 Image Number 108. Close-up view that
16 is an L, that is an H with an indicator line and
17 this is the position of his left hand again,
18 cigarette butt that was left at the scene, just
19 happen to be in this image.

20 Image 109. Just so I can figure out
21 where I'm at. At this point in the investigation
22 another crime scene detective had seized Darren
23 Wilson's firearm. Up to this point we had no idea
24 of knowing how many rounds he had fired. We were
25 given the number and the number we had recovered at

1 the scene did not match the number that were missing
2 from his gun.

3 Q (By Ms. Alizadeh) So let me stop you
4 there.

5 A Yes.

6 Q His weapon was seized and we will hear
7 testimony by other officers, you were told that his
8 weapon was seized and that it was checked to see how
9 many, you're familiar with his weapon?

10 A Yes, ma'am.

11 Q And it is?

12 A A Sig Sauer.

13 Q It is a semiautomatic?

14 A Yes.

15 Q It is the type of weapons that ejects
16 casings when fired?

17 A Correct.

18 Q It is the type of weapon that has a
19 magazine that holds ammunition that goes into the
20 handle of the gun?

21 A Yes, ma'am.

22 Q And were you told how many, do you know
23 how many rounds that gun will carry?

24 A They vary by model. I was told that their
25 duty weapons that he used in this incident carries

1 13 rounds total.

2 Q And that would be how many in a magazine?

3 A Twelve in a magazine and one in the
4 chamber.

5 Q In order to have a bullet in the chamber,
6 an officer has to have loaded the magazine, rack the
7 bullet into the chamber, remove the magazine and put
8 in one more bullet in his gun?

9 A Yes, ma'am, that's correct.

10 Q That's fully loaded and one is ready in
11 the chamber?

12 A That is it.

13 Q Is that how you instructed your charges
14 when you are doing instructions at the range?

15 A Yes, exactly.

16 Q So that doesn't mean that somebody is out
17 to shoot somebody, that is just how you were to have
18 your gun fully loaded and ready to go?

19 A Yes, ma'am, that's how you go to work.

20 Q And so you were told how many live rounds
21 were left in officer, in his gun?

22 A One live round.

23 Q And so that would leave 12 rounds possibly
24 fired?

25 A Yes.

1 **Q** And were you told that Officer Wilson had
2 indicated that before this incident occurred, he had
3 loaded his weapon and it was fully loaded?

4 **A** Yes.

5 **Q** At this point in the investigation, how
6 many shell casings had you recovered?

7 **A** At this point we recovered ten shell
8 casings.

9 **Q** Okay.

10 **A** We were looking for two.

11 **Q** And had you also been told now, initially
12 would you have planned to process the inside of that
13 car while you were at the scene?

14 **A** No.

15 **Q** Your intention was to have the car towed?

16 **A** Yes.

17 **Q** And it would be in a garage?

18 **A** Yes.

19 **Q** Away from the elements?

20 **A** And our crime lab in a secure facility to
21 process the inside.

22 **Q** Were you told at some point that possibly
23 his gun was fired while he was inside the vehicle?

24 **A** Yes, ma'am.

25 **Q** And so now getting back to where you said

1 you were interrupted what you had been doing, what
2 event had transpired?

3 **A** At this point after the body had moved, we
4 had learned the information of how many rounds he
5 had fired, which were 12. We had found ten shell
6 casings and we were continuing to look at the
7 eastern end of the crime scene where the body was
8 at. We were looking around the western end where
9 the vehicle was at, unknown how many shots were
10 fired at which location.

11 The vehicle was getting ready to be
12 towed and to save us time spent here closing down
13 this entire apartment complex, we were trying to
14 determine if possibly the shell casings were inside
15 of his police car because we hadn't been in to
16 search it yet because we had made the determination
17 to tow it and process it at our lab, but that could
18 take a couple of hours from start to finish. In the
19 meantime we could be searching for two casings that
20 just left our crime scene.

21 So I talked with the detective that
22 was going to process his car and we, not quickly,
23 but we briefly opened the door where I photographed
24 the hole that corresponds with the dent on the
25 outside of the door and then we went through just

1 looking under chairs, looking in the cracks of
2 seats, Darren Wilson's duty bag was in his passenger
3 seat, we looked through it and I have photographs of
4 all of that just showing what we took out of that
5 car.

6 And not processing it for DNA,
7 fingerprints and stuff like that. We were just
8 simply searching for potentially two spent shell
9 casings that we can't account for anywhere else at
10 the scene.

11 Q So the next series of photographs show
12 that part of your investigation?

13 A Yes, ma'am.

14 Q Okay. You can go ahead and continue.

15 A Photo 110. Overall view of the driver's
16 side of the vehicle.

17 Number 111. Intermediate view
18 driver's side front door.

19 Q From your earlier testimony we know that
20 the window is not up on the driver's side door?

21 A At this point, we can obviously look into
22 the vehicle.

23 Q Sure.

24 A But the window was not there, it wasn't
25 halfway up or it wasn't up at all, it just was not

1 there.

2 **Q** Okay.

3 **A** Number 112. Video of the driver's side
4 door open. This is just kind of showing our
5 process, the outside door closed, now it is open.

6 Image 113. Same angle, just a
7 different orientation of the camera.

8 Interior door panel.

9 **Q** What number is this?

10 **A** I'm sorry. Image 114, interior door
11 panel. Overall view and again, you can see the
12 placard is still on the ground there where evidence
13 item two was at.

14 What we're looking on this overall
15 view of the interior of the driver's door.

16 Image 115. Close-up intermediate
17 view of circular defect to the inside panel of the
18 driver door.

19 **Q** So this portion right here is like the arm
20 rest?

21 **A** Yes.

22 **Q** And then this is the actual side of the
23 interior of the car?

24 **A** Yes, ma'am.

25 **Q** Is that a hole?

1 **A** Yes.

2 **Q** Okay. It wasn't your job to process this
3 interior of the car?

4 **A** I was simply documenting what we found on
5 the inside.

6 Image 116. Just overall interior
7 view again, now you can start to see this is pieces
8 of broken glass, it is safety glass, most cars you
9 see when it breaks, it doesn't break in big shards,
10 small pieces of glass.

11 Image 117. A view of the upper part
12 of the driver's seat. You can tell in this scene or
13 in this picture that this is what is referred to as
14 a cage car, metal cage is in the back seat where it
15 prohibits these seats from being laid back basically
16 or scooted back farther than this.

17 **Q** Is this barrier a cage or plexiglass?

18 **A** Plexiglass, the top half is glass, you can
19 see here it is metal from here down to the floor.

20 **Q** So when you enter the vehicle, is this a
21 sliding little window?

22 **A** I don't know.

23 **Q** Okay. Was it closed?

24 **A** It looks to be closed.

25 **Q** You don't recall if it was open or closed

1 and you didn't process it for that reason?

2 **A** No.

3 **Q** Did you look in the back seat?

4 **A** I did not.

5 **Q** For shell casings?

6 **A** We did open the doors and look, we didn't
7 see anything.

8 **Q** Okay. For the purposes of speeding this
9 through, did you find any shell casings inside the
10 car?

11 **A** No, ma'am.

12 **Q** So these next series of photos, we will
13 have somebody who processed the inside of the car
14 who is going to talk about what he found inside the
15 car, but this is just you documenting what you saw
16 in the car?

17 **A** Yes, ma'am.

18 **Q** You didn't seize anything else from this
19 car?

20 **A** No, ma'am.

21 **Q** So we can do these a little quicker.

22 **A** 118. Again, overall view from the
23 driver's side.

24 Image 119 is an overall view from the
25 passenger side of the vehicle. Again, evidence

1 marker where the bracelet was at is still in place
2 and this is showing Darren Wilson's duty bag or gear
3 bag and his rain coat.

4 Image 120. Darren Wilson's gear bag
5 in the passenger seat. We are showing it because
6 the rain coat and the gear bag were removed prior to
7 the towing of the vehicle and given back to Ferguson
8 Police Department.

9 MS. WHIRLEY: Sheila Whirley speaking, you
10 mention duty bag and gear bag, are these the same
11 thing?

12 **A** Synonymous terms, it is a bag that every
13 policeman carries with him that has paperwork,
14 forms, your lunch, your rain coat.

15 MS. WHIRLEY: Is this something that you
16 looked inside?

17 **A** We expanded it just, and looked to the
18 bottom of the bag to see if a shell casing had
19 fallen inside.

20 MS. WHIRLEY: You didn't do a thorough
21 search of it or anything?

22 **A** No.

23 MS. WHIRLEY: Okay.

24 **A** Number 121. Photo looking down into his
25 gear bag.

1 **Q** (By Ms. Alizadeh) Now, can you describe
2 what this thing is here?

3 **A** It appears to me to be a wood baton.

4 **Q** That's something that some police officers
5 carry?

6 **A** Yes. Image 122. The gear bag has been
7 taken out of the seat and when it focuses in now,
8 I'm just showing the rain coat or traffic coat lying
9 in the floorboard. Most of these coats are
10 reversible.

11 Image 123. The inside would be the
12 bright yellow or traffic yellow color, you can turn
13 that outside when you are directing traffic in the
14 rain and inside, obviously, the exterior and that
15 was removed, that was the last photo of his car.

16 Now, we're moving back to the eastern
17 part of the crime scene. Image 124. Okay. I'll
18 ask you to look at the diagram on page one so you
19 can get a reference to where this is. On the far
20 right-hand side you see two evidence bubbles labeled
21 19 and 20. If you look at the top part of this
22 photo, I don't know if it is blocked by the camera,
23 you can see a large red stain here in the middle of
24 the road, that was the location of Michael Brown's
25 head. Farther up the road here would be Darren

1 Wilson's car. So we are standing at the eastern end
2 looking west. What these other items are, are two
3 blood spatter patterns that are located farther east
4 of Michael Brown's body on the ground.

5 Image 125.

6 Q Now, let me not correct you, but clarify,
7 you said blood?

8 A I did.

9 Q You didn't test it?

10 A I did not test it.

11 Q So it is called red stains?

12 A Yes.

13 Q Somebody else will testify about what it
14 was?

15 A It is a red stain similar to a spatter
16 pattern that I would recognize as needing to be
17 documented and possibly important to the case.

18 Q You've seen crime scenes before where
19 there are blood trails or blood spatter, and you
20 know that sometimes those spatters can give you some
21 information about what was going on when that blood
22 was dropped onto that surface?

23 A Yes, ma'am, I've seen it in several crime
24 scenes. I've taken several classes on recognizing,
25 interpreting and the correct way to document these

1 things. I am not a certified expert and I would
2 never claim to be in pattern analyst.

3 Q So you recognize that these actual, what
4 you call blood spatters, we think they are blood
5 spatters at this point?

6 A Right.

7 Q That they needed to be documented?

8 A Yes, ma'am.

9 Q Okay.

10 A So this would be an intermediate view of
11 19. I know the other picture isn't readily
12 available to give you an orientation, the point of
13 this placard is pointed west down Canfield, if that
14 makes sense.

15 So the stain was nearer
16 his head?

17 A No.

18 So just the opposite?

19 A Just the opposite.

20 Can I ask one question.
21 You talked earlier about a break in the
22 investigation due to additional gun fire; is that
23 right?

24 A Yes, ma'am.

25 Is that by citizens or

1 police?

2 **A** It was not by the police.

3 Not by the police.

4 **A** We don't know who it was.

5 That wasn't in the crime
6 scene at all?

7 **A** No, it was from where I was standing,
8 which in your diagram would be the building, the
9 building on the south side of the road of it
10 sounded like it came from directly behind that
11 building.

12 So there is no way that
13 this could have been part of this?

14 **A** No.

15 Okay.

16 **A** We had already identified, located this
17 spatter prior to the second round of gunshots.

18 Image 126. Intermediate view of the
19 spatter pattern and clarifying this end of this
20 pattern would be closest to Michael Brown, this
21 would be the farthest part.

22 **Q** (By Ms. Alizadeh) But Michael Brown's body
23 is in between the blood spatter and Darren Wilson's
24 vehicle?

25 **A** Yes, ma'am.

1 **Q** So blood spatter is farther east from the
2 body?

3 **A** Yes. These two spatter patterns are the
4 farthest east evidence that we located.

5 **Q** All right.

6 **A** Image 127. Same thing, directly overhead
7 view with additional scale laid in for analysis
8 purposes.

9 Image 128. At this point I think
10 this would be an intermediate view of the same
11 spatter pattern. Again, with more than one scale to
12 assist experts in size and shape.

13 Image 129. Similar photos before,
14 different orientation of the camera.

15 **Q** And so the placard and that scale?

16 **A** Has not moved since the previous photo.
17 Basically the photo before, if you can picture I'm
18 standing facing directly west, now I've oriented
19 myself where I'm facing south and the placards are
20 still in the same direction.

21 Image Number 130. At this point I
22 have switched camera lenses to what we will refer to
23 as a prime lens. The lens I typically use for
24 overall photos is 18 to 35, kind of a wide angle
25 lens. I switched to a 60 millimeter lens, which is

1 a fixed focal. It is something where you can get
2 close-up images of something with great detail. It
3 doesn't zoom in or zoom out, it only focuses at
4 fixed length. It can focus in really close to small
5 objects to find greater detail.

6 Q And although you can't see the placard
7 clearly, that's number 19?

8 A Yes, ma'am, still number 19.

9 Q All right.

10 A Image 131. Again, the overhead projector
11 isn't showing a lot of detail, but this is just a
12 close-up image of number 19 still, and I'm focusing
13 on the scale to show, an analyst would describe as a
14 tail of the red spatter pattern.

15 Q And that's also 19?

16 A Still 19, yes, ma'am.

17 Image Number 132. Now we've moved
18 back to image, I would have to go back to the
19 overall one first, number 20 is an overall position.

20 Q You want to look at your diagram?

21 A I need to see the overall of the two
22 placards together. Number 20, in the overall. Can
23 I put this back up?

24 Q Sure, but say the photo number.

25 A I'm going to put Image Number 124 back up

1 just to show you the orientation of the placard.
2 Again, the corner arm of the placard is facing back
3 towards Michael Brown's body and Darren Wilson's
4 police car.

5 Now, going to Image 132, so this
6 pointer arm of the placard is facing west. I'm
7 standing on the north side of the road looking south
8 to take this photograph.

9 Image 133. Intermediate view again.
10 The placard is facing west again looking at this red
11 stain pattern.

12 Image 134. Again, evidence item
13 number 20, red stain pattern still standing on the
14 north side of it looking south.

15 Image 135. Same perspective, I've
16 now added a second scale to reference size and
17 shape.

18 Image 136. Again, here I switched
19 back again to my macro lens or my prime lens to show
20 up close and with greater detail the tailing pattern
21 of the spatter.

22 **Q** And that's item number 20?

23 **A** Still item number 20, yes. Image 137.
24 Still on evidence item number 20. Again, another
25 photo, same reference as before.

1 Image 138. Still evidence item 20,
2 yet closer view of a tail.

3 Image 139. Scale in the previous
4 photo, this scale was referenced this direction. I
5 moved the placard out of the way and referenced this
6 scale to the bottom of it to give you a reference
7 point. This is on the, this is the eastern end,
8 this up would be the north, I'm sorry, to the west
9 back towards Michael Brown's body.

10 **Q** Okay. Now, regarding these two red
11 stains, 19 and 20, did you seize them and package
12 them?

13 **A** Yes, I seized a sample of them.

14 **Q** Was it in a similar, same method that you
15 described seizing the red stain on the side of the
16 vehicle?

17 **A** Yes, ma'am. Sterile Q-Tip with sterile
18 water and then put into its own individual packaging
19 box.

20 **Q** And those are still labeled items number
21 19 and 20?

22 **A** Yes, ma'am, sample of item 19 and 20.

23 **Q** So in this case, you didn't consume the
24 whole stain?

25 **A** No, ma'am, it would be enough to fill a

1 Q-Tip.

2 Q And you know you don't need more than a
3 small amount for testing purposes?

4 A Yes, ma'am.

5 Image Number 140. Basically this is
6 a photograph showing how I have reorientated the
7 scale that you saw in the previous picture. This
8 way, I'm sorry, again you can see the placard for
9 19, which is this other splatter pattern, and 18 is
10 a placard for a piece of evidence that had already
11 been collected, but the placard is still in place.

12 Q Item Number 18 would have been listed on
13 your diagram as to what that was?

14 A Yes, ma'am, I believe item 18 was another
15 spent Federal shell casing.

16 Image 141. Same thing as before, it
17 is another image showing how I moved the orientation
18 of that scale reference item 20.

19 Image 142. Just like with the
20 previous scale of photos, I go from my intermediate,
21 my overall, to my intermediate, again, this would be
22 the intermediate showing the new reference point or
23 orientation of the scale.

24 Item 143. This is a photograph,
25 again, I had switched to my macro lens and took the

1 photograph with the scale below, the photograph
2 here. It did not show up in the frame.

3 **Q** And this is item 20 still?

4 **A** Yes, still item number 20.

5 Image 144. The same shot as before
6 with the scale in the frame.

7 Image 145. This image shows several
8 things. This is the overall image of evidence items
9 21 and 22, which we found and you will see in the
10 next few photographs, the final two shell casings to
11 get to 12 shell casings. The first thing you will
12 see in this image number one is the Ferguson car is
13 still here, we have pushed the crime scene back at
14 this point in time. Here again is the pile of tarps
15 and sheets that we used to shield the view of the
16 public. You can also see these are evidence
17 placards for 11 and 12. Those are other shell
18 casings that we found previously and had already
19 collected.

20 This is the end of our, towards the
21 end of my investigation here for physical evidence
22 and it shows that we never stop in the order that we
23 find them. Obviously, 11 and 12 wouldn't
24 necessarily be next to 21 and 22, with 15 being over
25 here. It is just the order we found it at. The

1 very end of the crime scene we finally focused the
2 time finding those last two shell casings we found
3 them over here in the grass.

4 Q So just because it is not clear on the
5 overhead, what is that one?

6 A That is the placard for evidence item 11.

7 Q And that is?

8 A Twelve.

9 Q Is this a placard?

10 A Yes.

11 Q What is it?

12 A That is 22.

13 Q What's this one?

14 A That's 21 is the farther one away. We
15 found 21 first and then continued looking and we
16 found 22 closer this way.

17 Q Okay.

18 A Or closer to the west.

19 Image 146. Almost identical to the
20 previous photo, just kind of an intermediate view.

21 147. Intermediate view of the
22 placard for 22.

23 148. Same thing, intermediate view
24 of the placard.

25 Image 149. You can see this is a

1 close-up view still of the placard number 22 and if
2 you can see, which is hard to do, this round object
3 here, that is the very opening of the spent shell
4 casing.

5 **Q** It is easier to see on the photo?

6 **A** It is a lot easier to see in the
7 photograph, and it can also show when they are
8 sitting straight up like that, impossible to see
9 with the naked eye.

10 **Q** How is it that they found this?

11 **A** Three of us were on our hands and knees
12 with gloves on just patting our way through the
13 grassy area to feel a rock or a hard object, you dig
14 down and we were able to locate the shell casing.

15 Image 150. Overall view again. The
16 placard for evidence item 21, there is the pile of
17 blue tarps, we are moving farther to the east on
18 Canfield here. The Ferguson vehicle still on the
19 scene.

20 Image 151. Intermediate view of the
21 placard.

22 **Q** Can you see the casing in that image?

23 **A** Not yet.

24 Image 152. Closer up. You can start
25 to see silver edge here buried in the grass.

1 Image Number 153. There's our
2 close-up view and there you can still kind of make
3 out the edge of a spent shell casing.

4 **Q** And that's item 21?

5 **A** Yes, ma'am.

6 **Q** Now, so the total things, you seized all
7 12 shell casings, correct?

8 **A** Correct.

9 **Q** Now, what is a projectile?

10 **A** Projectile would be the term of the bullet
11 that is fired from a shell casing, the piece of a
12 cartridge that comes out of the firearm that would
13 be the projectile.

14 **Q** Did you seize any projectiles or partial
15 projectiles?

16 **A** Something I would refer to as a parent
17 projectile.

18 **Q** Was that one of the items that you had to
19 collect primarily, you had a chance to do a close-up
20 and intermediate photograph?

21 **A** Yes.

22 **Q** What number was that on your diagram?

23 **A** It is item number 17, and in your diagram
24 it is the north side of Michael Brown's right foot
25 on the ground next to him where you see the number

1 seven, the small bubble that says 17, what I
2 collected as an apparent projectile.

3 Q Someone you also conveyed that as well as
4 the samples of the stains, 19 and 20 and number
5 eight and number nine, those all went to a lab for
6 somebody else to analyze, correct?

7 A Yes.

8 Q Any other projectiles recovered at the
9 scene?

10 A No.

11 Q And again, other than crawling on your
12 hands and knees, you ever like get metal detectors
13 out there and try to recover projectiles?

14 A Every crime scene van is equipped with a
15 metal detector. They're primarily used for finding
16 shell casings and heavily grass areas or other
17 pieces of metal evidence. We have used them before
18 to look for projectiles, we understand that when a
19 bullet is fired, a projectile doesn't stop
20 necessarily for a lot of things, including the
21 earth.

22 Where we would see what looks like a
23 bullet may have skipped into grass and you would
24 swear it has to be there. It could have skipped and
25 gone up and farther away, or if it is fired into the

1 ground, it is going to be so deep, it would take a
2 lot of manpower and/or just work to get it out and
3 not guarantee that you will actually be able to
4 recover it.

5 Q I guess for the sake of understanding
6 this, when shell casings are ejected, you know they
7 travel in a predictable direction and somewhat in a
8 perimeter that doesn't go beyond a certain area,
9 like you are not going to look in the next block for
10 a shell casing?

11 A No, not for a shell casing.

12 Q Right. They tend to be somewhere closer
13 to the crime scene or to the point where they were
14 ejected from the gun, correct?

15 A Yes.

16 Q But projectiles, would it be safe to say,
17 that could be two blocks away?

18 A And then some, yes.

19 Q Okay. You may continue. In this regard,
20 did you search the rest of the area, including
21 buildings and trees and objects to determine if you
22 could find a projectile that might have become
23 embedded in something?

24 A This next set of photos, yes, we searched
25 one spot.

1 **Q** All right.

2 **A** Image 154. This is the front building of
3 Canfield, which if you want to look at your
4 diagram, it would be the building on the southeast
5 part of the crime scene.

6 I would be close to where the
7 orientation of this, if you look at this window
8 here, this window right here is where we were
9 eventually heading to in this photo sequence. To
10 reference where we're at, straight out here into the
11 middle of the street is where Michael Brown's body
12 had been to orient you where this photo was taken.

13 Photos 155. Close-up view of the
14 address plate.

15 156. Is a closer up view.

16 Image 157. Again, this part of the
17 building right here is where I just took the image
18 of the plate and now we are looking down here at
19 this window in particular.

20 : Did you say that
21 apartment is due north of where Michael Brown's body
22 was found?

23 **A** South side of the street.

24 South side.

25 **A** The building that is on your diagram.

1 MS. ALIZADEH: .

2 A , but it is the southeast corner.

3 That is not to scale.

4 A It is not to scale.

5 Okay.

6 A We put that in two spots. That's what
7 accident reconstructionists do when we draw these,
8 we are not accident reconstructionists.

9 Okay.

10 A Image 158. Intermediate view of that
11 apartment window, and what we are looking at here is
12 a defect into the siding.

13 Image 159. Same window, same defect.

14 Image 160. Just a close-up view of
15 this defect. At this point in the investigation, we
16 recovered all the shell casings, the spent shell
17 casings and the number, the 12 that we needed to
18 account for.

19 This was a defect that was brought to
20 our attention by a witness that from what I can
21 testify to wasn't there when the shooting occurred,
22 but lived in this building and brought this to our
23 attention. I think there is a bullet hole in our
24 siding.

25 So we go up to look at it after this

1 photo was taken. I took out about a 6 foot section
2 of her siding and the insulation that's on it.
3 Behind it is three quarter inch of plywood and then
4 in between the plywood there's about a 4 inch gap
5 and goes into solid concrete cinder block wall.

6 I could see inside of it that
7 whatever that was that caused that hole was not
8 sitting behind there and this was above the window
9 and it was open behind there.

10 To continue to look for apparent
11 projectile that might be in there I would have to
12 remove that siding all the way around to that
13 window, the plywood all the way around and cause
14 significant damage to that apartment building.

15 Again, without guaranteeing any hope
16 of actually finding something because I've done this
17 more than once into just a drywall piece where you
18 see this and you take it all out and realize that it
19 just caused that hole and skipped off somewhere.

20 I've also seen where things have gone through
21 something like that three or four layers of wood,
22 hit something concrete, you get it, it just looks
23 like a penny and it just smashed.

24 And the firearms ballistic expert
25 will testify that sometimes bullets get mangled to

1 the point you can't confer anything from this then.
2 So we made the decision at that point, after I had
3 removed the siding to not do any more damage to this
4 lady's outside of her apartment.

5 Q (By Ms. Alizadeh) And, in fact, you don't
6 know that that was even made by a bullet?

7 A No, no.

8 Q Could be a woodpecker?

9 A Anything. You can tell it is not exactly
10 a round defect, which is something you typical see
11 with a firearm. Not to say that a firearm couldn't
12 do that, but it could have been anything. There was
13 no guarantee or eye witness that said I was standing
14 here when this happened and this is brand new
15 damage.

16 This, in fact, we walked around that
17 immediate apartment complex and found a few other
18 damages and defects to siding that had cobwebs on
19 this and could tell they had been weathered or old
20 from the time we were there.

21 Q You did search the surrounding areas and
22 you were not able to find any other apparent bullet
23 holes and no other projectiles?

24 A No, ma'am.

25 Q And then your last?

1 **A** Final photos is Image 161. I explained at
2 the beginning this would be the first and last
3 photos that we take in our memory cards for our
4 photo technicians when they look at our files to
5 know what the beginning and ending of the scene is.

6 **Q** All right. I have two other areas to
7 cover very quickly. Going back to Grand Jury
8 Exhibit 2, this is your diagram. So you've already
9 testified that one of the last things, let me ask
10 you this, after you've done the photographs and
11 seized all the evidence that you described, what's
12 the next thing you do?

13 **A** Now we start diagramming.

14 **Q** Okay.

15 **A** Photograph our evidence, selected our
16 evidence, accounted for every piece of evidence that
17 we know of at the time. The body has been moved,
18 cars have been towed, we go back now to diagram the
19 scene.

20 **Q** All right. Now, on Grand Jury Exhibit
21 Number 2, is this the diagram you made of this
22 scene?

23 **A** Yes, ma'am.

24 **Q** And so we referenced this before, you have
25 here not to scale?

1 **A** Correct.

2 **Q** What does that mean, not to scale?

3 **A** The items in this photo that are not to
4 scale would be obviously number one, the size and
5 shape of these apartment buildings, we have them
6 just as plain rectangles. The size and shape of the
7 width of the road as compared to the size of the
8 vehicle.

9 If you look as far as scale drawings
10 go, this vehicle is the same size as Michael Brown
11 here. Those things are hard to do with the software
12 we're given and the tools that we use as crime scene
13 detectives to draw into scale on a CAD type drawing.

14 Also the size of this entry point on
15 Caddiefield, the driveway is not the same size as
16 this one. They may be in real life, but whether we
17 measure to scale or measure for our plotting
18 purposes of evidence, we don't measure those types
19 of measurement.

20 You can see down here in the lower
21 baseline starting at 0.0 feet.

22 How we do the diagrams is I took a
23 long screwdriver and at the corner where Copper
24 Creek Court comes into Canfield, I drove a
25 screwdriver down into the dirt and hooked my 250

1 foot measuring tape and 0.0 there. Then from the
2 edge of the road from Canfield, run from 0.0, we run
3 that tape measure out as far past our last piece of
4 evidence that we need to. If you look on page two
5 of the diagram, it has the measurements and lists of
6 evidence that was collected.

7 How this is measured and the reason
8 why we do this diagram is one, to kind of show a
9 visual picture of the scene, but two, if we ever
10 needed to go back and put evidence back in place, we
11 can easily go back and do that with very little
12 effort.

13 As basic as it is, if you look, I'll
14 use evidence item number 19 I believe is the
15 farthest one away, you will start at 0.0 and the
16 your first measurement you will see is listed as.

17 **Q** You all have your diagrams and probably
18 easier to look at the overhead.

19 **A** So I will use evidence item number 18 as
20 my example, or 19, it is even number. If you look
21 on the diagram, evidence item number 19 is the
22 bubble here that is farthest to the east.

23 The first column of measurements
24 shows baseline west from Copper Creek, so if you
25 look at the baseline measurement here and walked

1 west 31 feet and stopped, in the second column of
2 measurements shows 11 feet 9 inches south of the
3 baseline. So if you measured 31 feet west, 11 feet
4 9 inches south, that spot right there is where
5 evidence item 19 is at.

6 You do that for every piece of
7 evidence, even down here the ones, the shell casings
8 we found in the grassy area, evidence item 22, you
9 are 47 feet 4 inches west of the baseline and then
10 31 feet 3 inches south and you'd find the exact spot
11 where that evidence item was placed.

12 The measurements, we did those
13 intersecting measurements for items number 1 through
14 22.

15 **Q** Let me stop you. Do those include items
16 like eight and nine, which I think were on the
17 vehicle?

18 **A** Yes. If you will notice eight and nine do
19 not have measurements on them because those were
20 found on the police vehicle on the driver's side
21 door. So in the second section of marked, it is
22 labeled Ferguson Marked Police Vehicle Number 108,
23 you will find the measurements for the location of
24 each of the four tires from the west baseline and
25 south of baseline measurements. And from there we

1 could --

2 **Q** You could put the car back?

3 **A** We could put the car back where it was at
4 and show you by photographs where those red stains
5 were located. The same for Michael Brown's
6 location, the same exact technique for west from 0.0
7 baseline, and south left foot and right foot, left
8 hand, right hand and head, and then on the bottom it
9 has a sentence that states again, the baseline runs
10 east to west on north side of Canfield Road, which
11 0 feet 0 inches stops and Copper Creek Court.
12 That's how we do diagramming situations.

13 So to label this not to scale is
14 because these things, if you blew it up to life
15 size, this might not be 153 feet or 152 feet
16 9 inches. To show you the reason why we put that on
17 there is to give you the scale of this size of
18 thing.

19 **Q** So just to clarify though, that distance
20 that is between that you already testified about and
21 it is blurry here, but the distance from this point
22 to this point?

23 **A** That measurement is from the driver's side
24 front tire of Darren Wilson's police car to the head
25 of Michael Brown.

1 **Q** All right. And you said if you blew it
2 up, it might not be 100, whatever that number is?

3 **A** As far as to scale and size.

4 **Q** But that actually is the distance actually
5 between those two items?

6 **A** Correct.

7 **Q** Okay.

8 So the diagram isn't to
9 scale, but the measurements are exact?

10 **A** The measurements are to scale, but the
11 diagram is not drawn to measurement scale.

12 MS. ALIZADEH: Does anybody have any
13 questions about the photographs or the diagram?
14 Okay.

15 **Q** (By Ms. Alizadeh) Last thing I have for
16 this witness and this will probably be less than
17 five minutes, unless Sheila can think of other
18 questions. Detective, you took a crime scene video,
19 you have already testified about that's one of the
20 first things you did after your initial
21 walk-through, then you do a video?

22 **A** Yes.

23 **Q** And I have marked this Grand Jury 4.

24 (Deposition Exhibit Number 4
25 marked for identification.)

1 **Q** (By Ms. Alizadeh) I'm going to play this
2 video right now.

3 You've testified there is audio, but
4 you're not talking on it; is that right?

5 **A** Yes.

6 (Video is being played.) (End of the
7 video recording.)

8 **Q** (By Ms. Alizadeh) Now Detective in
9 that video, and you're the one taking the video?

10 **A** Yes, ma'am.

11 **Q** We see you walking basically right around
12 the body shields, body screens?

13 **A** Yes, ma'am.

14 **Q** That you have put up?

15 **A** Correct.

16 **Q** At that point in your investigation, had
17 you found the two red stains that were, I think, 19
18 and 20?

19 **A** I don't think so, no.

20 **Q** Those stains went past that location?

21 **A** Yes.

22 **Q** All right.

23 MS. ALIZADEH: I think that's it. Sheila,
24 do you have any questions.

25 MS. WHIRLEY: Yeah, just something for

1 clarification. You may or may not have covered it.

2 **Q** (By Ms. Whirley) Your job is not to
3 investigate the crime, is it?

4 **A** No, just to collect, document, photograph
5 the evidence.

6 **Q** You don't talk to any lay witnesses and
7 try to determine what happened or anything like
8 that?

9 **A** No, ma'am, information from witnesses is
10 usually given to the crimes against persons
11 detective that you will hear from later. Items of
12 evidence that may come to light from their
13 interviews is given to me from other detectives. I
14 do not interview witnesses myself at any time.

15 MS. WHIRLEY: Thank you. You all have
16 anything?

17 I have a
18 question about projectile. I know earlier you
19 mentioned inside of the patrol car there was no
20 casings?

21 **A** Correct.

22 : Was there a projectile in
23 there.

24 **A** There was one recovered later, not by me,
25 it was another detective, I'm sure you'll hear from

1 him that he processed the vehicle at our crime lab.

2 : The one that was found, I
3 think it was number 17, labeled 17.

4 **A** Yes, sir.

5 : Is that one that entered
6 the body and came out?

7 **A** I can't testify to that. One of the
8 ballistics firearms people that you might hear from,
9 they can answer those questions, I cannot.

10 Yes, ma'am.

11 : . In the
12 video I'm seeing, and your photographs, I'm seeing
13 that there was shattered glass within the vehicle?

14 **A** Yes.

15 I'm only seeing two pieces
16 sitting in the driver's seat of Officer Darren
17 Wilson's vehicle.

18 **A** Yes, ma'am.

19 Was there any on the floor
20 that you recall, I didn't really see any in the
21 pictures as well?

22 **A** I haven't looked at the other detectives'
23 photos extensively. I know when I went to the crime
24 lab to finish packaging my evidence, the vehicle was
25 down there and there was a significant amount of

1 glass inside the door panel itself once they removed
2 that cover.

3 Inside the door panel
4 itself?

5 **A** Yes.

6 Can you tell me what kind
7 of vehicle is this, do you recall?

8 **A** It was a Chevy Tahoe.

9 Chevy Tahoe.

10 **A** Chevy SUV. I'm not sure if it was a
11 Suburban or a Tahoe.

12 All right, thanks.

13 MS. ALIZADEH: Just real quickly. There
14 was another part of your investigation you did
15 another video from a perspective and that was
16 because you were told somebody saw something from a
17 particular window; is that correct?

18 **A** Yes, ma'am, I did one and I know another
19 detective that was at the scene did other ones. The
20 one I did as far as where, I can't remember the
21 address, it is on the evidence receipt, they had us
22 go to different eyewitness perspectives just to
23 stand there and video similar to this. There is not
24 narration in it, it simply is a video, me standing,
25 or whoever the camera operator was at the time,

1 standing where the witness states they were standing
2 and observed whatever it was they observed.

3 Again, there is not a narrative
4 stating they saw this, they were seeing this and my
5 particular video I know that I stood at the section
6 where the witness stated she saw what was going on.
7 I attempted to use our video camera to zoom in
8 across the parking lot where she was saying she
9 could see everything happening.

10 My camera would only focus on the
11 screen part of the door. It was through a sliding
12 patio door, it would only focus on the screen no
13 matter how much I would zoom in, it wouldn't show
14 the scene from her perspective. I zoomed back, you
15 had to step to the left and then zoomed in again to
16 show the distance where she was seeing things and
17 kind of give you a reference point because at the
18 time when I did my witness perspective video, it was
19 after we had picked everything up.

20 It was the last thing, a witness had
21 come forward at the very end and said hey, I think I
22 saw this from here. The detective interviewed and
23 asked to go down and shoot a witness perspective
24 from her standpoint.

25 MS. ALIZADEH: You will see that video

1 later, but I would rather show that to you in
2 conjunction with that witness testimony so it will
3 be easier for you to kind of tie those together, but
4 from his perspective, you know his job, your job was
5 then just to stand, whatever witness says where they
6 were and film where she says what she saw she saw?

7 **A** Yes, ma'am.

8 **Q** (By Ms. Alizadeh) And the purpose of that
9 is just to see could she see that, are there things
10 in the way, was it such as that, correct?

11 **A** Correct.

12 **Q** Now, you said that from filming it, the
13 camera would not focus beyond the screen?

14 **A** The human eye could see through the screen
15 and focus on a point farther than that.

16 **Q** Okay.

17 **A** The camera I was using at the time has
18 focal limitations and would focus just on the
19 screen.

20 **Q** Let me ask you this, from your eyewitness
21 perspective, could you see, not what she saw, could
22 you see the place where she said she saw something?

23 **A** From that specific perspective, she could
24 only see where Michael Brown came to rest.

25 **Q** Okay. And so from whatever perspective

1 she was, she could not see farther west to where the
2 officer's vehicle was?

3 **A** No.

4 **Q** Okay. But you are standing in her
5 position, you could see where Michael Brown's body
6 had been?

7 **A** Yes.

8 **Q** How much farther west could you see beyond
9 Michael Brown's body?

10 **A** You could see from the angle she was at,
11 which was to give you an orientation because I can
12 see it in my head. She was on the northeast part of
13 the apartment complex.

14 **Q** Let's use your diagram.

15 **A** Here it is. Her apartment building, if
16 this is the entrance to Copper Creek Court, her
17 apartment building is farther back this way, which
18 would be the upper right-hand corner of the diagram.

19 Again, this is not to scale, this
20 building in particular comes from close to this
21 driveway. Her perspective, and if I can come up
22 here and use my finger to show, her perspective
23 would have been on this line and the corner of the
24 building would block the red stain where Michael
25 Brown's body had been. You could just barely see

1 the stain in the road, the red stain in the road
2 where his body had been.

3 Q The large stain that was at his head?

4 A Yes, that was still present. It was at an
5 angle just like this, where this building would have
6 come out at that angle and cut that part of the
7 scene off where she couldn't see anything else.

8 Q Okay. Do you remember her name?

9 A I just wrote down her
10 address.

11 Q When that witness testifies, we will play
12 that video for what it's worth given the focal
13 limitations of the camera?

14 Could she see to
15 the east the full rest of the crime scene?

16 A Yes, it was a third floor apartment.

17 MS. ALIZADEH: Anybody else? And as
18 always, if there are questions later on of this
19 officer and you would like to have him brought back,
20 he will come back.

21 All right. That concludes the testimony
22 of Detective . And that will conclude
23 the evidence for today, September 3rd, of the grand
24 jury investigation into the shooting of Michael
25 Brown.

1 (Court reporter reads the end of the
2 recording information and that is the end of the
3 September 3rd, 2014 grand jury hearing for today.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 State of Missouri

2 SS.

3 County of St. Charles

4 I, a Licensed Certified Court
5 Reporter by the Supreme Court in and for the State
6 of Missouri, duly commissioned, qualified and
7 authorized to administer oaths and to certify to
8 depositions, do hereby certify that pursuant to
9 Notice in the civil cause now pending and
10 undetermined in the County of St. Louis, State of
11 Missouri.

12 The said witness, being of sound mind and being
13 by the grand jury first carefully examined and duly
14 cautioned and sworn to testify to the truth, the
15 whole truth, and nothing but the truth in the case
16 aforesaid, thereupon testified as is shown in the
17 foregoing transcript, said testimony being by me
18 reported in shorthand and caused to be transcribed
19 into typewriting, and that the foregoing page
20 correctly sets forth the testimony of the
21 aforementioned witness, together with the questions
22 propounded by counsel and grand jurors thereto, and
23 is in all respects a full, true, correct and
24 complete transcript of the questions propounded to
25 and the answers given by said witness.

1 I further certify that the foregoing pages contain a
2 true and accurate reproduction of the proceedings.

3 I further certify that I am not of counsel or
4 attorney for either of the parties to said suit, not
5 related to nor interested in any of the parties or
6 their attorneys.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4 State of Missouri vs. Darren Wilson

5

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Hearing Before the Grand Jury,

12 Volume 2

13

14 9/3/2014

15 Name and address of person or firm having custody of
16 the original transcript:

17

18 St. Louis County Prosecuting Attorney's Office

19 100 S. Central Ave.

20 Clayton, MO 63105

21

22

23

24

25

1

2 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

3

4 St. Louis County Prosecuting Attorney's Office

5 100 S. Central Ave.

6 Clayton, MO 63105

7 Total:

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 Upon delivery of transcripts, the above
3 charges had not been paid. It is anticipated
4 that all charges will be paid in the normal course
5 of business.

6 GORE PERRY GATEWAY & LIPA REPORTING COMPANY

7 515 Olive Street, Suite 700

8 St. Louis, Missouri 63101

9 IN WITNESS WHEREOF, I have hereunto set

10 STATEMENT OF DEPOSITION CHARGES

11 my hand and seal on this _____ day of _____

12 Commission expires

13 _____

14 Notary Public

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury

Date: September 9, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 9, 2014

VOLUME III

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 9th day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING

2 MS. ALIZADEH: Good afternoon. For the
3 record, I'm Kathi Alizadeh with the Prosecutor's
4 Office. Also present is Sheila Whirley with the
5 Prosecutor's Office, and all 12 jurors are present
6 today and as well as the court reporter who is
7 taking down everything that's being said as well as
8 audio recording the proceedings that are going on
9 this afternoon.

10 As you can tell, we've kind of rearranged.
11 We're trying to figure out how to best work the room
12 with the equipment that we have.

13 As you can see this screen kind of moves.
14 Do you see the wind, the air blowing on it? It is
15 blowing on the screen, but not on you,
16 unfortunately. So we're going to try this out.

17 If this is too annoying, we'll next time
18 try something else out, but this is a bigger screen
19 and we thought maybe it would be easier for
20 everybody to see it. If everybody gets car sick
21 because pictures are kind of wiggling on there, we
22 will figure something out.

23 Also, and we have some additional fans,
24 I'm going to try to bring another fan in tomorrow to
25 make it a little more comfortable. I'm doing the

1 best I can as far as the heating and cooling.

2 So my understanding that you all are going
3 to be able to be seated today from 1:00 to 5:00; is
4 that correct? And so for today we've scheduled two
5 witnesses. The first witness is here and it will be
6 another crime scene detective.

7 His name is Detective

8 And then the second witness that's
9 going to testify is the medical examiner who
10 conducted the autopsy, his name is Dr. and
11 because of his schedule, I'm going to tell ,
12 Dr. probably isn't going to be here until
13 two, he's going to get here as soon as he can.

14 If we're not done with Detective ,
15 we are just going to interrupt his testimony because
16 he can very easily come back on another day. It is
17 hard for me to get the doctor here. He is going to
18 be going out of town, so we might have to interrupt
19 Detective and bring him back to finish up
20 with whatever questions or additional we have with
21 him, okay?

22 So with that being said.

23

24

25

1 DETECTIVE
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. ALIZADEH:

9 Q Can you start out by stating your name and
10 spelling it so the court reporter can put it in the
11 record?

12 A

13 Q And how are you employed?

14 A I'm a police officer.

15 Q How long have you been a police officer?

16 A 33 years.

17 Q Okay. Now, Detective you are kind
18 of a soft spoken person a little bit. I want to
19 make sure that everybody back here can hear him and
20 if you cannot hear him, please raise your hand and
21 let us know if you can't hear him.

22 I don't think the microphone
23 amplifies, it is recording actually. So you
24 probably just have to keep your voice up a little
25 bit.

1 What do you do, what department do
2 you work for?

3 **A** For the past 22 years I've been with St.
4 Louis County Police Department.

5 **Q** And currently, what is your job assignment
6 with the St. Louis County Police Department?

7 **A** For the past 14 years I'm a crime scene
8 detective.

9 **Q** Now, we've already heard from a Detective
10 about what crime scene detectives do. Would
11 that be similar to what you do with your job
12 responsibilities?

13 **A** Yes.

14 **Q** Are you a training officer for crime scene
15 detectives?

16 **A** Yes, both in division patrol and also the
17 crime scene unit. For the past 27 years, I've been
18 a field training instructor.

19 I also teach the basic and advance
20 crime scene schools at our police academy and I also
21 lecture at four area schools and universities.

22 **Q** And is there a board certification for
23 crime scene investigators?

24 **A** Yes, I hold currently the highest
25 certification level that's possible through the

1 International Association of Identification. I'm a
2 Board Certified Senior Crime Scene Analyst.

3 Q Were you working then as a crime scene
4 investigator for St. Louis County on August 9th of
5 this year?

6 A I was.

7 Q And did you receive a call sometime in the
8 early afternoon of that day to respond regarding a
9 police involved shooting?

10 A I did.

11 Q About what time did you get that call?

12 A Uh, about 1:00 p.m. I was notified at home
13 by my supervisor to respond to our office, which is
14 in north county, to retrieve a crime scene van and
15 then contact one of our crimes against person
16 detectives at Christian Northwest Hospital.

17 Q So did you go from your home to the office
18 to pick up a crime scene van?

19 A I did.

20 Q Now, we've also heard Detective talk
21 about his crime scene van, were you in your
22 separation van?

23 A Yes, ma'am.

24 Q And is your van outfitted or equipped with
25 basically the same things that Detective van

1 would have been equipped with?

2 **A** Exactly the same thing, yes.

3 **Q** And so about what time did you arrive at
4 your office in north county?

5 **A** Probably about 2:00 p.m.

6 **Q** And then after retrieving the crime scene
7 van, did you go directly to Christian Northwest?

8 **A** I did, I arrived about 2:20 p.m.

9 **Q** And did you make contact with a detective,
10 now you say crimes against person, are you all
11 familiar with the bureau in St. Louis County? The
12 detective bureau is divided up into separate
13 distinct units, crimes against persons is a unit
14 that deals with, obviously, crimes against persons,
15 but it would be homicides, assaults, rapes and so
16 forth.

17 So Detective when you got to
18 the hospital, who did you contact?

19 **A** One of our detectives by the name of

20

21 **Q**

22 **A** I'm sorry, Mr. Wilson was
23 there, the assist chief of Ferguson Police
24 Department and an attorney for the paternal order of
25 police for Mr. Wilson.

1 **Q** Now, you and I met yesterday and talked
2 about your testimony and we went over things because
3 I don't have a report from you, is that fair to say?

4 **A** Yes, ma'am.

5 **Q** And so when we talked about this, did I
6 talk to you about the fact

7
8 the police officer who
9 is involved in the shooting, correct?

10 **A** Yes, ma'am.

11 **Q** If at all possible,

12

13

14 would that be okay?

15 **A** Of course.

16 **Q** So when you arrived at Christian
17 Northwest, Detective was there?

18 **A** Yes.

19 **Q** Darren Wilson was there with an attorney?

20 **A** Yes, ma'am.

21 **Q** And who else was there?

22 **A** The assistant chief of Ferguson Police
23 Department,

24 **Q** Did you have a conversation with Detective
25 about what had happened?

1 **A** He gave me an overview, yes.

2 **Q** What did you understand your role was in
3 responding to Christian Northwest Hospital?

4 **A** Based on the information that I received,
5 I was to document visible injuries or complaint
6 sites of injury on Darren Wilson. We were to
7 document his clothing. I was going to seize his
8 clothing and also the weapon that he carried that
9 day.

10 At some point in time I was also
11 tasked with the processing of the Ferguson police
12 vehicle, which was a fully marked Tahoe.

13 **Q** So, Detective you said you were
14 also then tasked with processing the vehicle, the
15 fully marked Ferguson police car, which was a
16 ?

17 **A** Tahoe.

18 **Q** Tahoe, okay. And so about what time did
19 you arrive at the hospital?

20 **A** 2:20 p.m.

21 **Q** And where was Darren Wilson?

22 **A** He was in the ER room.

23 **Q** And did you have a conversation, did you
24 introduce yourself to him?

25 **A** Of course.

1 **Q** Were you dressed similarly to how you are
2 today?

3 **A** No, ma'am. I was in my normal daily
4 uniform, which consist of a polo shirt and what we
5 refer to as BTU pants, they are cargo. The rest of
6 my accouterments, department issue badge, obviously
7 my side arm, handcuffs, magazine holder, and then on
8 the polo shirt itself it is marked St. Louis County
9 Police Department with our badge, Crimes Against
10 Unit and on the back is pretty much glow in the dark
11 letters that says St. Louis County Police
12 Department.

13 **Q** Have you met Darren Wilson before this
14 date?

15 **A** No, ma'am.

16 **Q** And so when you saw him in the emergency
17 room, how was he dressed?

18 **A** He had his department issued Navy blue
19 uniform pants on, his boots, but he was wearing a
20 T-shirt. He was not carrying a sidearm or his duty
21 leather and he did not have his uniform shirt on.

22 **Q** Did you tell him what you were there for?

23 **A** Yes, ma'am.

24 **Q** And did you ask him any questions that
25 would assist you in knowing what to photograph?

1 **A** I asked him what areas hurt other than
2 what I was seeing. He went through several sites
3 that he complained of injuries. I retrieved the ER
4 charge nurse to make sure that I wasn't missing
5 anything as far as the ER staff doing their initial
6 assessment of Darren Wilson.

7 **Q** So you spoke with the charge nurse, do you
8 recall his name?

9 **A** No, I do not.

10 **Q** Did he indicate to you that there were
11 additional injuries that you did not assess or not
12 see?

13 **A** No, we walked through with Darren Wilson
14 his injury complaint sites, consisting of mainly his
15 facial area, the back of his neck and he said his
16 head hurt.

17 **Q** Did you photograph the areas that he
18 indicated hurt?

19 **A** I did.

20 **Q** Now, we also heard Detective
21 yesterday, not yesterday, I keep saying yesterday,
22 previously, about when he photographs crime scenes,
23 are you all instructed similarly that you would
24 have, I guess, a procedure that you follow in how
25 you do photographs?

1 **A** Correct. There's a standard format that
2 we teach in the crime scene school and we also teach
3 during our field training program.

4 There's a normal sequencing event. In
5 this case you take overall pictures, you take what's
6 called midrange pictures to tie in that location to
7 something else that's recognizable, you will take a
8 specific image and in these kind of circumstances
9 you'll also put a measuring device or a scale in
10 your information to give you an idea of how large
11 this area is or how small this area is.

12 **Q** Did you do that when you were
13 photographing the injuries on Darren Wilson?

14 **A** I did.

15 **Q** And then after you completed all of your
16 investigation in this case, did you remove the
17 memory card from your camera?

18 **A** I did.

19 **Q** And did you have those, I can't remember,
20 do you burn it onto a disk or do you take the memory
21 card to the lab?

22 **A** No, the memory card is placed in, in the
23 old days referred to as a film envelope, and then
24 that was hand carried by myself to our photo lab.
25 The photo lab will download the original images from

1 the media card onto a disc and then after that's
2 completed, on homicide cases, officer involved
3 shootings and other cases of note, they will print
4 the photo lab, meaning they, will print 8 X 10
5 photographs. This was done in this case.

6 I will respond back to the photo lab,
7 those images are reviewed by me and then they are
8 stamped with official photographs and for the
9 prosecuting attorney's set. I will circle the image
10 number on the back of the 8 X 10s and put my
11 initials and DSN on the back of them.

12 Q All right. Did you do that in this case?

13 A I did.

14 Q When you examined the photographs after
15 the lab had printed them out, did the lab print each
16 and every image that you had snapped during your
17 investigation?

18 A They did.

19 Q So there is no images that you deleted
20 from the camera or images that might have been
21 developed that you discarded?

22 A Absolutely not.

23 Q Do you in any way crop these photographs?

24 A Absolutely not.

25 Q Do you in any way edit them or use a

1 filter when you are photographing or change or
2 enhance color?

3 **A** No, ma'am.

4 **Q** Do you recall how many photographs you
5 took in this case?

6 **A** I believe around 50.

7 (Deposition Exhibit Number 10
8 marked for identification.)

9 **Q** (By Ms. Alizadeh) I'm going to hand you
10 what I have marked as Grand Jury Exhibit 10. Did
11 you and I get this envelope yesterday, did you
12 recognize this from my office yesterday?

13 **A** We did. When I stamp these photographs, I
14 fill out the front of this with a header information
15 as far as date, complaint number, what type of
16 incident it is, and in this scenario since I went to
17 three different locations, those three different
18 locations are also marked on front of the envelope.

19 In addition to that, I put my
20 information on there as far as crime scene unit,
21 Detective my DSN.

22 We also stamp in front, which matches
23 what's on the back of the photographs so it is
24 marked official photograph. And as far as the
25 dissemination, in this case this was marked PA,

1 standing for the prosecuting attorney's office.

2 **Q** All right. And I want you to remove the
3 photographs that are inside Grand Jury Exhibit 10.
4 And just briefly leaf through them. Do those appear
5 to be the photographs that you took during your
6 investigation of this case?

7 **A** They are.

8 **Q** And do they, each photograph bear your
9 markings where you stamp them as an official
10 photograph and you circle the image number and place
11 your initials there?

12 **A** Yes, ma'am. It is reflected here.

13 **Q** Okay. Can you tell me what the last
14 photograph that is in that stack is numbered?

15 **A** Number 50.

16 **Q** Okay. So you have 50 photographs in your
17 hand there?

18 **A** Yes, ma'am.

19 **Q** And so for the sake of ease, if you want
20 to sit in that chair right there, and I will have
21 you one by one we're going to go through each
22 photograph and you are going to describe what is
23 depicted in that photograph. So this is Image
24 Number 1, correct?

25 **A** It is.

1 **Q** We already have testimony from Detective
2 about the placard that is photographed, is
3 that your habit to do that as well?

4 **A** Every time, yes, ma'am.

5 **Q** And that contains the date that the
6 photograph, what date, is that the date of the
7 incident always or the date that the photographs are
8 being taken?

9 **A** Usually both. If I respond to a scene to
10 photograph that, if it is the original scene, at
11 this point it was, then the original date here.

12 Now, if I had been involved in this
13 with further investigation, if I have another aspect
14 of this investigation, I will put in parentheses
15 next to the complaint number the date of the
16 original incident. Let's say we had to go back and
17 do something today, okay.

18 The date of the original incident
19 would be here next to the county complaint number,
20 but the date of the image that I took, these would
21 be in the first part.

22 **Q** So in this case, your investigation?

23 **A** Occurred on 8/9/14 yes, ma'am.

24 **Q** That was the date of the shooting?

25 **A** Correct.

1 **Q** And then we've already had some testimony,
2 the top number is the county complaint number?

3 **A** It is.

4 **Q** And below that is the Associated Ferguson
5 Police Department generated complaint?

6 **A** Yes, ma'am.

7 **Q** And then the incident as it was called in
8 originally, correct?

9 **A** Correct.

10 **Q** And then is that your department serial
11 number?

12 **A** Yes.

13 **Q** And your initials?

14 **A** And DSN.

15 **Q** All right. And can you go to Image Number
16 2. I will take these from you as we go.

17 Can you then go ahead and describe
18 for the jurors what appears in that image?

19 **A** This is an overall view of Darren Wilson
20 at the time of my investigation. As I described to
21 you folks earlier, this is how he was dressed.

22 **Q** Hang on a second, I don't want to put
23 anybody to sleep, but I'm going to try and see if it
24 goes totally dark.

25 For the record, I was just adjusting

1 the light to make it easier to see that image on the
2 screen. And is that how he appeared in the
3 emergency room dressed in a T-shirt and the pants
4 he's wearing, those are his department issued pants?

5 **A** Yes, ma'am.

6 **Q** All right. And Image Number 3?

7 **A** Image Number 3 is an overall view of the
8 back of him from the rear.

9 **Q** I think push it up?

10 **A** I'm trying to lose that glare.

11 MS. WHIRLEY: Can you zoom it in some?

12 **Q** (By Ms. Alizadeh) I don't know how to make
13 that different. Again, if you want the photos
14 passed around because it is easier to see the actual
15 photograph, but for the purposes of this testimony.

16

17 : . I want
18 to see the first picture.

19 MS. ALIZADEH: You want to see Image
20 Number?

21 I personally, if you can
22 give me the picture.

23 MS. ALIZADEH: And when this is done, if
24 you want, we'll just pass them through you, okay,
25 because there aren't a whole lot of these

1 photographs.

2 Image Number 3 again, this is the back of
3 Officer Wilson, correct?

4 **A** It is.

5 **Q** (By Ms. Alizadeh) And are you aware of the
6 T-shirt that he is wearing, is that the T-shirt he
7 had on that day?

8 **A** It is.

9 **Q** And when you, I know you didn't examine
10 him like a doctor, did you see anything on him that
11 indicated that he had been bleeding?

12 **A** No, ma'am.

13 **Q** No open wounds?

14 **A** None that I observed, no.

15 **Q** Did you ask him if he had been bleeding or
16 if he was cut?

17 **A** I did.

18 **Q** And what was his response?

19 **A** He said no.

20 **Q** Okay. Now Image Number 4. No, wait, that
21 was Image Number 4, isn't it?

22 **A** Correct.

23 **Q** And just for the record, we have to make a
24 record, Image Number 4 is?

25 **A** Overall view of the facial area of Darren

1 Wilson.

2 Q Image Number 5?

3 A Overall view of the left side of his face.

4 Q Image Number 6?

5 A Overall view of the right side of his
6 face.

7 Q Image Number 7?

8 A It is a part of a series of two, the first
9 part of this is a close-up view of the left side
10 facial area without a measuring device.

11 The next image is one with the
12 measuring device.

13 Q And the next image is Number 8?

14 A Yes.

15 Q All right.

16 . What is it you
17 are measuring there?

18 A That was one of the injury complaint sites
19 by Darren Wilson. He complained that his face was
20 hurting. So when I asked him specifically, he
21 pointed to these sides of his face. We'll get to it
22 shortly, but also the back of his neck.

23 Okay, thank you.

24 Q (By Ms. Alizadeh) That is Image Number 9?

25 A It is. Again, part of a series of two,

1 this is a close-up of the right side of his face
2 without a measuring device and then one with a
3 measuring device.

4 **Q** And with the measuring device is Image
5 Number 10?

6 **A** Correct.

7 Image Number 11 overall view of the
8 back of his neck.

9 Again, part of one, two series of
10 images, close-up view of the back of his neck
11 without a scale.

12 **Q** And that's Image Number 12?

13 **A** It is. And 13 reflects one with the
14 scale.

15 Next Image 14 is the left rear side
16 of his neck without a scale and 15 with the scale.

17 MS. WHIRLEY: Sheila Whirley. What are
18 you measuring on there?

19 **A** Again, Miss Whirley, just a complaint site
20 that he complained of.

21 MS. WHIRLEY: So that line of demarcation
22 does not have anything to do with the complaint
23 site?

24 **A** No, ma'am, that's a natural crease in his
25 neck area.

1 **Q** (By Ms. Alizadeh) Next Image Number?

2 **A** 16.

3 **Q** Okay.

4 **A** Is the right rear side of his neck without
5 a scale, and then 17 is with a scale.

6 18 is the left side of his neck
7 without a scale, and then 19 is with a scale.

8 **Q** All right. So those 18 total photographs
9 were how Darren Wilson appeared when you
10 photographed him on August 9th shortly after 2:20,
11 or about what time did you actually photograph him?

12 **A** At 2:20 that's when I initiated my, I
13 turned my back to you folks, I'm sorry, that's when
14 I initiated my investigation and documentation as I
15 stated earlier of the injury sites that Darren
16 Wilson complained of.

17 **Q** Did you photograph any other parts of his
18 body?

19 **A** No, ma'am.

20 **Q** Did he complain of any other injuries?

21 **A** No, ma'am.

22 **Q** Did you examine his hands?

23 **A** I looked at them, I did not examine them.

24 **Q** Okay. Did he complain that his hands were
25 injured or hurting in any way?

1 **A** No, ma'am.

2 **Q** When you looked at his hands, did you see
3 the backs of his hands?

4 **A** I did.

5 **Q** And did you notice anything that appeared
6 to you that might indicate an injury to the backs of
7 his hands?

8 **A** No, ma'am.

9 **Q** Now, at the hospital, did you seize
10 anything from Darren Wilson?

11 **A** I did not.

12 **Q** And you had indicated previously that you
13 were also charged with the duties of seizing his
14 clothing?

15 **A** Correct.

16 **Q** And his gun?

17 **A** Correct.

18 **Q** And now you said that he had his
19 department issue pants on in the hospital; is that
20 correct?

21 **A** Yes.

22 **Q** Did you talk to him about those pants?

23 **A** I did.

24 **Q** And did he show you anything on the pants?

25 **A** He said there was blood on his left thigh.

1 **Q** And did you look at the pants?

2 **A** I did.

3 **Q** Did you see something that was some type
4 of stain on the left thigh of his department
5 trousers?

6 **A** I did. There was a reddish stain on the
7 upper thigh area.

8 **Q** And did you photograph those pants in the
9 hospital?

10 **A** No, ma'am, we did that at Ferguson Police
11 Department.

12 **Q** Did you seize his pants at the hospital?

13 **A** No, ma'am.

14 **Q** Why is it that you just have him take his
15 pants off right then and give it to you?

16 **A** He had nothing else to wear. I didn't
17 want him traveling in just a hospital gown back to
18 Florissant Police Department.

19 **Q** So was there a decision made for you, as
20 well as Darren Wilson and others to go back to the
21 Ferguson Police Department?

22 **A** Yes.

23 **Q** And was there a discussion about somebody
24 bringing clothing for him?

25 **A** Yes. I did discuss with Lieutenant

1 Colonel from Ferguson Police Department to
2 see if we could make arrangements from
3
4 whoever, to make arrangements if they
5 could bring clothes to Ferguson Police Department so
6 that Darren Wilson had something to wear home that
7 day.

8 Q All right. Now, did you travel directly
9 from the hospital to the police department?

10 A I did.

11 Q Now, let me ask you this, getting back at
12 little bit at the hospital, did you ask Darren
13 Wilson any questions about what happened that day?

14 A No, ma'am.

15 Q You didn't ask him about, tell me what
16 happened or anything of that nature?

17 A No, ma'am.

18 Q Did you hear him talking to anybody else
19 about what happened that day?

20 A No, ma'am, not while I was photographing.

21 Q All right. So did you go by yourself in
22 your crime scene van to Ferguson?

23 A I did.

24 Q To your knowledge, did Darren Wilson
25 travel there with another officer?

1 **A** Lieutenant Colonel I believe,
2 yes.

3 **Q** Did you all arrive at the Ferguson Police
4 Department at around the same time?

5 **A** Yes.

6 **Q** When you got there, what's the first thing
7 you did?

8 **A** After meeting with Detective Darren
9 Wilson, Lieutenant Colonel we entered
10 Ferguson Police Department and went to their
11 detective bureau.

12 I was told that's where Officer
13 Wilson or Darren Wilson's department issued firearm
14 was, his uniform shirt and that's where we were
15 making arrangements to have clothes brought to him
16 so I could document the uniform that he was wearing
17 and also seize those uniform pants from him.

18 **Q** And so when you went into the detective
19 bureau, did you locate the weapon?

20 **A** Yes, I inquired of its whereabouts and I
21 was told that someone had placed Darren Wilson's
22 department issued side arm in an evidence envelope,
23 which wasn't sealed. It was on a desk there in the
24 detective bureau with other detectives from that
25 department present.

1 **Q** And did you locate that envelope with the
2 firearm inside of it?

3 **A** I did.

4 **Q** And you said it wasn't sealed, did you
5 remove the contents of the envelope?

6 **A** I did.

7 **Q** What was inside the envelope?

8 **A** His department issued Sig Saur firearm,
9 the magazine and one live round, and that's how the
10 firearm was placed in that envelope. I did not
11 download that weapon when I inquired about it. I
12 was told that Darren Wilson had downloaded the
13 weapon and then probably at the direction of the
14 supervisor, it was placed in that envelope and
15 merely for conveyance purposes, I assumed from the
16 scene back to Ferguson Police Department until I
17 arrived.

18 **Q** But that was not your firsthand knowledge,
19 correct?

20 **A** No, ma'am.

21 **Q** So the gun, the empty magazine and one
22 live round was in that envelope?

23 **A** Correct.

24 **Q** And you were told that the gun was
25 downloaded by Darren Wilson?

1 **A** Yes.

2 **Q** And you all know what that means,
3 downloading, other than like on the internet, can
4 you explain what that means for the jurors?

5 **A** Sure. When you download a semiautomatic
6 weapon for our terminology, that means that the
7 magazine is removed, all rounds that are in the
8 magazine and whatever is chambered is removed and
9 the slide is locked back. That's a safe way to
10 store a weapon.

11 **Q** So was that in the condition it was when
12 you got it out of the envelope?

13 **A** Yes, ma'am.

14 **Q** Okay. And now you are not a ballistics
15 person; is that correct?

16 **A** I am not a certified ballistics expert,
17 no, ma'am.

18 **Q** Are you familiar with this weapon?

19 **A** Very.

20 **Q** And is it, in fact, the same weapon that
21 you carry?

22 **A** Yes, ma'am.

23 **Q** And so did you, when you removed the
24 weapon from the envelope, did you photograph it in
25 the state it was in?

1 **A** Yes, ma'am.

2 **Q** Okay. Let's go through those. Your first
3 is Number 20, I believe?

4 **A** It is. Once I removed the weapon, it was
5 laid on top of the Ferguson Police Department's
6 evidence envelope in exactly the condition that I
7 removed it from.

8 **Q** You and I talked about this yesterday,
9 what's this thing right here?

10 **A** That is just part of the seal on the back
11 of their evidence envelope. I did not apply that
12 and nor was it sealed.

13 **Q** Okay. And this portion of the weapon,
14 that's the slide of the weapon?

15 **A** It is.

16 **Q** And it is locked in the pulled back
17 position?

18 **A** Correct.

19 **Q** Can you --

20 MS. ALIZADEH: We have a question?

21 When you handle
22 this evidence, are your hands gloved?

23 **A** Always.

24 : Even when you are
25 photographing?

1 **A** Always, yes, ma'am.

2 Okay.

3 **A** As a general rule, I always wear two sets
4 of gloves. If the first set becomes contaminated or
5 in this case, if I was to swab this for any other
6 potential forensic evidence. That first set is
7 removed before I move onto the next step and then
8 another set of gloves is put on so I don't run the
9 risk of cross-contamination.

10 **Q** (By Ms. Alizadeh) So you are double gloved
11 when you are handling this firearm?

12 **A** Always.

13 **Q** All right, yes?

14 . So the envelope,
15 it was your understanding that was the first time it
16 had been used was when that gun was put in?

17 **A** I was just told it was placed in the
18 envelope.

19 By that picture, it looked
20 like the envelope has been used before?

21 **A** It's possible, I don't know.

22 **Q** (By Ms. Alizadeh) And, Detective, did you
23 seize the envelope?

24 **A** No, ma'am.

25 : Just

1 clarification. What is the protocol for when you
2 seize a weapon and it is placed in the evidence bag
3 to be inspected, what's the protocol as far as
4 putting it in there and everything else after that?

5 **A** I can speak for the County Police
6 Department, I can't speak for another agency, okay.
7 We do not package firearms in this manner.

8 If I go to a scene and there's a
9 firearm laying there, okay. There's a standard
10 protocol that we always follow, and I think you may
11 have seen some of those from Detective

12 We'll take an overall view, we'll
13 take what is called a midrange view to tie in that
14 firearm, if we are talking about bag this, where it
15 is on this section of the table. The overall view
16 would be the entire room, okay. Midrange view would
17 say, well, it is near these two jurors and these two
18 microphones.

19 Then we would take a close-up view of
20 it, but it is still in place. We have not
21 manipulated it, we have not touched it and then what
22 you folks will see here shortly we follow the same
23 protocols as far as images.

24 Once it is photographed in place,
25 then wearing gloves, we will pick it up, usually lay

1 it on another surface, whether it is an evidence
2 envelope or evidence box, which would be the County
3 Police Department. We don't put fires arms in a
4 package.

5 And then we would lay that firearm,
6 we would photograph both sides, we would take an
7 image of the serial number, we would remove the
8 magazine, photograph all of these things as they
9 are, and then we would unload the magazines and
10 whatever rounds in the magazine. We would display
11 them next to the magazine to document, well, these
12 are the rounds that we found in there.

13 We would then lock the slide back and
14 whatever is in the chamber or not in the chamber
15 then we would document that.

16 We would package those items
17 separately, but they all go into one gun box.

18 If we were to seize this and render
19 it safe, then it would be inspected by another
20 detective or one of my supervisors to confirm
21 Detective looked at this gun and he cleared
22 it, and I'm checking to make sure that it is cleared
23 so everyone is safe.

24 We would then put what's called a
25 lead seal, which has a number on it through the

1 trigger guard, which would be this section right
2 here. And per our firearms unit, we would put in
3 essence, it is a orange zip tie that runs from, if I
4 can change images, Miss Alizadeh?

5 MS. ALIZADEH: Sure, just identify the
6 image you are going to put up there.

7 **A** The next image is Number 21. This is the
8 other side of the weapon. Again, our normal
9 sequence. And right here would be the ejection
10 port, that orange zip tie would initiate going
11 through here, it comes out of the bottom of the
12 magazine, goes in and then we would secure that.

13 Then it is sent to the firearms unit
14 to verify when that gun gets there, that it couldn't
15 have accidentally slide, go forward, it could have
16 been knocked around or something. And we want to
17 confirm when it goes to our crime lab personnel that
18 that gun is safe, has been inspected and has been
19 confirmed.

20 So come back to your original, I
21 can't speak for other departments, I can only share
22 with you what is our protocol policy and procedure.

23 : One more question. Did
24 you take a picture of the envelope while the weapon
25 is in the envelope?

1 **A** No, ma'am.

2 I have the question about
3 the clothing. Is it common practice to have
4 somebody travel from one spot to another before you
5 take the clothing, I mean, I'm wondering is there a
6 reason why somebody couldn't bring that to the
7 hospital where he was instead of having him travel
8 somewhere else before he got there for his clothing.

9 **A** Again, ma'am, I can't address that, that
10 was Ferguson's decision. If I was to work, and I've
11 worked hundreds, if that was a County Police
12 Department employee, we would have made arrangements
13 to get clothes to him or her.

14 **Q** (By Ms. Alizadeh) Does anybody, the first
15 image of the weapon was Photograph Number 20, does
16 anybody need that back up? We are moving back now
17 for 21, which has been on the screen. Describe what
18 you are seeing?

19 **A** That is the other side or the right side
20 of the weapon, the slide locked back. Visible in it
21 serial number, as I explained earlier.

22 And Image 22 is a close-up view of
23 that serial number. You folks may not be able to
24 see that. We can certainly pass that around. I
25 don't know how to make that clearer.

1 **Q** Can you, just with the pointer, point out
2 where the serial number is?

3 **A** Right in the center of the image is the
4 serial number of that firearm.

5 **Q** Now, also not clearly visible on the
6 screen, but again, we will pass these around, there
7 is, there is something right there?

8 **A** There's a red stain right here. And also
9 in this area on the slide.

10 **Q** All right. Were there any other red
11 stains that you found anywhere else on the gun?

12 **A** Yes, they're on the slide also.

13 **Q** Okay. And now before we get to, I know
14 you depleted your photographs, but while we have
15 this up, let's go forward to you swabbing the gun.

16 **A** Okay.

17 **Q** We also heard Detective talk about
18 these kits that you are equipped with in your crime
19 scene van?

20 **A** Yes.

21 **Q** They are prepackaged and sterile swabs,
22 correct?

23 **A** Correct.

24 **Q** Did you swab that gun?

25 **A** I did.

1 Q What area, if we could maybe just use 20
2 and 21 again, instead of that close-up, just point
3 with the pointer the areas of that weapon that you
4 swabbed?

5 **A** The entire slide area, all three sides of
6 it and this area on both sides.

7 Q And so that would include the reddish
8 stains or the reddish substances that you could see
9 on that weapon?

10 **A** Yes.

```
11      Q      Now, let you resume with the next image.
```

12 **A** The next image is 23. Again, we're
13 documenting the condition of the contents from that
14 firearm that was in the envelope placed by Ferguson
15 Police Department personnel.

16 Q And that magazine is empty?

17 **A** It is.

18 Q All right.

19

20 **A** Yes, ma'am.

21 Do you check for
22 fingerprints in the gun?

23 **A** No, it is the officer's gun.

24 You don't check for
25 fingerprints?

1 **A** No, the magazine in light of these
2 circumstances.

3 : No, the magazine, in the
4 gun, when he holds the gun?

5 MS. ALIZADEH: Let me address that because
6 that's a good question.

7 : I'm sorry.

8 **A** That's great.

9 **Q** (By Ms. Alizadeh) I kind of skipped over
10 that, let's talk about that right now.

11 **A** Sure.

12 **Q** So when you were, were you told that there
13 was a physical struggle over this weapon?

14 **A** I was.

15 **Q** And were you told that Michael Brown may
16 have had his hands on the weapon?

17 **A** Yes.

18 **Q** So was there some discussion between you
19 and other officers about swabbing versus
20 fingerprinting?

21 **A** There was.

22 **Q** Okay. Have you all had a fingerprint
23 expert testify before you before?

24 (All jurors indicate no.)

25 **Q** (By Ms. Alizadeh) On a surface like this

1 firearm, how would you go about examining that, do
2 you want those firearm pictures again?

3 **A** Just let me have one of them please,
4 ma'am.

5 **Q** How would you go about looking on that
6 weapon for fingerprints?

7 **A** Okay. Based on the information that I was
8 told regarding the incident, I was informed that
9 Darren Wilson while holding his firearm, his
10 department issue pistol, while he's holding it,
11 there was a struggle between Mr. Brown and
12 Mr. Wilson while the officer was seated in his
13 police vehicle and Mr. Brown was outside.

14 So if you take that and say okay,
15 well, the officer is holding his gun, he never
16 relinquished it, the gun was never taken away,
17 however, we are wrestling over this gun.

18 Common sense would tell you that if
19 I'm holding the handle of the gun here, then what
20 opportunity or what else is the other person
21 struggling over. Probably this area of the gun.

22 The magazine was never released from
23 the gun during the incident, it was never dropped or
24 picked up, the officer never lost control of his
25 gun.

1 If you have a violent event like
2 that, you have to make a decision whether you are
3 concerned about hopefully getting a DNA profile or
4 the possibility of retrieving latent fingerprint
5 evidence.

6 **Q** Let me stop you really quick here. We are
7 going to finish him up describing this because our
8 doctor is here, but I'm going to let him finish this
9 area about the fingerprint versus swabbing.

10 Now, I want to clarify that the
11 things that you are talking about concerning a
12 struggle over the gun, that is not from your
13 firsthand knowledge, correct?

14 **A** Absolutely not.

15 **Q** That's information that came to you from
16 other sources?

17 **A** Yes.

18 **Q** And not Darren Wilson?

19 **A** Correct.

20 **Q** And then you are making some assumptions
21 about where you might fingerprint based upon just
22 common sense and your experience?

23 **A** Yes.

24 **Q** Okay. So this is not to say that this is
25 how it happened, but this is based upon your

1 experience and what you have been told at this point
2 where you might expect to find fingerprints?

3 **A** Correct.

4 **Q** Okay. You can then go ahead and talk
5 about, you have to make kind of a decision between
6 whether to swab for DNA or to look for fingerprints?

7 **A** Correct.

8 **Q** So why did you make a decision to swab for
9 DNA?

10 **A** Based on training and experience, and also
11 based on the information that I was given, you're
12 not going to have fine ridge detail during a violent
13 encounter. It would be different if this gun was
14 like this and someone just came up, other than the
15 officer, and touched it.

16 When we process that, yes, you can
17 get fine ridge detail. So the decision was made
18 between myself and the crimes against person
19 detective, homicide detective, that it would be
20 better to swab the weapon.

21 Now, if you are going to swab it,
22 then you need to swab all the relevant areas that
23 could be touched by someone other than Darren
24 Wilson.

25 **Q** Because, of course, you know Darren Wilson

1 has touched that gun?

2 **A** Exactly, he was holding it.

3 **Q** It would tell you nothing if his DNA is on
4 it?

5 **A** Absolutely not.

6 **Q** We know he touched the gun?

7 **A** Right, it is his gun.

8 **Q** All right.

9 **A** Once that decision is made and you swab,
10 then you're going to have to swab those areas that
11 were described earlier. If there was fingerprint
12 evidence, you are going to be swabbing through them,
13 so that's why you need to make a decision whether
14 you want to process this for fingerprints or do you
15 want to process this for DNA.

16 **Q** And in processing this weapon for
17 fingerprints, could you after that swab it for DNA?

18 **A** No.

19 **Q** So you had to pick one or the other?

20 **A** Right.

21 **Q** And based upon your information and
22 consulting with the detective, crime scene
23 detective, not crime scene, crimes against person
24 homicide detective, was a decision made to swab for
25 DNA?

2 Q And that's what you did?

3 **A** Yes.

4 Q Did you package those swabs in the regular
5 manner?

6 **A** I did.

7 MS. ALIZADEH: Do you have any questions
8 about his processing this gun or about the gun
9 itself or anything like that?

10 : Did you
11 describe what type of gun is it again?

12 **A** It is a Sig Sauer P229. It is a .40
13 caliber weapon.

14 MS. ALIZADEH: Just so you know and, of
15 course, he is familiar with this weapon, but we will
16 be calling, you know, someone from the crime lab
17 that is an expert on ballistics and can answer all
18 kind of questions about this weapon and how it fires
19 and so forth.

20 Once you swab
21 the critical areas for DNA, is all of the DNA at
22 that point removed from the object basically, it is
23 rendered clean?

24 **A** You might have a trace only because these
25 are cotton swabs and when we swab something, we do

1 two at one time. One for the prosecuting attorney's
2 office, that's going to end up going to the lab and
3 potentially a defense attorney so we keep one on
4 file.

5 When you are holding these two cotton
6 swabs, if you folks can picture Q-Tips, okay. You
7 are holding two of them together, unless you're
8 going back and forth and completely swabbing every
9 little spot on this thing, you're not going to
10 remove all of the DNA, all right.

11 You're trying to get the most profile
12 or profiles that you can by swabbing those areas
13 back and forth. Kind of like painting a first coat,
14 you're not going to paint, you're not going to cover
15 everything with your first coat. The same thing
16 applies when we're swabbing for DNA. So potentially
17 could be DNA left on there, but we try to get the
18 largest sample as we can.

19 : .

20 **A** Yes, ma'am.

21 : I just need to know this.
22 When the weapon was seized, before you got to the
23 weapon.

24 **A** Okay.

25 It was in the envelope?

1 **A** Uh-huh.

2 The protocol that the
3 envelope is supposed to be sealed, you know, like
4 you collect evidence and you get the bag, all the
5 evidence is in the bag and you seal the bag until
6 the right person comes and inspects the bag?

7 **A** Again, I can speak for the County Police
8 Department, yes. What I was told, the information
9 that I was given is that it was just placed there
10 for, in essence, conveyance or storage until I got
11 there.

12 And then, obviously, when I arrived
13 and I processed or I seized or I package something,
14 then I follow what the County Police Department
15 crime scene unit and our crimes lab protocol as far
16 as how we package things.

17 Was it locked away or
18 sitting out?

19 **A** It was in the detective bureau on a desk.

20 **Q** (By Ms. Alizadeh) Just for clarification,
21 do you know does Ferguson Police Department have
22 their own crime scene detective?

23 **A** They do.

24 **Q** Were any of them that you know of involved
25 with processing anything involved with this

1 shooting?

2 **A** No, ma'am.

3 **Q** In fact, Ferguson had asked county to come
4 in and take over this investigation within maybe an
5 hour of the shooting, would that be your
6 understanding?

7 **A** Yes, ma'am.

8 **Q** And so to your knowledge, did any Ferguson
9 crime scene detectives have anything to do with
10 seizing evidence, processing any scenes?

11 **A** No, ma'am, that's why they requested my
12 unit to respond.

13 **Q** And so I'm only guessing or speculating,
14 had a Ferguson crime scene detective actually seized
15 this weapon, he might have handled it in a different
16 manner than what was done in this case, would that
17 be a guess or fair to say?

18 **A** That would be accurate because Ferguson
19 Police Department has sent some of their officers to
20 the crime scene school that I teach at our academy.
21 I'm confident in stating that they would probably
22 have followed protocols if they were actually
23 seizing pieces of evidence.

24 MS. ALIZADEH: Okay. Any other
25 clarifications?

1 Yes. . You
2 may have said it, who actually put the gun into the
3 envelope?

4 **A** I have no idea.

5 Okay. Would there be an
6 issue when you do the swab of somebody else's DNA on
7 the gun.

8 **A** What I was told is that Darren Wilson had
9 unloaded his own weapon, so if he handed it to
10 someone else, I was never informed of that.

11 MS. ALIZADEH: Now, I will tell you we
12 will have DNA people testify and they will tell you
13 what DNA was found on that gun and if they can
14 identify whose DNA it was.

15 So as far as that goes and let me ask you,
16 Detective did you take a swab from Darren
17 Wilson at the hospital.

18 **A** Yes, ma'am.

19 **Q** (By Ms. Alizadeh) So there was a sample of
20 Darren Wilson's DNA taken by you at the hospital?

21 **A** Yes.

22 **Q** And that is done by rubbing something on
23 the inside of his cheek?

24 **A** Yes, it is called a buccal swab.

25 **Q** And you are fully gloved?

1 **A** Uh-huh.

2 **Q** Do you have a protocol on how to take that
3 swab and package it so that there is no
4 contamination?

5 **A** We do.

6 **Q** You do not want your DNA on that swab in
7 any way?

8 **A** No.

9 MS. ALIZADEH: So at any rate, there will
10 be some testimony sometime down the road about what
11 was discovered on the swabs that Detective
12 used when he processed that gun and then, you know,
13 any conclusions to be drawn from that.

14 Anybody else about the gun?

15 We're going to have to break with him and
16 Detective I'm sorry, you will get an invite
17 back on another day.

18 **A** I love to come chat again.

19 MS. ALIZADEH: We'll go ahead and have him
20 finalize the disc and while the disc is finalizing,
21 because we all know that takes a couple minutes, how
22 about if we take a break. And in shifts, I'll start
23 these photographs over here so if you all want to
24 like, if you need a restroom break and then come
25 back as these are getting passed around, and you

1 might be able, you will be able to see. We're not
2 going to do the ones we haven't talked about yet,
3 just the ones we identified.

4 (Recess)

5
6 DR.

7 of lawful age, having been first duly sworn to
8 testify the truth, the whole truth, and
9 nothing but the truth in the case aforesaid,
10 deposes and says in reply to oral
11 interrogatories, propounded as follows, to-wit:

12 EXAMINATION

13 BY MS. ALIZADEH:

14 Q For the record, this is Kathi Alizadeh
15 present in the grand jury room with Sheila Whirley
16 we are both with the St. Louis County Prosecutor's
17 Office. All 12 jurors are present and, as well as
18 the court reporter who is taking down the testimony
19 and also audio recording the proceedings today.

20 For our next witness, would you state
21 your name, please?

22 A Name Dr.

23 Q Could you spell for the court reporter
24 your first and last name?

25 A

1 **Q** And what is your profession?

2 **A** I'm a forensic pathologist.

3 **Q** And can you describe for the jurors your
4 education and how you obtained the degrees to become
5 a pathologist?

6 **A** For starters, I obtained my bachelor of
7 science degree at Xavier University at Louisiana,
8 that was a four year education. I then attended
9 medical school four years at Louisiana State
10 University. College medical school down in New
11 Orleans, which was a four year training. And then I
12 did a four year anatomical and clinical pathology
13 residency at St. Louis University here in St. Louis.

14 I did one additional of pediatric
15 pathology, which was a one year fellowship and
16 fellowship specifically in forensic pathology at St.
17 Louis City Medical Examiner's Office.

18 **Q** Can you explain for the jurors what is,
19 what is a pathologist, what does he do?

20 **A** The basic definition of a pathologist is
21 someone who is a medical doctor who is in the
22 profession of studying disease.

23 **Q** Can you describe for the jurors what is a
24 forensic pathologist?

25 **A** A forensic pathologist is a specialized

1 doctor in the field of pathology who is dealing with
2 determining the cause and manner of death.

3 Q And you are a forensic pathologist?

4 A Yes, I am.

5 Q Are you board certified?

6 A Yes, I am board certified in anatomical
7 pathology as well as forensic pathology.

8 Q Are you employed as a forensic
9 pathologist?

10 A Yes, I am.

11 Q Where are you employed?

12 A I'm currently employed as an assistant
13 medical examiner at the St. Louis County Medical
14 Examiner's Office.

15 Q Is that the office, is the chief medical
16 examiner for St. Louis Dr. ?

17 A Yes, she is.

18 Q You work under her supervision?

19 A Yes, I do.

20 Q How long have you worked for the County
21 Medical Examiner's Office?

22 A A little over two years.

23 Q Prior to that, did you work for any other
24 medical examiner's office?

25 A No.

1 **Q** And so when you began working for the
2 County Medical Examiner's Office, was there any
3 training that you underwent or any on-the-job
4 training that you had to go through when you first
5 began?

6 **A** Um, I mean, the main thing that's
7 important is that you've done a certified or
8 approved forensic fellow, which I did do at St.
9 Louis University through their system at the St.
10 Louis City Medical Examiner's Office. So that's the
11 main thing that you do need, plus your medical
12 degree and eventually being board certified to be
13 able to practice what I practice at.

14 **Q** And so in probably, what I would say in
15 layman's terms, one of your chief duties and
16 responsibilities is to perform autopsies, correct?

17 **A** Correct.

18 **Q** And just we all think we know what an
19 autopsy is, but can you explain for the jurors in
20 general when you have a deceased person how you
21 begin an autopsy?

22 **A** The autopsy itself, it is kind of layman's
23 terms just for the general examination that occurs
24 that I have for a case and it entails a lot of
25 features depending on the circumstances, some things

1 are not done or done, but in a complete sense of an
2 autopsy, you do an external examination, which is
3 looking at the external features of the body with
4 the clothes on and then removed.

5 Once they are removed, you want to
6 look at any type of identifying characteristic, any
7 kind of scar, any type of wounds, any type of
8 tattoos, anything that you can physically see on the
9 body that may be an abnormality or be something
10 different, that's the external portion of the
11 examination.

12 That is then ultimately followed with
13 an internal examination where you are actually
14 assessing all of the organs, weighing the organs
15 looking at the organs to see if you see any type of
16 pathological or disease type changes, any type of
17 injuries on the inside of the body.

18 In terms of different ancillary
19 studies that would be things that are in addition to
20 external, as well as the internal examination we do
21 toxicology, that's taking fluids from the body just
22 in a general sense, blood, urine, fluid from the
23 (listen) eyes where that fluid is tested to see if
24 there is any type of drugs, any type of toxins
25 within the body.

1 The body is x-rayed some time to look
2 for any type of fracture, in homicide to see if
3 there is any type of projectiles within the body or
4 any type of knives or things of that nature.

5 **Q** And by projectile, you mean like a bullet?

6 **A** Correct, like a bullet. Other things that
7 are done, sometimes I do cultures, that is just
8 looking for any type of bacteria or viral packaging
9 that may be in the body, that may be the cause of
10 death. Medical records, if they are present, I will
11 review those as well and sometimes I have to use
12 histology, which is looking at actual tissue that
13 has been processed to be able to look under a
14 microscope, where I look under the microscope and
15 then I can make a diagnosis of different type of
16 disease changes.

17 So those are kind of the basic things
18 that go into an autopsy and as I said, sometimes all
19 of those things are used, and sometimes bits and
20 pieces are used, but more the most part complete
21 external examination, internal examination and the
22 toxicology, that's pretty much routine on all cases.

23 **Q** And now you are not the toxicologist; is
24 that correct?

25 **A** That is correct.

1 **Q** You just collect the samples that are then
2 tested by a toxicologist?

3 **A** That is correct.

4 **Q** Now, prior to your beginning and autopsy,
5 do you receive information from anyone about the
6 deceased that may assist you in knowing what you are
7 looking at and what to look for?

8 **A** Yes, I did.

9 **Q** And in this case did you have a
10 conversation with

11 **A** Yes, I did.

12 **Q** Is he one of the investigators from the
13 Medical Examiner's Office?

14 **A** Yes, he is.

15 **Q** Now, in this particular case, did you
16 examine the body of Michael Brown?

17 **A** Yes, I did.

18 **Q** What day did you examine him?

19 **A** August 10th.

20 **Q** So this would be the day after the
21 shooting, correct?

22 **A** Correct.

23 **Q** Now, in every autopsy that you perform,
24 are there police officers there during the autopsy?

25 **A** Not every autopsy I perform.

1 **Q** In a situation where there might be
2 criminal activity involved in this person's death,
3 is there always a police officer who is present for
4 the autopsy?

5 **A** Yes, there is.

6 **Q** And are you familiar with some of the St.
7 Louis County crime detectives, crime scene
8 investigators?

9 **A** Yes, I'm familiar with them.

10 **Q** And are those generally, well not
11 generally, do they on occasion attend the autopsies?

12 **A** Yes, they do.

13 **Q** And are you present when a police officer
14 is photographing the autopsy?

15 **A** Yes, I am.

16 **Q** Do you at times direct the officer, you
17 know, get a picture of this because this shows this?

18 **A** Yes, I do.

19 **Q** And then if you are removing anything
20 foreign from the body, do you then, does the officer
21 document that object?

22 **A** Yes, he does.

23 **Q** Does typically the officer would then
24 seize those objects if there was anything seized
25 from the body that might be evidentiary in nature?

1 **A** Yes, they do.

2 **Q** So you're not, your job is not collection
3 of evidence?

4 **A** No.

5 **Q** But there is someone present during the
6 entire autopsy whose job is there to collect
7 evidence?

8 **A** That is correct.

9 **Q** Okay. Now, in this particular case, this
10 autopsy performed on Michael Brown, what information
11 did you have from that was something
12 that you considered prior to beginning the autopsy?

13 **A** Um, when I was contacted by
14 he called me on my personal cell phone to let me
15 know what particular cases came in on his shift and
16 he informed me of the cases that came on his shift,
17 and one of the cases was Mr. Michael Brown.

18 The circumstances that I got from him
19 were very brief and minimal. At that particular
20 time he informed me that there was a police
21 shooting. He mentioned to me that there appears to
22 have been a struggle and that was kind of the extent
23 of the information that I had at that particular
24 time.

25 So from that point, I know that the

1 body is going to have to come in for examination due
2 to the nature of the particular type of event.

3 There is certain cases that are under
4 my jurisdiction as a medical examiner and that
5 particular case of Mr. Michael Brown fit that
6 jurisdiction, so I knew that that case was going to
7 come in for examination.

8 Q Are you aware that Missouri has a statute
9 that says that the actual body and its possessions
10 of a deceased person are the property of the Medical
11 Examiner's Office?

12 A Yes, I am.

13 Q And so in this particular case, well, let
14 me back up.

15 You're aware that
16 ultimately prepared a report, correct?

17 A Yes.

18 Q But he didn't have his report prepared
19 when you first began your examination; is that
20 correct?

21 A Correct.

22 Q Okay. And did you see any other police
23 reports or any other reports about this incident
24 before you began your examination?

25 A No, I did not.

1 **Q** Did you get any other information from
2 anywhere else, whether it be a police officer or
3 witnesses or anybody else?

4 **A** Before I started my examination, Detective
5 was present at my autopsy
6 examination and I did ask him about the
7 circumstances that he knew at that particular time.

8 **Q** What did he tell you about what he knew at
9 that time?

10 **A** Trying to remember exactly, it is a while
11 back, but it was just basically similar situation of
12 there were two gentlemen in the street, police
13 officer responded to that particular area, from that
14 point in time a struggle ensued and then after that
15 things were difficult to determine at that point in
16 time, but ultimately it ended in the result of
17 Mr. Michael Brown obtaining fatal wounds.

18 **Q** Okay. And so jumping forward now, at the
19 conclusion of an autopsy, do you prepare a report?

20 **A** Yes, I do.

21 **Q** And is that report reviewed by anyone else
22 in your office?

23 **A** Um, there's a secretary who transcribes
24 the information that I speak into a digital
25 recorder, but it is my words and she transcribes my

1 words, I get it back, I correct it.

2 Q Okay. And so did you, you prepared the
3 report after your autopsy of Michael Brown?

4 A Yes.

5 Q And did you approve the final report as
6 correct, in other words, those were the words that
7 you had dictated?

8 A Yes, yes, I did.

9 (Deposition Exhibit Number 6
10 marked for identification.)

11 Q (By Ms. Alizadeh) I'm going to hand you
12 what I marked as Grand Jury Exhibit Number 6. And
13 is that a copy of your report of the post-mortem
14 examination, post-mortem examination just another
15 term for like an autopsy?

16 A Correct.

17 Q Is that your report of the autopsy of
18 Michael Brown?

19 A Yes, it is.

20 Q All right. And I'm going to pass around
21 to all of you a copy of the report. Again, as I
22 have mentioned before, if you are reading a document
23 when a witness is testifying, just keep in mind that
24 you might be missing something that's being said.
25 These reports are yours to keep in your folders that

1 we've provided for you to review at any time. And
2 if at a later date after reviewing the report you
3 have additional questions, we will try to get those
4 questions answered for you.

5 I'm also handing you a document, I
6 didn't mark this, Dr. did I show you that
7 prior to your testimony today?

8 **A** Yes, you did.

9 **Q** This is a list of terms of anatomic
10 orientation. In your report, you use terms that I
11 would say a layperson isn't going to be familiar
12 with, would that be fair to say?

13 **A** That's fair.

14 **Q** And when you are autopsying a body, is it
15 one of your jobs and responsibilities to describe
16 the location of a wound?

17 **A** Yes, it is.

18 **Q** And if it is some kind of piercing wound,
19 whether it be from a knife or projectile, you
20 describe the path of that wound or the trajectory so
21 to speak of that wound?

22 **A** That is correct.

23 **Q** You use terms that might not be common
24 everyday terms that laypeople would understand?

25 **A** That is correct.

1 **Q** Do you agree that these terms that I
2 showed you on this list are accurate?

3 **A** Yes, I do.

4 **Q** And do you think it would assist the grand
5 jurors if they have a copy of this if they later
6 want to use the report?

7 **A** Yes, I did.

8 MS. ALIZADEH: So I will pass those around
9 as well. Again, if you will write your grand juror
10 number on the upper corner of these documents,
11 please do not write on them. If you have notes to
12 take, go ahead and take those notes in your
13 notebook, but these are going to be, do we already
14 have somebody that wrote on it? Did you write on
15 it? If need be, I can get you a clean one. I want
16 to make sure that the notes that you take are in
17 your notebook.

18 So, Dr. are you assisted during
19 the autopsy?

20 **A** Yes, I am.

21 **Q** (By Ms. Alizadeh) And is it someone who is
22 employed by the Medical Examiner's Office who assist
23 you?

24 **A** Yes, that is true.

25 **Q** And do you recall, you said Detective

1 was present for the autopsy?

2 **A** (Nods head.)

3 **Q** He is a detective with the County Police
4 Department?

5 **A** That is correct.

6 **Q** And was there another detective there who
7 was photographing and seizing evidence?

8 **A** There were two other detectives there, but
9 I don't know their names specifically.

10 **Q** All right. And so when you, after your
11 autopsy is completed, is it a standard, I'm sorry,
12 and in the case when the police are also involved in
13 the autopsies as far as documenting things, does the
14 Medical Examiner's Office receive a complete copy of
15 the photographs that the police took at the autopsy?

16 **A** Yes, we do.

17 **Q** Okay. Now, I'm going to show you what
18 I've marked as Grand Jury Exhibit Number 7.

19 (Deposition Exhibit Number 7
20 marked for identification.)

21 **Q** (By Ms. Alizadeh) I am going to ask you to
22 just remove what's in there. And this is a stack of
23 photographs and just real quickly just leaf through
24 them?

25 **A** Okay.

1 **Q** And tell me do you recognize these as the
2 photographs that were taken during the autopsy of
3 Michael Brown?

4 **A** Yes, I do.

5 **Q** Now, we've already done this a couple of
6 times and I think the easiest way to do this is if
7 you would sit in that chair there and take those and
8 have them on your lap.

9 And when we talk about these, now we
10 have already had some testimony from some crime
11 scene detectives about these photographs, and
12 including the fact that each photograph has a number
13 on the back of it. And so when I refer to the
14 photographs, since I haven't marked these
15 individually, we will just say this is Image Number
16 1, okay?

17 **A** Okay.

18 **Q** And so forth.

19 **A** Okay.

20 **Q** So let me turn down the lights again.
21 Makes it easier for people to see.

22 So, Dr. I know you're not
23 necessarily the author of this and not familiar with
24 what is depicted in Image Number 1, but the jurors
25 have heard testimony about this. This is the

1 placard that was prepared by the officer who took
2 these photographs and that would be his DSN down at
3 the bottom And my knowledge is that that is
4 Detective And if necessary he can
5 testify about taking these photographs if you need
6 to hear from him about what he's done.

7 But, of course, it is going to have
8 to be the doctor who testifies about what we are
9 seeing in these photographs for the most part. So
10 Image Number 1 is the placard.

11 Can you put Image Number 2 up there,
12 please? I think it goes towards you on the thing,
13 there you go. Can you describe what you are seeing
14 in that image?

15 **A** On the table is Mr. Michael Brown, the
16 decedent in question, and this is the way that the
17 body was presented to me after removal of the body
18 bag, which is the white bag that you see draped over
19 the table. And there's the placard identifying the
20 particular case and that's myself off into the
21 background in the back.

22 **Q** So that placard, and here is a laser
23 pointer right next to you right there, can you just
24 point to where the placard is you are talking about?

25 **A** This is the placard, identifying placard

1 for this particular case.

2 Q And that's prepared, that's not the one
3 that the county detectives prepared, that's
4 something that the medical examiner does, correct?

5 A Correct.

6 Q Okay.

7 A Actually, sorry, this one is St. Louis
8 County, sorry.

9 MS. ALIZADEH: Okay.

10 . So when the body
11 leaves the scene, is it taken directly to your
12 offices or where is the examining on the 10th, what
13 happens between when it is collected and this day?

14 A The body is picked up from a delivery
15 service, delivery service is responsible for picking
16 the body up from the scene. At that point when the
17 body is picked up from the scene, it is brought
18 directly to the St. Louis County Medical Examiner
19 and it is placed in the morgue, in a cooler, until
20 eventually I'm going to come for the examination.

21 Let me back up a step. When the body
22 comes in and it is checked in by the morgue staff or
23 it is given a number, and just to make sure that it
24 is logged in appropriately and put into the morgue,
25 but the body goes into the cooler to wait until the

1 next day. We will take initial round of pictures
2 and then we will get to the point where we are right
3 now.

4 : Thank you.

5 **A** You are welcome.

6 **Q** (By Ms. Alizadeh) So when the body was
7 removed from the cooler, was it still locked in the
8 bag?

9 **A** Correct.

10 **Q** We heard talk about the fact that
11 there is a lock placed on the bag at the scene by
12 him?

13 **A** That is correct.

14 **Q** After the body is received at the Medical
15 Examiner's Office, does anyone before your autopsy
16 begins unlock that bag?

17 **A** No.

18 **Q** If that lock had been disturbed or broken
19 or opened when you began your autopsy, would you
20 have noted that?

21 **A** Yes.

22 **Q** And so when you open the body bag, this is
23 the body of Michael Brown as it appeared when you
24 open the body bag?

25 **A** That is correct.

1 **Q** We see in the image that we have heard
2 testimony from that there is paper
3 bags that are placed on the hands of the deceased?

4 **A** That is correct.

5 **Q** And that was done by at the scene?

6 **A** That is correct.

7 **Q** And would it be protocol for to
8 have used latex gloves while he is handling any of
9 the body while he is at the scene?

10 **A** That is correct.

11 **Q** So after that has happened and the officer
12 has photographed what we see in Image Number 2, what
13 happens next?

14 **A** Um, at this point, in theory and in terms
15 of normal protocol or in terms of how I approach the
16 case, at this point I will eventually myself start
17 looking at the body, start the initial external
18 examination that I spoke with you all at the
19 beginning where I am looking at the clothing that
20 the particular decedent has on. And just stating
21 how the body appears to me, at least initially, in
22 terms of clothing and that would be the next step.

23 **Q** Okay. And so let's move through the
24 photographs as we go and Image Number 3?

25 **A** Yes, this is Image Number 3.

1 **Q** So just describe, if you briefly want to
2 describe what we are seeing here?

3 **A** This is just the decedent, Mr. Michael
4 Brown, from the other side of his body, looking from
5 the other angle before the angle is just flip
6 flopped. So it is just the other side, you are
7 looking at the right side of his body as opposed to
8 the first image which was the left side of his body.

9 **Q** Okay. Image Number 4?

10 **A** Image Number 4 is just kind of an overall
11 view of Mr. Michael Brown's face as he is as soon as
12 the bag is removed to expose his face and rest of
13 his upper body.

14 **Q** And this up here, that's the placard that
15 you were talking about?

16 **A** That's the identifying placard that was
17 prepared by St. Louis County Police Department, this
18 is Mr. Michael Brown's face.

19 **Q** Okay. And Image Number 5?

20 **A** Image Number 5. So this is, we actually
21 have a ladder in the actual morgue suite where you
22 are able to get a higher vantage point to be able to
23 get a larger view of the body.

24 So the officer in this particular
25 case has got on top of the ladder, he is doing an

1 overall of Mr. Michael Brown where you can see at
2 least down to the mid thigh, from the head down to
3 the mid thigh and seeing the arms and the torso, and
4 here is the identifying placard again.

5 Q Let me stop you here. As you say the body
6 was, you know, the bag was opened and you examined
7 it, are the clothes disturbed for the purposes of
8 these photograph?

9 A No, the clothes were not disturbed. This
10 is how they are maintained within the bag as soon as
11 it is opened.

12 Q So nobody lifted up the shirt, nobody
13 pulled the pants down, that's how it was when you
14 first saw it?

15 A Correct.

16 Q Okay. At this point, are you the one who
17 puts the body onto the table?

18 A Um, so from here, he was placed on this
19 table initially within the morgue cooler, it is on
20 wheels. So when it comes out, he is staying on here
21 the entire time. So the entire autopsy is going to
22 start coming from the cooler, to this part where you
23 are seeing the pictures, to me actually doing my
24 incisions and remove organs, so he stays on this
25 table the entire time.

1 **Q** And Image Number 6, I believe?

2 **A** Image Number 6. So this is still a view
3 from the ladder where the officer is taking
4 pictures, here is that identifying placard and here
5 is a shot from the head would be here, the feet are
6 down here and you can see the hands and you can see
7 the rest of the lower extremities of Mr. Michael
8 Brown and what he was wearing.

9 **Q** Now, there is a white object that's
10 affixed to his right ankle, do you know what that
11 is?

12 **A** These are added to the body just as
13 identifiers to make sure we know whose who when they
14 are coming in for examination.

15 **Q** So that was placed on there by someone
16 from the Medical Examiner's Office?

17 **A** Correct.

18 **Q** Not prior to him being --

19 **A** Correct.

20 **Q** -- deceased?

21 **A** Correct.

22 **Q** And then the next one, Number 7?

23 **A** Image Number 7, this is Mr. Michael Brown.
24 Again, we can see the face and you can see the shirt
25 that he was wearing, just a closer image of the face

1 and upper body.

2 **Q** Okay. Number 8?

3 **A** This is number 8. So we are looking at
4 the right side of Mr. Michael Brown's face and you
5 can see the shirt that he's wearing and you can see
6 the right side of his face.

7 **Q** Number 9?

8 **A** This is Image Number 9. And this is
9 predominantly, you know, this is the right side of
10 the face here, the left side would be here off of
11 the view of the picture. So you can see some of the
12 injuries here to the right side of the face.

13 **Q** Now, before I get too far ahead of
14 ourselves here, do you have other images in this
15 stack that better document the injury that you
16 documented?

17 **A** Yes, I do.

18 **Q** So you haven't, in other words, you
19 haven't cleaned him up?

20 **A** No, that is correct.

21 **Q** And at some point do you clean him up?

22 **A** Yes, I do.

23 **Q** And is it easier to visualize the injuries
24 after that?

25 **A** That is true.

1 **Q** Okay. So we'll go through these and then
2 we will talk about the injuries when we have the
3 other photographs. And that is Number 9 is next, I
4 think?

5 **A** Yes, it is. This is Number 10.

6 **Q** Yes, that's right. This one is Number 9,
7 you've got Number 10 up there on the screen?

8 **A** Yes. This is similar image to what I just
9 showed. We are still looking at the right side of
10 the face and what has been introduced here by the
11 officer who is taking the photos. He has introduced
12 a ruler, the ruler is important for scale in order
13 to if you want to go back in time to say how big or
14 how small things are, that's the purpose of the
15 ruler that has been introduced into this picture.

16 **Q** Okay. And the next would be Number 11?

17 **A** So this image is flip flopped a little
18 bit, mouth and the nose would be up here, the top of
19 the head is here, we are still looking at the right
20 side of the face and then you still have this ruler
21 that has been introduced into the picture.

22 **Q** Okay. Number 12?

23 **A** This is Image Number 12. Now, we're
24 seeing a little bit more of the left side of the
25 face, but still predominantly focused on the right

1 side of the face and once again the ruler is here
2 for scale.

3 Q Number 13?

4 A This is Image Number 13. And here we're
5 looking at the right side of the face, getting a
6 little bit lower near the draw line, jaw line
7 depicting an injury here on the right side of the
8 face.

9 Q Number 14?

10 A This is Image Number 14. Similar to the
11 last image that I just showed you. The only
12 difference is the ruler has been inserted into the
13 photograph for scale. So we are looking at the
14 right side of the face, again, focusing on this
15 wound.

16 Q Number 15?

17 A Image Number 15. Flipped upside down, but
18 the mouth would be here, the top of the head is down
19 here, once again focusing on the right side of the
20 face depicting injuries.

21 Image Number 16. So we're looking at
22 the right side of the body, there was a similar
23 image of this before, but the feet are down here,
24 the head is up here, this is the right side of the
25 body.

1 **Q** Now, in this image, the shirt of Michael
2 Brown, the shirt is actually above his --

3 **A** Nipple line.

4 **Q** -- nipples? That was actually manipulated
5 prior to the photograph?

6 **A** The shirt has been manipulated prior to
7 this point to better get an assessment of the body
8 looking for other injuries.

9 **Q** Okay.

10 **A** This is Image Number 17. So what we're
11 looking at here is once again, we are still looking
12 at the right side of the body, the feet would be
13 here, the head is up here, you have the right arm
14 being extended kind of perpendicular in a 90 degree
15 angle from the table. The hand is up here, the
16 shoulder would be down there. And we have these
17 wounds here near the forearm, this is the forearm.

18 **Q** Okay. Image Number 18, I believe?

19 **A** This is Image Number 18. This is the
20 right forearm and we are looking at a wound here,
21 that is what is being depicted at this point.

22 **Q** Number 19?

23 **A** This is Number 19. We are looking at, do
24 you want me to just go through the picture or you
25 want me to reference them to my report at this

1 point, what is the best way?

2 Q This is prior to being cleaned up or not?

3 A It is kind of in between. It is a little
4 bit cleaned off in order to get a better shot.

5 Q Okay.

6 A But we're still, the shirt is still on.

7 Q Let's go through these and then we will
8 start with the injuries as you've documented them.

9 A Okay. I can just go back and pull them
10 out.

11 Q We can pull them out?

12 A Okay.

13 Q And, Doctor, is it your habit when you
14 begin to describe injuries, do you like start from
15 the head and work your way down, or do you just pick
16 a certain way to describe them?

17 A Um, my usual approach is, I kind of go in
18 terms of more significant injuries to the least
19 significant. So I typically will start with the
20 things that look to me to be, you know, more
21 immediately impactful to the life of an individual.

22 So when I get to the situation where
23 I have wounds of the arms and things of that nature,
24 those would be further down in my report. That's my
25 typical approach when I do cases.

1 **Q** Okay. So we've scene the photographs of
2 the head and the side of the body, and now we are
3 looking at injuries to the right arm?

4 **A** To the arm, yes. So this is the right
5 forearm and there is an injury right here where they
6 introduce the ruler scale in this particular photo.

7 This is Image Number 20. We're still
8 looking at the right forearm and this is on that
9 previous photo, that's the wound that you were
10 seeing and this is a new wound here on the right
11 forearm.

12 MS. WHIRLEY: This is Sheila Whirley.
13 When you say the forearm, where are you speaking of?

14 **A** The forearm, particularly is the region of
15 your arm between your wrist and your elbow.

16 MS. WHIRLEY: Okay. And those are two
17 separate wounds did you say?

18 **A** Yes, they are two separate wounds. There
19 is one here and there is one here.

20 MS. WHIRLEY: Okay.

21 **Q** (By Ms. Alizadeh) At some point we will
22 describe them and what you conclude from those
23 wounds?

24 **A** Yes, I will.

25 **Q** We are just going through the photographs

1 in order just so we can get them all in, all right?

2 And the next Number is 21, I think, 21, yeah?

3 **A** Yeah, 21, and similar photos to what you
4 just saw, but there's rulers here. You still have
5 that wound here on the forearm and then here is
6 another one on the right forearm.

7 Is this 22?

8 **Q** Yeah.

9 **A** This is Image 22. So we're backing up a
10 little bit and it is kind of hard, I can see it on
11 my picture, we will get a little bit closer. So the
12 head of Mr. Michael Brown is here, this is still his
13 right arm, and this is like his torso here. What
14 I'm going to be focusing on there is a wound right
15 here on the middle part of his upper right arm.
16 There is a wound right here.

17 **Q** Number 23?

18 **A** This is Number 23. And this is a closer
19 picture of the wound that I couldn't really show too
20 well on the overhead projector, but this is the
21 wound in question right here. So it is on the upper
22 portion of his right arm, but it is on the inside
23 portion of the arm, medial.

24 MS. WHIRLEY: That's the medial.

25 **A** Yeah.

1 MS. WHIRLEY: We talking about the armpit
2 area.

3 A Close to that.

4 This is Image Number 24. This is
5 just the same picture again, but you see the ruler
6 inserted for scale and this is the wound.

7 This is Image Number 25, so the head
8 of Mr. Michael Brown is here, the hand, the right
9 hand is out here, this is the shoulder area and we
10 are looking at the medial or kind of the inner
11 aspect of the right arm, but what I'm focusing on
12 right here there's another wound right here in the
13 bicep region on the right arm. And then there is
14 also a tattoo here on the forearm that reads Big
15 Mike.

16 Q (By Ms. Alizadeh) This is 26 now?

17 A This is Image 26. And this is just a
18 closer picture of that wound that I was showing
19 before on this part of the bicep and on the right
20 arm.

21 Image 27. Same image, again, of the
22 wound of right bicep. You have a ruler introduced
23 for scale.

24 This is Image 28. Backing up a
25 little bit, but it is still the right arm,

1 Mr. Michael Brown's head is here and there is a
2 wound right here on the upper part of the right arm.

3 So here, and specifically this region
4 would be, we call it the ventral surface or anterior
5 surface or the front surface of the arm, but there
6 is a wound here that I'm depicting right here.

7 Q Which arm is this?

8 A This is the right arm.

9 Q So there is a tattoo we saw in an earlier
10 photograph on the right forearm?

11 A Yes.

12 Q That read downward, correct?

13 A Correct.

14 Q And in this image there is another tattoo,
15 that's not the same tattoo, correct?

16 A This is a different tattoo on the upper
17 portion of the right arm. When I say the upper
18 portion of the right arm, I'm talking from the elbow
19 to the shoulder. So where your bicep would be and
20 this is a different portion of the right arm, but
21 there's a different identifying tattoo here.

22 Q 30?

23 A Image Number 30. Showing that same wound
24 on the front portion of that upper right arm, but
25 the only difference is the ruler has been introduced

1 into the photo for scale.

2 Q 31.

3 A Image 31. So now we are looking, the
4 shirt has been raised, we are still looking at the
5 right sides of the body. So over here on the right
6 lateral side of his chest, lateral is to the
7 outside, you have a wound right here and that's the
8 main thing that I'm focusing on at this point.

9 So this would be 32. This is just a
10 closer up view of that wound that I just showed you
11 previously here on this lateral part of the right
12 chest. And this is the nipple on right side.

13 Q 33, it should be?

14 A Image Number 33. The only thing different
15 in this photo is, the ruler has been introduced per
16 scale. Still looking at the same wound I just
17 showed you.

18 This will be Image Number 34. So
19 here is Mr. Michael Brown's head, the shirt has been
20 raised up further in this particular situation.
21 That previous wound that I was just showing you was
22 down here, there is a new wound here on the, kind of
23 the upper part of right chest, and that's what I'm
24 focused on right now, a different wound?

25 Q 35.

1 **A** This is a close-up view of that wound that
2 I showed you on the upper part of that right chest.

3 **Q** 36.

4 **A** Image 36. The only difference is a ruler
5 has been introduced per scale and there is also a
6 wound out here, this is like an abrasion here on the
7 right side of the chest. So there is two things of
8 interest here and here.

9 Image 37. We have switched over to
10 Mr. Michael Brown's left arm and what, so his head
11 is here, this is the left side of his body, this is
12 the left arm and left hand that is still bagged with
13 a brown paper bag. And there's an injury here on
14 left forearm as well as there is a tattoo right next
15 door.

16 So this close-up image of the left
17 forearm showing that injury that I just mentioned as
18 well as the identifying tatoo.

19 **Q** Just for the record, that was Image 38.

20 **A** Image 39. Only thing different is the
21 introduction of the ruler, still showing that injury
22 on left forearm as well as the identifying tattoo.

23 : . Now,
24 you are classifying this as an injury rather than an
25 wound, any significance to that?

1 **A** I'll do a little better with kind of
2 keeping things consistent once I get to one place,
3 but injury and a wound, they are similar. But
4 eventually when I get to the point I will be able to
5 break it down for you, like this is an abrasion,
6 this is a gunshot wound, and I will separate all of
7 those out for you guys so you won't be confused.
8 I'm just trying to get through them, I'm sorry.

9 Thank you.

10 **Q** (By Ms. Alizadeh) At this point you are
11 documenting any injuries, no matter how they
12 occurred?

13 **A** Or defects. They are all kind of the same
14 thing. There are things that is happening to the
15 body that he wasn't born with, so.

16 **Q** If he had an appendectomy scar --

17 **A** I would mention that.

18 **Q** With a heal injury, you would still
19 document that?

20 **A** I would mention that, yes.

21 **Q** So I think we just did that one, didn't
22 we? I probably handed it back to you. I thought
23 you would want it.

24 **A** Number 40. So this is still the left arm,
25 the bag has now been removed from the hand and

1 that's the main difference with this photo.

2 This is Image 41, this is still left
3 arm, the head is here, this is showing the dorsal,
4 or the back side of the hand after the bag has been
5 removed.

6 This is 42. Now, I'm flipping back
7 over to the other side of the body and this is going
8 to be his right hand and the bag has been removed
9 and here you can see an injury.

10 Q I think 43?

11 A Yes, 43. Image 43. This is the back side
12 of the right hand and this is the, you know, the
13 right forearm, right hand, this is after the bag has
14 been removed from the hand.

15 Image 44. This is just a closer view
16 of the injury to the right hand and this is the
17 ventral surface of the hand or the palmar surface of
18 the hand. And that's the particular part that we
19 are looking at.

20 This is a close-up of the ventral or
21 palmar surface of the hand. This is the right hand,
22 this is the thumb and this is the particular area of
23 interest, there is an injury.

24 Image 46. Only thing different here
25 is the introduction of a ruler. We are still

1 looking at the right hand looking at that surface
2 where this injury is.

3 This is 47. So in terms of getting a
4 different take on the hand and the injury, the hand
5 has been cleaned off at this point. So I have
6 removed some of that blood and material that was
7 stuck to the hand. So this is a cleaner image of
8 the hand after the bag has been removed and after it
9 has been kind of cleaned off and we are still
10 looking at the palmar surface or ventral surface or
11 front surface of the right hand.

12 : Before
13 you washed the hand, you collect under his nails or
14 whatever it is he has gunpowder or skin?

15 **A** A good question. The question raised was,
16 before I am starting to wash or clean the hand, do I
17 do any type of forensics or other biological
18 evidence from the hands, and I do.

19 Once the bags are removed, they are
20 documented with pictures and in this particular
21 case, I did do scraping underneath the nails to get
22 material which is then submitted for analysis. And
23 I also took fingernail clippings from both hands,
24 which is submitted for evidence.

25 And the actual clipper that I

1 actually used to remove the finger nails, that is
2 also submitted as evidence. So all of those things
3 are done before the hand has been altered or washed.
4 And then at that point once I have taken the
5 fingernail clippings and the scrapings, then I go
6 ahead and wash the hands and then continue my
7 process.

8 Q (By Ms. Alizadeh) So the clippers that you
9 used to clip the nails, those are one use clippers,
10 they are sterile, correct?

11 A Correct.

12 Q And then regarding, let's talk about that
13 injury to the right palm. We have seen in the
14 photograph that you have washed it off so you can
15 get a better look at the injury, correct?

16 A Correct.

17 Q Now, at some point you took, you cut a
18 piece of that wound out; is that right?

19 A That is correct.

20 Q But you haven't done that at this point?

21 A No, I have not.

22 Q What do you wash the wound with?

23 A Usually just water, warm water and a towel
24 or a rag, or sometimes they have like kind of like a
25 bristle type brush to be able to scrub off that

1 blood that is kind of stuck to the hand. It is
2 pretty resilient, sticks pretty good. So just using
3 water, warm water and scrubbing, that's how we
4 remove it.

5 Q No chemicals?

6 A No.

7 Q Nothing like that?

8 A No.

9 Q Okay.

10 : . Water from
11 the sink or?

12 A Water from the sink.

13 Q (By Ms. Alizadeh) Okay. So now back to
14 the image that you last showed?

15 A We are at 48 now. So this is still the
16 right hand, the hand has been cleaned, it is just a
17 closer view of that injury to the palmar surface of
18 the right hand.

19 This is Image 49. So only thing
20 different, a ruler has been introduced for scale.

21 So this is Image 50 and now we are
22 back on the left side of the body. And this is the
23 left hand and that's that wound or injury I was
24 showing you guys earlier. I'm trying to focus on
25 the thumb here, there is a little abrasion there.

1 **Q** Now, let me ask you, let me put this back
2 up here. We see the position of the arm and the
3 wrist and the hand is bent.

4 **A** Uh-huh.

5 **Q** Is that being held in that position or is
6 that the way the body is fixed?

7 **A** Most likely some of it is me putting a
8 little bit of tension onto the hand to be able to
9 better see the particular injury that I'm looking
10 for, but at the same time there is also particular
11 ways that the body, it is called rigor mortis, the
12 body will be kind of fixed in a certain position.
13 So there is mixtures of kind of these two events
14 happening at the same time.

15 The natural fixation or rigor mortis
16 of the body, plus me putting tension on it to get a
17 better look at the injury that I'm trying to show in
18 this photograph.

19 **Q** Okay. So the next photo is?

20 **A** This is Image 51. So this is a close-up
21 of that left hand and it is just this little injury
22 right here. Technically it is an abrasion, this is
23 what I'm focusing on right here.

24 **Q** 51?

25 **A** This should be 52.

1 **Q** 52, I'm sorry.

2 **A** Image 52. Still showing that little
3 injury/abrasion there on the hand. And the only
4 difference is the introduction of the ruler for
5 scale.

6 This is 53. So we are still looking
7 at the left hand and I've, I'm starting to pull this
8 fifth finger or the pinky finger on the left hand,
9 I'm trying to expose a little area of discoloration
10 on that hand.

11 Showing you 54. So this is that
12 fifth finger, that pinky finger on the left hand and
13 this is this little area of discoloration, that's
14 all I'm focusing on in this photo.

15 **Q** Just so we know, did you determine was
16 that an injury, that little area of discoloration?

17 **A** No, I don't feel that it is.

18 **Q** Okay.

19 **A** This is 55.

20 **Q** It is getting tired.

21 **A** There it is. That's just that little area
22 of discoloration on the left hand right here by the
23 pinky finger. For anatomical purposes, this is the
24 dorsal surface of the finger, the posterior or back
25 side of the finger.

1 Image 56. So we're looking at
2 Mr. Michael Brown's head is here, we are looking at
3 the dorsal or the back side of the left hand and
4 there's an injury right here.

5 **Q** And for the record, or just so we go
6 through this, would you consider this an abrasion?

7 **A** Yes, I do.

8 **Q** Okay.

9 **A** As previously mentioned, this is just a
10 closer, I'm sorry, Image 57. This is a close-up
11 view of that previous abrasion here on the dorsal
12 aspect of the posterior of the back side of the left
13 wrist and there's an abrasion there.

14 Same image again of that abrasion on
15 the left wrist, back side posterior, just only thing
16 different is the introduction of a ruler.

17 **Q** And that's 58?

18 **A** Sorry.

19 **Q** That's okay. I'm trying to catch it when
20 I can.

21 **A** 59.

22 **Q** Okay. Now, let me stop you here. So at
23 this point you have documented all the injuries that
24 you can see and?

25 **A** There is still one that I can see right

1 now.

2 Q Okay.

3 A There is another one that I have to
4 expose.

5 Q Okay. But at this point now, you remove
6 the clothing?

7 A Yes.

8 Q All right. And is the clothing seized and
9 packaged by a police officer?

10 A Yes, the clothing is seized and packaged
11 as evidence to the officer.

12 Q Now, let me ask you this. At some point
13 is his clothing searched while he is in the morgue.

14 A Yes, it is.

15 Q And who does that?

16 A Usually the morgue attendant will search
17 the clothing.

18 Q Were you present when that was done?

19 A I do not remember.

20 Q Okay. And so if there was anything that
21 was inside the clothing or attached to the clothing,
22 that would have been removed by the morgue
23 attendant?

24 A That is correct.

25 Q And so who actually removed the clothing

1 from the body?

2 **A**

3 **Q** And is the clothing removed by cutting it
4 off?

5 **A** Um, it depends, but in this situation it
6 was just removed normally as you and I would take
7 off our clothing. The only time the clothing is cut
8 is if it is too difficult to remove it, but in this
9 situation the clothing was not too difficult to
10 remove, so it was not cut.

11 **Q** Okay. And after the clothing is removed
12 and that's seized and packaged by someone else, any
13 items that were inside the clothing is taken care of
14 by someone else, do you then clean up the body?

15 **A** Yes, yes, I do.

16 **Q** And so this next image, which I can't
17 remember what number that is?

18 **A** We are on 59.

19 **Q** Okay. This is now the body after the
20 clothing is removed and the body has been cleaned of
21 excess blood and so forth, correct?

22 **A** It is the best possible attempt to do so.

23 **Q** Okay. Now, let me ask you this. I don't
24 know if I'm jumping back or forward here, but
25 initially in your examination, I don't know if you

1 do this with clothing on or without the clothing on,
2 but do you weigh the body?

3 **A** Yes, I do.

4 **Q** How much did he weigh? Do you have your
5 report there if you want to refer it?

6 **A** Specifically 289 pounds.

7 **Q** Is that without clothing or with clothing?

8 **A** That's with clothing.

9 **Q** And then do you also measure the height of
10 this person?

11 **A** Yes, we do.

12 **Q** And how tall was Michael Johnson?

13 **A** 77 inches.

14 **Q** And I'm not good at math, but is that
15 6 feet 5 inches?

16 **A** Yes.

17 **Q** I had to use a calculator before when I
18 did that, I'm a lawyer.

19 **A** Yes, it is.

20 **Q** 6'5". Were you told how old Michael Brown
21 was or his date of birth?

22 **A** I was told how old he was.

23 **Q** And how old was he?

24 **A** 18.

25 **Q** Okay. And in examination of his body, do

1 you make any type of conclusion about does he appear
2 to be his stated age?

3 **A** Yes.

4 **Q** And developmentally?

5 **A** Yes, I do. That's the general approach.
6 I do make that reference one, there are some facial
7 injuries, but there is still enough to be able to
8 make that assessment.

9 **Q** Okay. Now, as we go forward with these
10 photos, the wounds that you already documented will
11 be photographed again and now we will go and
12 describe them.

13 **A** Okay.

14 **Q** And you document them in your report,
15 correct?

16 **A** Yes.

17 **Q** And so when you get a photograph, let's
18 say the name of the image, and then in your report
19 you have these injuries as number one, number two
20 and so forth. So let's refer to them like that. So
21 if you want to go along in the report, ladies and
22 gentlemen, if it makes it easier.

23 **A** I'm trying to see when I get, we're still
24 kind of going back through and looking at tattoos
25 and cleaning off stuff.

1 **Q** Okay.

2 **A** When I get there I'll do that.

3 **Q** All right.

4 **A** This is 59.

5 **Q** 59, and this is the first picture that
6 we've seen where his clothing is removed, correct?

7 **A** Correct. So here we have the head, there
8 is the feet, Mr. Michael Brown's clothing has been
9 removed. Once again we have that identifying
10 placard and this is his body without the clothing.

11 This is Image 60. We have the
12 identifying placard, this is Mr. Michael Brown, this
13 is looking at the right side of his body with his
14 clothing removed, feet are here, head is here, that
15 right arm is extended coming out at you.

16 This should be Image 61. This is
17 Mr. Michael Brown, clothing removed and then once
18 again the officer who is taking the photos, he has
19 ascended upon the stair step ladder to get an
20 overall view of Mr. Michael Brown without his
21 clothing.

22 Image 62. This is showing the lower
23 half of Mr. Michael Brown's body without the
24 clothing and here is the legs and the lower portion
25 of the abdomen.

1 This is Image 63. Looking at the
2 right side of the body and in here getting a better
3 visualization of one of those identifying tattoos on
4 the, kind of the upper portion of the right arm.

5 **Q** Now, just for clarification sake, what is
6 this thing right here?

7 **A** That's just a paper towel that is
8 sometimes used to remove blood or to get rid of
9 anything that's obscuring anything that I'm trying
10 to see.

11 This is Image 64. And this is just a
12 close-up of that tattoo, you know, with the blood
13 that was obscuring it removed from the upper right
14 arm.

15 This is Image 65. This is a better
16 image of the forearm with that identifying tattoo,
17 still see a wound here near the bicep and this is
18 the right arm and then that wound of the right hand.

19 This is 66. This is just a better
20 image of that identifying tattoo on the right
21 forearm, Big Mike.

22 This is 67. This is the left arm
23 now, the head is here, the feet would be out here,
24 this is the left arm and we are looking at the
25 forearm with the identifying tattoo and that injury

1 that you guys saw earlier.

2 This is 68. So this is the left
3 forearm with the identifying tattoo and then there
4 is this linear abrasion out here on the left
5 forearm. And this is the front part or ventral part
6 or anterior part of the forearm.

7 This would be 69. And with all cases
8 we have it is important to look at the back side of
9 the body as well as the front, and that involves the
10 external examination. So here Mr. Michael Brown's
11 body is being rolled by the autopsy technician

12 so we can document that there are no
13 injuries to the back side of the torso.

14 **Q** You did not find any injuries to the back
15 side of his torso?

16 **A** No, I did not.

17 **Q** How about the back side of his buttocks or
18 his legs?

19 **A** No, I did not.

20 **Q** Now, just for descriptive purposes, you
21 talk about front side and the back side or anterior,
22 posterior, ventral, dorsal, those are all
23 interchangeable terms?

24 **A** Yes.

25 **Q** When you are talking about your arms,

1 because your hands can move from one way or another
2 anatomically, would it be correct that in an
3 anatomical diagram the person would be standing
4 upright and their palms would be forward?

5 **A** That is correct.

6 **Q** So if you are describing an injury on the
7 palm, that would be a front injury to the front of
8 the hand, anterior, ventral?

9 **A** It is still ventral. The front would be
10 anterior, it could be ventral, all of those are
11 interchangeable terms or palmar, they are all the
12 same, all the same thing. Just depicts the front
13 portion of that body part in the standard anatomical
14 position. And when I document the injury, it is
15 always from this position. This is my reference
16 point. (indicating)

17 **Q** So when you're talking about, for example,
18 an injury to the forearm, your forearms move when
19 you turn your palms outward, correct?

20 **A** Correct.

21 **Q** So when you are talking about front or
22 anterior, you have to imagine that this is a person
23 whose palms is facing out. We might think this is
24 the inside of our arm, he doesn't describe it that
25 way. So for clarification, imagine that your arms

1 are in this position like he describes where the
2 wounds are on the arms, not so for the legs because
3 the legs just stay the way they are.

4 **A** The way they are, yeah.

5 **Q** Sorry.

6 **A** No, that's fine, excellent point.

7 I think I can start trying to
8 describe some of these.

9 **Q** So we're going to start with some wounds
10 now?

11 **A** This is Image 70. And the wound I will be
12 talking about first will be Number 9.

13 The next photo is going to be closer,
14 but just to kind of let you know, so this is Number
15 9 that we're looking at. Specifically I term this
16 is medial ventral right forearm.

17 So what that means is, I will stand
18 up so you guys can see. So the normal anatomical
19 position is like this. So when I'm saying medial,
20 medial is in reference to, you know, draw an
21 imaginary line down the middle of that particular
22 extremity, medial is to the inside, lateral is going
23 to be to the outside of that imaginary line.

24 Ventral, as we have already discussed
25 before, is talking about the front part of that

1 particular extremity or whatever we are looking at.
2 It is also synonymous with anterior, front or
3 whatnot.

4 When I say medial ventral, or right
5 forearm, so talking about something that is off the
6 midline inside, which makes it medial. Ventral
7 meaning it is on the front and depicting a
8 particular area which is the right forearm. So
9 that's the terminology. So, and we're talking about
10 this wound right here.

11 So this next image, which will be 71,
12 showing a close-up of wound Number 9.

13 So a lot of this is just jargon for
14 me to be able to say where it actually is on the
15 body in terms of reference points. So with all of
16 my gunshot injuries, I like to have two reference
17 points.

18 One of them is a fixed point, so in
19 this particular situation, I find something is going
20 to be the right elbow and I'm going to say how far
21 above or down it is to be able to specify, you know,
22 the upper dimension or the lower dimension, which is
23 kind of just your natural body axis.

24 So in this particular situation this
25 wound is 15 centimeters below this right elbow, and

1 then you want to be able to say where in the midline
2 that is and that lets me know medial or lateral.

3 So in this particular situation, this
4 particular wound is 5 centimeters to the left of the
5 anterior midline of the right forearm.

6 So when I say left, it is from my
7 left, not from you looking at me.

8 **Q** From the body's left?

9 **A** From the body's left. So this is the
10 right side of my body, since I'm going to the left,
11 I'm going over here, that's how it gets to where it
12 is supposed to be.

13 So from that point, what I want to do
14 after that is, I measure all of the wounds in terms
15 of dimensions to see how big it is. In this
16 particular situation it is about 2 centimeters wide
17 as it is long. So it is 20 millimeters by 20
18 millimeters or 2 centimeters by 2 centimeters,
19 whatever you want to use. It is the same changeable
20 amount.

21 Once you do that, you want to look at
22 the edges of the wound, meaning why that is
23 important, with exit wounds as well as entrance
24 wounds, there is particular identifying
25 characteristics that you can see on a case by case

1 basis. They are not always there, but there is
2 certain things that kind of give me inside track to
3 kind of figuring out what it is.

4 So in this particular situation when
5 I'm looking at the edge of this wound, it is more
6 irregular, it is kind of like, you know, someone
7 kind of took a bite out of it, it is not a nice
8 smooth circle or oval, it is more irregular. These
9 edges are kind of tattered and look different.

10 So I specify how that looks to me.
11 So in this particular situation I say that there's
12 irregular edges, the wound is irregular and it is
13 also clean, meaning that I don't see any type of
14 injury to the actual edge of the wound.

15 Exit wounds, classically, this is
16 kind of how they look. So once all of that is done,
17 I'm able to say at this point that this is an exit
18 wound.

19 So once I'm familiar with this as an
20 exit wound, eventually I'm going to want to try to
21 find out where the entrance wound is.

22 So we know where we are on the arm,
23 on the right arm, we are on the inside portion of
24 the arm and we are off medially of that midline. So
25 this is the exit wound of that right forearm.

1 **Q** Let me ask you, Dr. this
2 discoloration right here at about 10:00 on that
3 picture, what does that mean?

4 **A** That's just blood, dried blood.

5 **Q** Okay.

6 **A** When the blood coagulates, it darkens,
7 that is what a clotted piece of blood looks like
8 after it sits there too long, that is what that is.

9 **Q** In your report when you describe these
10 various wounds or injuries, you talk about there
11 being no stippling and no soot present?

12 **A** That is correct.

13 **Q** And you didn't find any stippling or soot
14 on this wound, but why don't you explain to them
15 what that is and what that means to you?

16 **A** All right. So the concepts of stippling
17 and soot. Stippling, so let's just take a step
18 back.

19 You have a bullet and it's fired out
20 of a gun, a bullet is made up of like a primer, it
21 is kind of the igniting substance that's within the
22 actual bullet. And when that hammer of that gun
23 strikes that primer, kind of combusts and kind of
24 explodes, for lack of a better word, and then lights
25 the gunpowder that's within the actual bullet. That

1 ends up being propelled and that's what allows the
2 bullet to come out of the barrel of the gun.

3 The concept with stippling is that
4 when that primer ignites that gunpowder, in theory
5 it all combust or burn, thus ultimately turning into
6 soot, but when it doesn't turn into soot, you still
7 have unburned particles that are real small, but due
8 to the fact that they are being projected or shot
9 out of that barrel of the gun, they are able to
10 injure the skin. And those injuries of the skin is
11 called stippling. So you will see little small
12 individual dots around a wound.

13 What is important about the stippling
14 is it helps you with the range of where that weapon
15 is fired from.

16 So just roughly it depends on gun to
17 gun, bullet to bullet, but roughly if you see
18 stippling, you can say that that gun was fired a
19 foot and a half to 3 feet to that particular part of
20 the body. So that's what stippling is good for.

21 Now soot is, what I just kind of
22 briefly mentioned, is when that primer kind of
23 combusts, then lights that gunpowder, that gunpowder
24 thus combusts and then it turns into soot, that's
25 going to come out of the gun as well. When that

1 comes out of the barrel of the gun that can be
2 deposited on the skin.

3 The concept of soot is when you see
4 soot on the body, you are looking at something
5 that's closer than a foot and a half. You start to
6 look and say that particular bullet was probably
7 fired within 6 to 9 inches, or 6 to 12 inches of the
8 actual body. So that's the importance of mentioning
9 do I see soot, do I see stippling, so I describe
10 what they are, and I describe what the importance of
11 them is.

12 So at the end of the day, it is
13 really helpful with range of where that particular
14 projectile was fired from the gun.

15 Q And in this case, you do describe in each
16 wound whether there was present stippling or soot,
17 but this being an exit wound Number 9, you wouldn't
18 expect to see any soot or stippling knowing it is an
19 exit wound, correct?

20 A Correct, wouldn't expect to see that, so
21 that's another thing to let you know that okay, this
22 is most likely an exit wound. We don't see those
23 features, you don't always have to see them. That
24 is something that kind of puts you in that category
25 we are not dealing with a close wound.

8 Q (By Ms. Alizadeh) You will describe in a
9 minute the corresponding entrance wound, but
10 sometimes it is probably just a layman's term, we
11 call that a through and through where a projectile
12 passes entirely through the body. Is that something
13 you've seen in gunshot wounds?

15 Q Okay. And knife wounds would look
16 different to you, correct?

18 Q All right. So now have you described
19 everything?

Gore Perry Reporting and Video

1 This is 72. This is just showing
2 that same wound of the medial ventral right forearm,
3 like the ruler has just introduced into this picture
4 just for scale.

5 I apologize, these things are hopping
6 all over the place when we take pictures, we just
7 kind of take and keep going. We will get it
8 altogether.

9 **Q** For the sake of going through this and
10 we've already discussed it, we are going to show
11 every photograph and they are numbered.

12 **A** Okay.

13 **Q** So these numbers don't necessarily depict
14 the numbers that you are photographing, or
15 describing, so obviously we started with Wound
16 Number 9. So I apologize, it might get kind of like
17 a puzzle.

18 **A** If you have something you want to talk
19 about, just write it down and we can pull it back
20 out and talk about that, I have no problem.

21 All right. Number 73. So we're
22 looking just to give you reference before I find the
23 right number on our sheet, this is his right arm we
24 are looking at this wound here, there is a right arm
25 pit. And that one is actually, this should be

1 Number 7.

2 Q Seven or Six?

3 MS. WHIRLEY: Is that an exit wound?

4 A This is Number 7.

5 MS. ALIZADEH: Okay.

6 MS. WHIRLEY: And that's an exit wound?

7 A Yes, I'm about to describe it. So we're
8 looking at Number 7. So the particular location is
9 the upper dorsal right arm.

10 So what we are talking about is,
11 remember I was telling you about the forearm is
12 going to be from the wrist to the elbow, the upper
13 arm is going to be from the elbow to the shoulder.
14 So upper arm, that's where we are at. And then when
15 I say dorsal, and dorsal means the back part.

16 So we are looking, you know,
17 anatomically speaking, if you turn around like this,
18 if you look back here, this is kind of where this
19 wound is. It is here. So that's the dorsal part of
20 the upper part of the right arm. And then that's
21 where we are at right now in terms of position.

22 Now, once you look at it, what is
23 important is now I go through that same type of
24 algorithm that I had before. You want to look at
25 the contour of it, so this one is a little more

1 stretched out, more linear as opposed to that other
2 wound, which is a little more irregular. Not really
3 a big deal, but you still want to take the same type
4 of approach in describing what you see.

5 So this particular one, that's kind
6 of the shape and it's length is 18 millimeters by 10
7 milliliters. In terms of location, I do that again,
8 two fixed points. When I say how far it is from the
9 shoulder and say where it is from the midline, I've
10 done that.

11 Then you want to assess the edges,
12 meaning assessing the edges is determining how they
13 appear to you because that is going to be important
14 to determine whether it is entrance or exit.

15 In this particular situation, they
16 are a little bit irregular, but there is no type of
17 additional margin around it, it is still a clean
18 wound.

19 So when I say clean, there is no
20 contusion, there is no abrasion around it, it is
21 just coming, coming right back out the skin, making
22 really no abnormalities to it.

23 So with me seeing that, this once
24 again let's me know that this is another exit wound,
25 but on a different part of the body. I know that I

1 have an entrance wound someplace else. So this
2 would be Number 7 where it is located. Do I have
3 any questions about that?

4 : . So what explains
5 the elongated hole rather than a round hole?

6 **A** A lot of times it is the actual tissue of
7 where it is. So if you have an area where there is
8 more fat on the arm, this particular area you can
9 get a more elongated wound.

10 You have different types of soft
11 tissue make up there. So depending on where you get
12 hit, you are going to see different types of
13 orientation of the wound or contours of the wound.
14 So that is kind of a more fatty area of the body, so
15 it is going to stretch out a little bit more as
16 opposed to a place that's tighter, where the skin is
17 tighter, you are likely going to see a different
18 type of wound and more irregular.

19 If you feel your forearm yourself and
20 you kind of tense it up, your forearm is lot tighter
21 as oppose to the back side of your arm.

22 This is Image 74. And this is the
23 same exit wound and we're looking, only difference
24 is we just introduced the ruler for scale.

25 This is Image 75. So we're looking

1 at Wound Number 11 on the autopsy report. We are
2 looking at the ventral surface of the right thumb,
3 or near the ventral surface of the right thumb. So
4 anatomical position like this. So we are looking at
5 the front part, anterior part of the ventral part of
6 the hand. We are looking at the right hand is where
7 we are at right now.

8 This is 76. There is a lot going on
9 here and I will just try to do it step by step.
10 Wound number, so this is 76, Wound Number 11. So we
11 are looking at the ventral surface of the right
12 thumb.

13 So in terms of describing this one,
14 this wound has looked a little bit different than
15 the two that I just kind of showed you guys earlier.
16 This one is more elongated, meaning it is more
17 stretched out as opposed to being like a circle.

18 When you look at it, what is
19 important to realize is appreciating the elongating
20 nature and then two, there's these little tags that
21 you see, kind of like little sharks teeth. These
22 tags are ultimately going to be important for
23 determining the direction that you can say the
24 bullet is coming out of the gun and how it struck
25 his hand, but I will get to that part after I kind

1 of describe it.

2 The fact that I'm looking at this
3 kind of elongated wound, I'm seeing this kind of
4 shark teeth, call them skin tags. I know that this
5 is like a graze wound or a tangential wound.
6 Tangential just means that it is going parallel to
7 the surface of whatever it is striking.

8 So in this particular situation, got
9 that, and then you want to measure it, which we've
10 done. And the measurement is just five centimeters
11 by two centimeters, and it is orientating kind of a
12 12 o'clock to 6 o'clock fashion. It is 12 o'clock
13 to 6 o'clock based off the anatomical position. So
14 we are kind of going from down, or down to up or
15 however you want to do it, it is no big deal.

16 All right. What is important about
17 these skin tags is how it lets you know what
18 particular way the bullet is coming from. The skin
19 tags point towards where the gun, the barrel of the
20 gun is.

21 I'll come up here and show you. If
22 the gun, the barrel of the gun is pointed this way,
23 this is the way that the bullet is going to be
24 traveling. These skin tags point back towards the
25 barrel of the gun. You can't refute it. It is what

1 it is. These tags are pointing back this way. They
2 are pointing towards this.

3 So I know for a fact that the bullet
4 is coming this way. It is going like that.
5 (indicating)

6 Now, in terms of the anatomical
7 position of the body, in order to keep both
8 reference points the same, I'm still like this. So
9 the reason that my trajectory is up is because it is
10 just going up based on what the body is going
11 towards the head because I'm like this.

12 In real life did it go up? Can't
13 really say that, but just having the anatomical
14 position of how I have to stay static so that I can
15 have a reference point every time that I can discuss
16 these, you have got to keep yourself like this and
17 my direction of upward is purely based off of being
18 like this. I want you to make sure that you
19 understand that.

20 So what I know at this point is I
21 have a tangential wound, I know which way it is
22 going, I know which way it is coming from.

23 Now other things that are important
24 at this point with this wound, I can see it better
25 on here. It is better to see the discoloration that

1 you have. You can kind of see, it is kind of dark
2 here, kind of black, but here is it is a lot darker.
3 Can I show?

4 If you look at the hand, and I will
5 kind of walk around. If you see that material in
6 there, you can't really appreciate it too well on
7 the screen, but that's something where we are
8 talking about soot and talking about stippling, this
9 is where this is coming into play. This isn't
10 stippling, the stippling, I told you, is unburned
11 particles that cause the little dots on the skin.
12 This is soot, which is the burned gunpowder that's
13 coming out of the barrel of the gun and it is being
14 deposited on the skin discoloring it and leaving it
15 there. So there is soot there on the hand.

16 MS. WHIRLEY: So what does soot look like?
17 So that means that it was
18 a close range to the gun? This entered his body or
19 grazed his body at a closer range to the gun than it
20 would be if it was stippling or nothing at all?

21 **A** Correct.

22 MS. WHIRLEY: What does soot look like?

23 **A** Soot looks like, like you get charcoal and
24 kind of the stuff that you have left over that is
25 just black matter. That's what, it is just

1 particle. So it is an organic particle left over.
2 It is going to leave a smearing or something on the
3 hand.

4 Q (By Ms. Alizadeh) Kathi Alizadeh. Dr.
5 you did examine a piece of that tissue
6 from that wound under the microscope; is that
7 correct?

8 A Yes, I did.

9 Q I mean, we can go ahead and talk about
10 that now since we are talking about this wound.

11 A Can I make sure they all see good, so then
12 I will talk about that.

13 : . So front
14 of the body facing this way, it can also that it
15 entered, can it be entered this way too?

16 A Well, just how you did it, it has to be
17 like that. If you are sitting there, I have to be
18 above like that for it to come. That's the only way
19 it can come, it can't come any other way, or if you
20 are like this or you are like that or you are like
21 this. There's lots of different ways regardless, it
22 has to be coming at you that way, you can't get it
23 coming this way.

24 Okay.

25 A It has to come from this way, this way,

1 something like that.

2 : . What

3 again is the maximum distance you would expect to
4 see soot?

5 **A** Soot, it depends, it is a gun by gun
6 basis. It is a primer, gunpowder thing, but about 6
7 to 9 inches roughly where the discharge of that
8 material would be left on the body.

9 : Is there a middle
10 distance, like if his hand was on the end of the
11 barrel, would you still see the soot, so it is up to
12 that 6 to 9 inches?

13 **A** You would still get some discharge of
14 material if his hand was there, but the problem with
15 that is, so when you say hand, you mean like?

16 He was reaching out
17 struggling for the gun?

18 **A** You are like that, the wound is going to
19 look different. Now we are dealing with a contact
20 wound. If you are talking about actually physically
21 holding something, that's something extra and
22 different.

23 And for myself, let me take a step
24 back about the soot and stippling. Stippling, when
25 I see it, that lets me know that I'm dealing with an

1 intermedia type of wound, meaning that it is like
2 maybe like a foot and a half to 3 feet away. Then I
3 have indeterminate wounds where I don't see
4 stippling, don't see soot, I do know it's an
5 entrance wound, so there is nothing extra on the
6 wound to let me know about closeness. So in that
7 situation, those are called indeterminate. They are
8 probably 3 feet or further away, that's all I can
9 say.

10 Soot, like we just discussed, we're
11 talking about 6 to 9 inches. Contact wound, if it
12 is a contact wound, so we are talking about we are
13 up close and personal to whatever it is.

14 So with that you are going to see
15 different type of characteristics on the scene, you
16 are going to see more searing or burning of that
17 skin because there is hot particles and gas escaping
18 from that weapon that are going to cause alterations
19 of that skin surface.

20 And when you actually examine the
21 wound, you may see that soot type material deposited
22 deep into the tissue or be black and deeper on the
23 inside than the outside, or you may see a muzzle
24 imprint. A muzzle imprint is where the end of the
25 gun actually is so close to the skin surface or body

1 surface where it leaves the end part of that barrel
2 imprint on the hand. So those are some of the
3 things you look for a contact wound.

4 So closest thing you've got of a
5 contact wound, next is a close range wound with the
6 stippling, I'm sorry, soot. And then intermediate
7 is where we are dealing with stippling, and then the
8 last thing is indeterminate, too far away, you can't
9 determine. That's kind of my range of wounds and
10 what the actual terms of contact, close,
11 intermediate and indeterminate mean.

12 . This is
13 telling us that it was a closer range and that the
14 hand was open, not around --

15 **A** All I can say it is a close range wound.
16 For him to get that, he is within 6 to 9 inches of
17 however scenario you want to create in your head,
18 that's all that that means.

19 **Q** (By Ms. Alizadeh) And you also know the
20 angle that the bullet traveled across the skin?

21 **A** Yes, we know that too.

22 **Q** And the direction?

23 **A** We do know the direction.

24 **Q** Okay.

25 **A** So the next thing is, is there another way

1 for me to determine that it is soot.

2 So as I said before, when I'm doing
3 an autopsy, part of a complete autopsy examination
4 is sometimes you have histology. Histology is the
5 preparation of tissues that you take from the body,
6 you process through some dehydration steps, alcohol
7 step, you eventually put it into a block of paraffin
8 wax. Where you then take microtone, which is just a
9 blade and cut off a very thin silver of that tissue,
10 put it on a glass slide and then using different
11 type of dyes, pink dye, a blue dye, you are able to
12 stain it. And then I get a slide back and then I
13 put that under my microscope and then I can see the
14 histology. That's just the study of tissues under a
15 microscope.

16 In this situation I took some small
17 pieces of skin from those areas of discoloration and
18 I did histology on them. I got those back, and I
19 looked under there, under the microscope. And when
20 I can see in my actual skin sample is, I see foreign
21 particles of matter, and what that means is, there
22 is some of them are pigmented, some of them have
23 different colors, but there is material there that
24 he wasn't born with that had to be introduced into
25 his skin as foreign material. I know that much.

1 So I'll let you hop in if you want
2 to.

3 **Q** No, I think you covered that well. I'm
4 not a doctor, but I play one on TV.

5 **A** So at that point that's all I can truly
6 say that this is what I have, it is foreign
7 particulate matter that had to be introduced into
8 his skin.

9 Now the next step is well, okay,
10 where did it come from.

11 I can at this point say from what
12 I've seen from textbooks that I have looked in
13 histology and from what I have seen in the past, the
14 material that I'm seeing is consistent with products
15 that are discharged from the barrel of a firearm.

16 So that's why I can look at that
17 picture on my eye, it looked concerning for some
18 type of extracorporeal, meaning something that is
19 coming from outside of the body. Some extra matter
20 that I wanted to figure out what it was.

21 It is not something that he woke up
22 in the morning with or something like that, but
23 taking those samples with my pictures as well as
24 looking at the histology, was consistent with
25 products that are discharged from the barrel of a

1 firearm.

2 And lots of products come out of a
3 firearm. You have primer material, you have metal
4 fragments, gunpowder, soot, you get all kind of
5 things. There is mixture of things that are in
6 there, that are foreign. That's why I say it is
7 consistent with products discharged from the barrel
8 of a firearm, does that make sense?

9 So did everybody get, I didn't get to
10 specifically say the areas I'm concerned about, you
11 can see the dark.

12 : I have one question,

13 So that wound, the hand wound, so
14 basically the projectile, there was no exit wound?

15 **A** Exactly, it is just running along the skin
16 surface. It is a graze wound.

17 : It is a graze wound?

18 **A** Just running along the skin.

19 MS. ALIZADEH: , are you Juror

20

21 I'm sorry,

22 MS. ALIZADEH: He wanted to be promoted.

23 **A** We are on 77. The only thing different,
24 we are just introducing the ruler for scale.

25 This is going to be Wound Number 10

1 that I'm going to talk about next. And specifically
2 the region on the body is, it is the right bicep,
3 which is here, the bicep is just the muscle that is
4 in between your elbow and attached to your muscle
5 here, the deltoid, which is your shoulder muscle,
6 that's the area that we are talking about. We are
7 talking about this wound right there.

8 In particular this one too is similar
9 to the other one that I just described, this is also
10 a graze wound or a tangential wound, meaning that it
11 is just running along the surface of the skin.

12 Now, what is different about this one
13 is, this is going to be Image 79. So I'll just
14 describe it first and then we will get to the
15 differences between the two.

16 So this one is located 6 centimeters
17 above the level of the right elbow, so it is a flat
18 fixed point, so it is up above the elbow and then it
19 is just to the left of the anterior midline. So it
20 is more kind of medial than anything. It is going
21 close to here as you saw in the picture.

22 So the wound is measuring 3
23 centimeters by 1 centimeters. In terms of how it is
24 positioned, it is kind of going, you know, I guess
25 you say this is 9 o'clock. So the face of the clock

1 is here, this would be 12, this would be 6, so it is
2 going 9 to 3. So it is going in kind of a
3 horizontal fashion.

4 Now, this one, what's different is,
5 the other one had nice skin tags, we could determine
6 the directionality of the wound because it went deep
7 enough and it also hit a part of the body where the
8 skin on your hand is pretty tight. So it is more
9 resilient to being disrupted. So it is going to
10 pick up more changes of damage.

11 With this particular situation, you
12 don't see any of those skin tags and what you do see
13 is a drying or an area of discoloration here on the
14 outside of this particular wound.

15 And when I palpated it, meaning
16 touched it with my fingers, this wound was very hard
17 and was very firm.

18 So in this situation, this is not
19 soot, this is not any gunpowder, this is just the
20 drying of the edge of the wound where some blood
21 starts to leak out around the edges and interactions
22 with air and interaction with clotting, it turns
23 dark.

24 So this is just discoloration from
25 dry blood, this is not soot or anything like that.

1 So in terms of determining distance on this one, I
2 can't. In terms of trying to determine
3 directionality, I cannot. This is something that
4 came from greater than 3 feet away. I don't have
5 any characteristic things of stippling or soot or
6 searing or muzzle imprint to determine how close it
7 is. So this thing is farther than 3 feet. I don't
8 know exactly even which way it is coming, but I do
9 on, you know, you do mention the directionality of
10 it, the three, I can't even say. There is nothing
11 to let me know which way it is coming from. So
12 that's that wound and that is how it is different
13 from the hand wound, but it is still a gunshot wound
14 nonetheless, but a different type.

15 Questions about that one?

16 Number 80. This same image, still
17 the right bicep, still that tangential graze wound.

18 This one, just a second, let me get
19 my bearings.

20 **Q** (By Ms. Alizadeh) Can I stop you for a
21 second? I'm not peeking, but I don't know if you
22 need to take a break to return the call?

23 **A** Yeah.

24 MS. ALIZADEH: We'll take a quick five
25 minute break. We are going off the record.

1 (Recess)

2 **A** This is 81.

3 MS. ALIZADEH: Okay, hang on, are you
4 ready? We just took a brief break and the witness
5 is still testifying, you are still under oath, Dr.
6 all 12 grand jurors are present as well as
7 Miss Whirley, myself and the court reporter. Please
8 continue.

9 **A** So this is Image 81. On your paper, on
10 the report where I have Wound Number 6, the I
11 specific area of this injury is the upper ventral
12 right arm. So what I'm talking about here is
13 roughly, you know, kind of here in the area of the
14 bicep.

15 You have a gunshot wound here, so it
16 is the upper part, meaning in between the elbow and
17 the shoulder. The right arm, and then dealing with
18 the ventral portion, which is the front part of the
19 arm. So that's where this wound is.

20 And as I said before, I go through
21 the same process of documenting the size and the
22 actual location on the body were two fixed points.
23 So this one is 20 centimeters below the level of the
24 right and 1 centimeter to the right of the anterior
25 midline of the upper arm. This particular wound

1 measured about 10 millimeters by 10 millimeters, or
2 1 centimeter by 1 centimeter.

3 Now, what is different about this one
4 and what I was showing you guys before is, I showed
5 you one wound that was more irregular, some tissue
6 was kind of coming out, there was a little piece of
7 clotty blood, it was more elongated, it had clean
8 exits. This one is more oval in shape.

9 And what I can see here on the
10 picture, which is demonstrated a lot better than
11 here, but the difference between this one, first
12 thing is oval in shape. You can make right here a
13 little bit of pink tissue right here. You can make
14 an argument is that an abrasion. A definition of an
15 abrasion is just the superficial layers of your skin
16 are rubbed off and it exposes the pink of the white
17 meat of your hand and that's what an abrasion is.

18 So when these bullets come in, they
19 don't always go straight in, they can come in at
20 different angles. So when it comes in and it starts
21 to rub that tissue off, that's what an abrasion ring
22 or an abrade is on a gunshot.

23 If you see that, that's kind of
24 indicative of an entrance wound. So in this
25 particular situation you can make an argument is it

1 there or not. I said it wasn't really definitive,
2 but you can see a little bit there. But around it,
3 it is kind of like a little bit of a reddish hue and
4 that's kind of like a contusion ring.

5 So there is an injury to the skin
6 from the outside going in. And so this part, when
7 you see that, these kind of features together this
8 lets me know this is an entrance wound.

9 And then the flip side of the exit
10 wound, the exit wound just pretty much it will stay
11 the same color, brown color of the skin, you can see
12 a little bit of purple around it, you can see a
13 little bit of pink, but it is pretty much just the
14 wound. That's the difference between the two and
15 those are the little small differences that you are
16 trying to look for to be able to appreciate when you
17 are trying to separate out an entrance wound from an
18 exit wound. So that being said, this is an entrance
19 wound.

20 Now at this point, what I do now is
21 that, take a step back.

22 With cases I can also do x-rays with
23 gunshot wound cases where people are dying from
24 wounds or gunshot wounds. You want to be able to
25 x-ray the body to be able to one, determine where

1 there are projectiles, to also see any type of
2 injures that may have fragmented the bullet, or to
3 be able to help with the path of the bullet. Main
4 thing is to see you still have evidence in the body.

5 So the whole body in this case has to
6 be x-rayed from head to toe. So this particular
7 part of the arm that we're looking at has been
8 x-rayed. So when you look here at what I'm talking
9 about. Eventually I say, x-ray showed bullet
10 fragments associated with that wound, that's what
11 that means.

12 So in terms of also looking at range
13 in this case, I said that there is no stippling
14 identified, there is no soot identified. So that
15 lets you know that we're dealing with another one of
16 these wounds that is at least 3 feet away or
17 greater. I don't know, I can't tell. I just can't
18 assess it because I don't have those distortional
19 changes of soot, gunpowder or stippling. They are
20 just not there, that's that part.

21 Now, once that's done, you want to be
22 able to say, okay, I've got the entrance wound now,
23 I should have an exit. So this story now completes
24 that exit wound that was up here by the, kind of the
25 fat up in the armpit, that this entrance wound is

1 related to that exit wound. So once I know these
2 two are related, now I have determined the path and
3 the path is based off of what I told you all before
4 is off of the anatomical position of the body.

5 Now I know I have the in, got the
6 out, then I can say what is trajectory of the body.

7 So in this particular situation this
8 bullet is going slightly upward, instead of
9 backward, and it is going up, meaning that where it
10 comes out at is a little higher than where it comes
11 in at. That's the upward, upward talking from the
12 feet to the head like this. So it is coming out a
13 little bit higher than where it came in at, that's
14 upward.

15 Backward means this is the front part
16 of the body, this is back part of the body. So if
17 it is coming in here, going out there, you know it
18 is going front to back, so it is backwards.

19 In terms of the actual left to right,
20 it is coming back a little bit this way on the body.
21 So it is coming to my left and coming that way. So
22 that's the trajectory of this bullet. A little up,
23 a little to the left and it is going backwards
24 that's the trajectory. It is based off of like this
25 not, you know, jumping around, it is just like this.

14 So it went through there and came
15 back out the skin, so it did not hit the bone. Hit
16 everything else in between there except the bone.
17 So that is what I mean by going skin, soft tissue,
18 exit wound skin.

22 Questions?

Gore Perry Reporting and Video

1 about the elevation of the weapon used? The injury
2 and exit describe the upper going through the back,
3 I assume it does not necessarily give you any idea
4 where the elevation of that weapon was?

5 **A** Exactly. You have to think about it an
6 arm, this arm can be in so many different type of
7 ways. It is very difficult to be able to say
8 exactly what elevation you are dealing with, that's
9 why the arm is very difficult.

10 The fact that you've got you have an
11 elbow joint, you have a shoulder joint and then the
12 wrist, you have a lot of mobility within that arm
13 and it can be in a lot of different scenarios. It
14 is very tough and even impossible for me to say.

15 **Q** (By Ms. Alizadeh) And, Dr. not
16 necessarily with this wound, but have you found in
17 your experiences that often with projectiles that
18 enter and pass through the body, it is not always
19 necessarily a straight path, depending on if they
20 hit bone or if they pass through other types of
21 tissue, you can't necessarily say if it went
22 straight through, that that was the angle that the
23 bullet entered from and so forth?

24 **A** And that's correct. You have to be
25 cognizant of that fact that there are things that it

1 is hitting and going through that can alter the
2 flight or trajectory of that bullet.

3 This is 82. Same wound, only
4 difference is there is a ruler for scale.

5 This will be 83. We are looking at
6 Number 8. Should be the dorsal right forearm. When
7 I'm saying dorsal, anatomical position. This is the
8 front of the forearm, and the forearm is between the
9 wrist and the elbow. This is the front, dorsal is
10 the back. So we are dealing with a wound here on
11 the back side of the right forearm, and that's right
12 here.

13 And I've already talked about its
14 associated exit wound which is here on the ventral
15 part of the forearm, which is medial. Here is the
16 entrance and here is the exit, I'm going to talk
17 about the entrance now.

18 So we are at Image 84. This is just
19 a close-up view of this gunshot wound here on the
20 dorsal part of the right forearm.

21 So doing same thing again, always
22 want to measure from a fixed point as well as
23 imaginary line, it separates left to right, which is
24 the medial from the lateral.

25 So in this particular situation, it

1 is 16 centimeters below level of right elbow and 2.0
2 centimeters of the posterior midline of right
3 forearm.

4 The hole itself was 11 centimeters by
5 10 centimeters. So it is very similar in size to
6 that last exit wound that I showed you that was part
7 of the ventral arm.

8 Looking at these edges, which is
9 important to do every time. These look, the shape
10 is kind of oval, but what you can start to see now,
11 if you look at this little edge, there is a little
12 bit of a rim of kind of red tissue right here to the
13 outside, a little bit brown. This is kind of a good
14 classical abrasion margin. So the abrasion margin
15 is the thing I talked about before, kind of almost
16 definitive, it lets you know this is an entrance
17 wound, in the right situations.

18 There is some other situations where
19 you can see this, but it is not an entrance. I'm
20 not going to confuse you with all of that right now.

21 But this has the classical features
22 of kind of being round to oval, having a nice
23 abrasion collar right there on the outside, that's
24 kind of critical and that's key.

25 So when I see that, without getting a

1 probe, I also probe the wound with just kind of a
2 little flexible rod to make sure my entrances and
3 exits they are communicating together as they pass
4 through the skin.

5 Sometimes the rod won't pass through
6 and I may have to open up the arm or whatever to see
7 the actual wound track just to verify. Most times
8 they will communicate and I probe these wounds to
9 make sure that they are connected so they are not
10 just a hole here and here. I'm just assuming they
11 are together. I make sure I probe them, I make sure
12 they are in communication whichever. This is the
13 entrance wound here on the right dorsal forearm.

14 So once that's being said, this
15 particular body part, and in this situation when it
16 is being x-rayed, there is little small metallic
17 fragments that are showing up on an x-ray. And most
18 likely these metallic fragments are fragmented
19 bullet and the reason that it's fragmented is, is
20 when this passes through the arm, it hits a bone in
21 the forearm.

22 You have two bones in your forearm,
23 you have the radius and you have an ulnar. Your
24 ulnar, if you feel your arm, you kind of feel the
25 bone that is on the medial part of your arm, that's

1 your ulnar. The other part of the forearm out here,
2 that's your radius. So it kind of makes sense that
3 this exit wound that came out of that medial part of
4 the ventral forearm, that it hit that bone.

5 So when it came from out here, kind
6 of where it is. When it passes through, went
7 through those soft tissues, it hits that ulnar bone,
8 shattered it and then that bullet came out.

9 So going back to your question, why
10 do exit wounds look different and look odd? So if
11 you have a projectile that has now lost its normal
12 shape and it is fragmented when it comes out of that
13 skin, it is going to have a different shape as
14 opposed to something that stayed intact.

15 So that could be an additional reason
16 for why you may see something elongated, some more
17 irregular, you have to take into account the fact of
18 what that bullet's actually doing when it strikes
19 objects within an actual body. And a bone is a hard
20 substance and it can be deflected some, so the
21 actual trajectory is going to be, is going to be
22 slightly upward, forward and left.

23 So once again, it is going, this one
24 in this situation is because the entrance wound is
25 on the back side of the body, which the trajectory

1 is now forward because I'm like this, but it is
2 coming from the back and going to the front, so that
3 is why it is forward. That makes sense it is just
4 purely based off of this position, not like this or
5 anything like that, just like this. So it is coming
6 back to front, and so that's the forward part.

7 And in terms of the actual things
8 that it hit, I have actually kind of said it a
9 little bit, it is going through the skin, soft
10 tissue, hitting that right ulnar and hitting the
11 soft tissue again and coming out of the skin, an
12 exit wound. So now we have another communication of
13 a wound path.

14 So we have entrance and exit right
15 here on the back and the dorsal part to the ventral
16 part, and we just talked about the one that's coming
17 in here on the ventral part of the upper arm and
18 coming out of the dorsal part of the arm, so got
19 that both taken care of.

20 Image 85. Same wounds, just
21 introducing the ruler for scale.

22 Q Just so we are clear too, right here, is
23 that an injury or just dried blood?

24 A That's just dried blood.

25 Q Okay.

1 **A** A new wound here, 86. We are at Number
2 4, the right front chest. We are specifically
3 talking about this wound right here.

4 Just to describe the image, you have
5 Mr. Michael Brown's feet here, his head here,
6 instead of laying on his back you can see another
7 wound here and this is one of interest. You can see
8 the entrance to the right side of his face.

9 This should be 87. So this is a
10 gunshot entrance wound to the upper right chest.
11 And as usual, I always do two fixed points to
12 determine where he's at on the body. So in this
13 particular situation it is 16 centimeters below the
14 level of the hole of your ear going down this way,
15 and then it is to the right of the imaginary midline
16 of the chest, so kind of right there.

17 In terms of the actual dimensions of
18 the actual wounds, it is 15 centimeters, 15
19 millimeters by 10 millimeters. It is oval in shape,
20 meaning it is pretty round.

21 Now the edges, I always assess those
22 to determine entrance or exit. When you look at
23 this one, you can see a little bit on the edge,
24 there is a little bit of a defect there, right there
25 on the side, so that's the abrasion once again.

1 Just letting you know that this is an entrance
2 wound. This one, I just want to show, just show
3 them real quick, this is kind of hard.

4 MS. ALIZADEH: Sure.

5 **A** See that area right there on the edge?
6 That's the abrasion that I'm talking about.

7 **Q** (By Ms. Alizadeh) You know when you are
8 talking to them, keep your voice up because he has
9 to take down what is being said, okay?

10 **A** I'm sorry. So this little area on the
11 side of the skin, that's the abrasion, right, that
12 I'm talking about, the abrasion collar.

13 So we have an abrasion collar.

14 MS. ALIZADEH: Is this the same picture?

15 **A** It is this the same one.

16 MS. ALIZADEH: I think you flipped it. Is
17 this the orientation that we did before? Yeah,
18 yeah, yeah, yeah.

19 **A** Yeah, okay.

20 **Q** (By Ms. Alizadeh) It confuses me.

21 **A** Sorry. So his head is here, feet would be
22 here, this is his neck right there.

23 Okay. So we've dealt with the fact
24 that we are looking at the abrasion collar or the
25 abrasion ring, so that is letting me know that this

1 is most likely an entrance wound. At that point you
2 want to be able to look for any additional injuries
3 that need help with range.

4 So there is no soot, meaning kind of
5 that discoloration that you see around wounds and
6 there is to no stippling, that would be those little
7 small dots that you see around a wound, you don't
8 have that.

9 So once again, I'm looking at a wound
10 where there is an indeterminate distance, is the
11 body greater than 3 feet away. So that is all I can
12 say.

13 Once I know that, I move to the next
14 part saying what's the, you know, looking at my
15 x-rays to see if there is any fragmented bullets,
16 any projectiles I need to get for evidence, that's
17 the next point.

18 So in this particular situation, when
19 I did the x-rays, there actually was a bullet
20 associated with this wound that I knew that I had to
21 get on the inside of the body that I end up doing
22 when I do my internal examination.

23 So like when I told you all at the
24 beginning when I said external and then internal, so
25 when I take all the organs out and looking at all

1 the damages that happens to the organs, at that
2 point I start looking for that bullet.

3 So before anything even happens when
4 I look at the x-rays before the case starts, I know
5 I have a bullet there okay.

6 Q If we can, go ahead and describe, I know,
7 you know, they all know that you opened up the body
8 and assess the injury to the various organs. Can
9 you go ahead and talk about that in relation to this
10 wound generally and then there will be later
11 photographs and discussions about that?

12 A All right. So when this one passed
13 through, went through the skin and hit the collar
14 bone right there and then went through, hit the
15 upper portion of the right lung and then it went in
16 between, so your rib cage, you have to think of it
17 like a bare front part. Your ribs wrap all the way
18 back to your spine. So when it passed through, your
19 body is three dimensional looking from the side, it
20 comes in here, passed through that skin, soft
21 tissue, hitting that collar bone right there,
22 hitting the upper portion of the lung and then
23 burying itself in between the intercostal space of
24 the third rib.

25 So intercostal means, so you have 12

1 ribs total. Think of that as a ladder. So you have
2 rib one, you've got rib two. In between rib one and
3 rib two that's called the intercostal space. That
4 is just the spot in between two ribs. So in between
5 ribs three and four, that's where I got the bullet
6 from this particular wound.

7 So when this bullet went through the
8 lung, it damaged the lung and created a defect. I
9 think the defect is 2 centimeters in dimension. And
10 then at the same time there was blood present within
11 the thoracic cavity. The thoracic cavity are the
12 chambers, you have two on both sides of your chest
13 cavity. You've got a left side, you've got a right
14 side.

15 So within that right side,
16 400 millimeters worth of blood, which is a decent
17 amount filled up within that side of his body. So
18 those are all the main kind of injuries associated
19 with the path of this bullet going through, hitting
20 that bone, hitting that lung and then burying itself
21 in the back part of the thoracic cap area.

22 MS. WHIRLEY: Sheila Whirley. With that
23 wound, would he have been able to survive that
24 wound?

25 **A** Eventually, it would have, it would need

1 surgical attention. If it is not addressed, it
2 could have been a lethal wound.

3 MS. WHIRLEY: But it was not the fatal
4 wound in this case?

5 A No, it is not. Not the immediately.

6 Q (By Ms. Alizadeh) Could someone who have
7 sustained this type of injury, would they be
8 immediately disabled?

9 A No, they would not.

10 Q So they could continue to stand?

11 A Correct.

12 Q They could be mobile for a while?

13 A Correct.

14 Q Okay.

15 : . The trajectory
16 entered here is that it hit the collar bone, did the
17 collar bone deflect it downward, you think, the path
18 of the bullet?

19 A It is possible, but it is hard to tell
20 exactly what role that is going to play with the
21 bullet. It is a wild card. You know, if it wasn't
22 there, it went straight through the body, came out
23 the back we all know, but the main thing you can say
24 about it is, it is going to slow it down. It did
25 fragment the bullet, it kind of broke it up a little

1 bit and it is going to slow it down, but that is
2 about all you can really say. It is kind of an
3 intermediate thing in between where it stops.

4 : You can't say it is a
5 downward shot, it could have been a straight edge
6 shot?

7 **A** It could be straight or down.

8 Okay.

9 **A** You have to think about your head too,
10 your head is on a pivot, so pivot, you know, like
11 that. And say something is passing through it is
12 possible it could do that or it could be a straight
13 on shot.

14 That's the variability that you have
15 with wounds when you are dealing with something
16 close to a joint or something, close where something
17 can pivot around because you can get an exit from
18 something from someplace else and reenter another
19 place in the body. And that's what makes it
20 difficult when you weren't actually there.

21 **Q** (By Ms. Alizadeh) So I'm not saying this
22 is true in this case, but you are saying you can
23 have a bullet that would pass through someone's arm,
24 so you have an entrance wound and exit wound of the
25 upper arm, for example. And then the bullet can

1 then reenter the chest cavity?

2 **A** That is correct.

3 **Q** And do you have any way to know whether
4 that was the case in any of these wounds?

5 **A** No, I do not.

6 It was mentioned
7 earlier, do you have any indication that the grazing
8 from the hand could have been one of the chest
9 entered wounds?

10 **A** It is possible if your hand is in the
11 right way for that to happen, it is possible. But
12 all I can say about that wound is that, I have an
13 idea of range and I have an idea of directionality,
14 but that's really all that I can -- I definitely
15 know from my examination, but after it left there,
16 there is a lot of possibilities.

17 This is 88. And the only difference
18 with this one is the introduction of the ruler.

19 A new wound here. This is going to
20 be Number 5, lateral right chest. So as always,
21 this is a gunshot entrance wound, it is located
22 20 centimeters below the level of the right auditory
23 meatus and then it is to the right of this imaginary
24 midline of the chest. That is how you know where it
25 is located.

1 In terms of the size, it is
2 12 millimeters by 12 millimeters, and this one kind
3 of has a little kind of a teardrop or somewhat of a
4 oval type shape to it.

5 There is a very small abrasion ring
6 around it and that is just that defect that you see
7 associated with wounds and when bullets pass through
8 the skin, it rubs off that little area as it is
9 entering. So that is kind of letting me know that
10 this is an entrance wound.

11 As I always do, want to try to help
12 yourself with range if you can. So I look for soot
13 and I look for stippling. There isn't any on this
14 wound, so now I'm dealing with another wound that is
15 most likely greater than 3 feet away. I don't know
16 how close, it is an indeterminate distance.

17 So x-rays are done, so there is a
18 bullet associated with this wound as well. And it
19 is further down in the body and I recovered it from
20 the lateral part, which is kind of out here, of the
21 right back. So it is kind of coming up here, but I
22 end up getting the bullet out around down here, just
23 so you know.

24 So that kind of lets you know there
25 is a downward trajectory with this particular wound

1 that is based off of this position. So it is coming
2 in here and getting here, you already know it is
3 going down.

4 MS. ALIZADEH: has a
5 question, Doctor.

6 : I notice on both of these
7 that there is other like bruising and other stuff?

8 **A** What are you referring to?

9 The other picture, just
10 the last wound that we saw.

11 MS. ALIZADEH: You want to point with
12 this?

13 **A** This picture.

14 Both of them around the
15 wound. All of this stuff around here, is that
16 normal, is that bruising?

17 **A** Are you talking, like this?

18 Yeah

19 **A** That is just kind of smeared blood.

20 I know it was worse on the
21 last one.

22 **A** That is not bruising. So bruising, the
23 technical means contusion. So bruising, contusion
24 these are kind of synonymous words.

25 The difference between that, and this

1 is just kind of being an artifactual thing, this is
2 something on the outside of the skin, it is on the
3 surface. A contusion or a bruise, that's blood
4 underneath the skin surface. So it is like, you
5 know, someone punches you, kind of turns blue, green
6 whatever over time, you have blood underneath your
7 skin that is going through the process of changing
8 colors.

9 So in this situation, this stuff
10 that's here, this is just some artifact and just
11 kind of cleaning off the wound and it is blood that
12 kind of transfers from here out to the skin so that
13 is not a contusion.

14 Okay. Now, so we got the trajectory,
15 you know, in turn, what did this pass through. It
16 went through the skin, it went through the soft
17 tissue, and as it is going down, you have got to
18 once to think about your rib cage, kind of like a
19 barrel.

20 When it goes down through that skin,
21 you have ribs kind of jetting out there, it kept
22 going down and that rib, that eighth rib, you have
23 12, it is kind of sticking out and the bullet hit
24 that. It fractured that rib and it kind of bounced
25 off a little bit and just stayed in the soft tissue.

1 The problem with that injury is, when
2 that rib fractured, it fractured to the inside and
3 the lung, the bottom portion of the right lung he
4 had got punctured because of the breaking of the
5 bone.

6 So there is an additional injury to
7 the lung further down. You have got one at the top
8 too, one in the upper chest, now you have one
9 further down. So there is a puncture wound from a
10 bone breaking from a bullet hitting it, and you have
11 got one that's just a gunshot wound that is actually
12 hitting the lung.

13 So there is going to be a little bit
14 of blood coming out of that wound as well. So these
15 two gunshot wounds technically of the chest, that
16 400 millimeters of blood is going to be associated
17 with both of those wounds. And so it is important
18 to know that those can be ruled the same, they are
19 both causing injuries to the body that if not
20 corrected, it could end someone's life, but in this
21 situation there is another wound to the head that
22 I'm going to talk about. I just want to make sure
23 that you understand the separation of the two.

24 Q (By Ms. Alizadeh) So, Dr. this
25 wound then, without medical care could be fatal, but

1 not immediately so?

2 **A** Exactly.

3 **Q** And again, with this type of wound, a
4 person sustaining that would they be able to stand
5 and be mobile for a while?

6 **A** Yes.

7 **Q** Okay.

8 : . There is nothing
9 else sequencing of these events, correct?

10 **A** For this wound here, no.

11 : Fatally, you know what the
12 final one was, you don't really know --

13 **A** Right.

14 **Q** (By Ms. Alizadeh) So far, just to be
15 clear, and we don't, you can't say so far the
16 sequence of these wounds?

17 **A** Not right now, no.

18 **Q** Which one happened first, but none of
19 these wounds would immediately incapacitate someone?

20 **A** Correct.

21 **Q** Okay.

22 **A** So this is the same wound that we are
23 looking at. The only thing different is the
24 introduction of the ruler. I'm sorry, I didn't say
25 a number. This is 90, I'm sorry.

1 91. So the head of Mr. Michael
2 Brown, we are looking at the right side of the face.
3 And the wound that I'm going to be getting to next
4 is going to be Number 3. It is going to be right
5 here, it is going to be an exit wound of the right
6 jaw.

7 This is just showing from the top
8 down, just showing some more wounds of the face.

9 This is 93. So this is his neck,
10 this is the top part of his head here and you have
11 this exit wound here of his right jaw. So let's
12 walk through this one.

13 So this one is located about
14 5.5 centimeters below the level of the right ear
15 hole and then it is to the right of the anterior of
16 midline of the head, which is like that. So it is
17 to the right. The hole measures 15 millimeters by 9
18 millimeters.

19 Now looking at the contours of it,
20 the contours meaning the edges, I do that on every
21 wound that I see, the gunshot wounds. If you look
22 at this one, you kind of see this little edge is
23 kind of flapping over a little bit. You don't see
24 those good little peak margins that are around it,
25 it is a little more irregular, it is not as smooth.

1 And you kind of actually see a little bit of tissue
2 kind of streaming out there and a little bit
3 flopping out of the wound to the outside.

4 So when I look at all of the
5 constellation of all of these things, this is
6 letting me know this is consistent with an exit
7 wound.

8 I don't see any stippling, I don't
9 see any soot, shouldn't see that in an exit wound,
10 but the thing is it is a little more irregular,
11 don't see a good abrasion ring, don't see a good
12 contusion, don't see any bruising, don't see
13 anything that I typically see in a situation of an
14 entrance wound, so I know that's an exit wound.

15 This is going to be in relationship
16 to another wound that I will get to eventually.

17 So this is 94. And the only thing
18 different about this is the introduction of the
19 ruler.

20 **Q** This is 95?

21 **A** This is 95. This is the right side of
22 Mr. Michael Brown's face. I am wanting you to focus
23 on this wound right here, which is a gunshot
24 entrance wound. This stuff here, these are
25 abrasions. I'll just describe them.

1 So up here on the right forehead,
2 this kind of irregular area right here. This is an
3 abrasion, as I said before, an abrasion is just
4 where that superficial layer of the skin rubbed off
5 and exposes that underlying soft tissue. That
6 particular abrasion right there measures about
7 7 centimeters at its greatest dimension, kind of the
8 longest point.

9 Then there is one over here on the
10 lateral part of his face, it is kind of dried,
11 meaning when I say dried, see how it is kind of
12 discolored, this is more pink, this is dried.
13 That's an abrasion right there on the right side of
14 the face.

15 And then let's see. And then over
16 here, you will see it later, out there on the lip he
17 has got some abrasions here on the inside of this
18 lip.

19 But back to the gunshot wound which
20 is going to be the main thing I'm going to talk
21 about next and that's going to be number two on your
22 autopsy report.

23 This is 96. Only thing different
24 about this photo than the last one is just the
25 introduction of the scale with the ruler.

1 This is 97. So this is this gunshot
2 entrance wound of the central forehead. So it is
3 located 7 centimeters above the right ear hole and 2
4 centimeters to the right of the anterior midline of
5 the head. So the imaginary midline of the head is
6 here, it is 2 centimeters off to the side. So that
7 just kind of locates the wound.

8 The whole measures 15 millimeters by
9 10 millimeters. The wound itself is somewhat oval,
10 I can see better on the photo here, but right there,
11 there is kind of an abrasion ring out here on the
12 outside.

13 What that is kind of helpful with is,
14 it is kind of letting me know that it is going
15 downward because when this, when this bullet came
16 in, the abrasion ring is more irregular to this
17 side, it is bigger on this side than it is there.
18 So when it is rubbing in, I know that it is coming
19 in a downward fashion. One, just because of the
20 abrasion ring and two, because of where it
21 ultimately went on his face.

22 So it is coming here, think of the
23 anatomical. It is here and when it is coming down
24 passing there and it is going to come out of the
25 face. So that you've got two reasons for how you

1 know it is down. The abrasion collar and also just
2 the starting here and ending up there. It is coming
3 from the top to here.

4 Q And, Dr. did you determine that
5 path not only, I mean, possibly via x-rays, but did
6 you probe that wound as well?

7 A Yes, I probe all of my wounds to make sure
8 that the entrances and the exits do coordinate.
9 : . Does your
10 assumption in talking about how body parts move
11 that, or like when his head was down, and the
12 officer was standing above him.

13 A That's a possible scenario.

14 : Thank you.

15 A So we got that. So now we dealt with the
16 abrasion collar, we know there is an entrance wound.
17 So now you want to look at your x-rays to see if you
18 see any type of bullets associated with this. There
19 are little tiny fragments, but no large intact
20 bullets, I can't recover those. Those are not good
21 for ballistics, you need kind of an intact chunk to
22 be good for ballistics.

23 All right. So in terms of soot or
24 any type of stippling, there is nothing around it,
25 only thing that is nearby are these abrasions.

1 So in terms of trajectory, how far
2 away, I can't determine this, this is an another
3 indeterminate wound that is going to be greater than
4 3 feet away.

5 In terms of the actual trajectory
6 itself, it is downward, slightly backward and going
7 to the right. It is going down, going back, meaning
8 this is the front part of the head, it is coming
9 back over here, so it is backward down and going to
10 the right because this is the center, this is right
11 side and it is going that way.

12 All right. Now in terms of the
13 actual tissue planes that it passes through, it is
14 going from the skin, it's going through the soft
15 tissue and the things that is interesting about this
16 one is, so when it is passing through, there is
17 like, there is defect here, call it a laceration,
18 call it a defect.

19 In my particular situation, I called
20 it gunshot related defect because as this bullet
21 passed through, there is enough meat and skin here
22 on the front of Mr. Michael Brown's forehead that
23 this bullet is tunneling underneath that skin. When
24 it got right here where the eyebrow was resting over
25 that ridge of bone that we all kind of have right

1 there, it disrupted that tissue, continued to travel
2 underneath and then went by his eye here. There is
3 another defect, it passed through the actual globe
4 of the eye.

5 Then you have a bone here, right
6 underneath your eye, it went through that bone,
7 passes through there, you have a bunch of soft
8 tissue here in your jaw and cheek, it passes through
9 there and then eventually comes out of the jaw right
10 here on the side. So that's the particular path of
11 this particular shot.

12 **Q** (By Ms. Alizadeh) Now, does this
13 projectile travel through any portion of the brain?

14 **A** No, it does not.

15 **Q** And now I know you said it went through
16 some bone that was below the eye, does it fracture
17 the bone at the entrance site?

18 **A** No, it does not.

19 **Q** So it goes into the skin and the soft
20 tissue and then almost travels along the bone, along
21 the, just underneath the skin?

22 **A** Correct.

23 **Q** Going through the globe of the eye?

24 **A** Correct.

25 **Q** And then breaking a bone?

1 **A** Correct.

2 **Q** Now, would this type of wound immediately
3 render someone disabled?

4 **A** No.

5 **Q** If someone sustained this type of wound,
6 could they continue to stand up for a while?

7 **A** Yes, they could.

8 **Q** Could they continue to be mobile?

9 **A** Yes, they could.

10 **Q** And, obviously, I'm sorry, Sheila, with
11 the eye being pierced in this case, they would lose
12 this vision from their right eye, correct?

13 **A** Correct, the eye is no longer going to
14 function, it is totally disruptive.

15 MS. WHIRLEY: Shirley Whirley. Would the
16 combination, you said you can't talk about the
17 sequence of the shots which occurred first, but the
18 combination of the shots that we've seen before the
19 fatal shot, it still would not render this person
20 disabled.

21 **A** Correct.

22 You talked about
23 the abrasions, anything that you conclude from the
24 abrasions, how they occurred?

25 **A** Well, an abrasion, all that is to me is

1 that particular part of your body came in contact
2 with another force. So to get an abrasion, I fell
3 right now, I hit my head right there, I could scrape
4 off skin. I fell down on the ground and collapsed
5 on the ground that could cause those abrasions.

6 From the way he's positioned where
7 he's found after he's rendered disabled, his face is
8 in contact with the ground and that's consistent
9 with that position.

10 : There need to be forward
11 motion on that face to scrape it like that.

12 **A** You would need some sliding.

13 Some sliding

14 **A** For it to rub off. You need a frictional
15 force. You can't just plop straight down, plop
16 straight down and cause more bleeding, you get more
17 contusions from things just stopping and don't
18 slide. When things slide with friction, that's when
19 it gets rubbed off, and that's when you get your
20 frictions.

21 I don't
22 recall, or not speaking about the abrasions, did you
23 find any evidence of any type of burn to the skin or
24 anything, any type of injury like that because we
25 all know, I mean, this happened at 12:00, and the

1 young man laid there on the ground in one of the
2 hottest days of the year. Any type of wounds such
3 as that, any evidence of anything of that nature?

4 **A** There's really no burning per se, but
5 there is one wound on the cheek that had a dry
6 appearance, that's about the only thing that, you
7 know, contact could be a drying affect or something
8 where the pavement is warmer, who knows, but that
9 feature is there. There is no burning of anything.
10 Okay, thank you.

11 . Are the
12 abrasions severe enough that you think the victim
13 would have been in motion at the time of the fatal
14 shot or could have been standing at the time of the
15 fatal shot, absorbs that amount of friction just by
16 simply falling from a standing position?

17 **A** Eventually falling and hitting the ground,
18 and the ground and his face, that's how that
19 happened in my opinion.

20 I think we've got those taken care
21 of.

22 This is 98. And the only thing
23 different about this is the introduction of the
24 ruler.

25 We're at Image 99. So we're looking

1 at the top of Mr. Michael Brown's head. This is the
2 top portion of his scalp. So what is happening here
3 when he originally came in, I documented the body
4 how it is, I shaved the hair off of his head to
5 expose the wound, so this is what I created when he
6 came in. He didn't look like this was all black
7 hair here, you couldn't even see the wound. The
8 reason why I knew it was there is from my x-rays, as
9 well from palpating the head, I could feel a wound
10 and I saw blood coming from there, that's why I knew
11 there was something there.

12 Once I identify a wound like that on
13 the head, it is standard protocol and procedure for
14 me to remove the scalp, not the scalp, the hair in
15 order to one, be able to assess the collar, the
16 abrasion collar, to help with distance and to also
17 look for any type of stippling or soot.

18 Kind of, you know, in a classical
19 sense, typically the hair can block these things
20 from being deposited on the skin, but proper
21 protocol to be able to wipe away that hair to see if
22 you can see anything that may have penetrated the
23 hair and got to the skin to be able to help with the
24 range.

25 So that's the reason why you have to

1 remove the hair to be able to assess wounds to help
2 you with distance and to also be able to
3 characterize the nature of the wound.

4 **Q** (By Ms. Alizadeh) You know that brings up
5 a question regarding the deposit of the soot or
6 stippling. If the projectile enters through a piece
7 of clothing, could that also affect whether or not
8 soot or stippling is deposited on the skin?

9 **A** That is correct.

10 **Q** And in this case, the clothing was removed
11 off of the body, correct?

12 **A** Correct.

13 **Q** And do you recall having a short sleeve
14 shirt on, correct?

15 **A** Correct.

16 **Q** Now, did you examine the clothing yourself
17 to determine if there were any holes in the
18 clothing?

19 **A** I do look at the clothing to look for
20 defects and that's what I refer to them as.

21 **Q** Did you see any defects in the shirt?

22 **A** Yes, I saw defects in the shirt.

23 **Q** Okay. And you don't document those in
24 your report, correct?

25 **A** No, I don't specifically say where they

1 are. I generalize and say there are defects present
2 in the shirt.

3 Q Okay, all right. Thank you.

4 A All right. So this particular one I think
5 is probably Number 1. We are going to be looking at
6 Wound Number 1 on the autopsy report. This is the
7 gunshot entrance wound to the vertex of the scalp.

8 So positioning as I always do, it is
9 20 centimeters above the level of the ear, we are
10 also going up from here. And it's, and it's near
11 the actual midline of the head. So if you look, it
12 is pretty much in the center, kind of dead on.

13 The hole measures 10 millimeters by
14 8 millimeters. It's roughly round and it has pretty
15 level edges.

16 Now, when you look at the edges as I
17 always do, you can kind of see this little bit of
18 pink tissue around there, that's that abrasion
19 collar that is going to let you know theoretically
20 this is an entrance wound.

21 Now I have to caveat with gunshot
22 entrance wounds to the head. You should never just
23 purely go by the classical thing that we talked
24 about, abrasion rings and contusions. The problem
25 with it is the head is a skull that's underneath and

1 that bone creates a different type of resistant path
2 for the bullet to pass through.

3 The best way to determine if there is
4 an entrance or an exit wound of the skull is on my
5 examination, when I reflect the scalp, which is a
6 normal part of the procedure and remove the skull
7 cap. When you look at the actual hole, and I think
8 there will be some pictures eventually, we'll get to
9 that.

10 When you actually look at the hole,
11 there is a concept called beveling. Beveling is
12 where you will see an outpouching of the bone. So
13 if the outpouching of the bone is to the inner table
14 of the gunshot wound, that's an entrance wound. If
15 the beveling or outpouching is on the outside of the
16 outer table of the skull, that's called external
17 beveling, that's an exit wound.

18 So when I get to it, this particular
19 wound had internal beveling, so that lets me know
20 for sure that this is an entrance wound to the head.
21 It is pretty much every time, I just want to make
22 sure you understand that.

23 MS. WHIRLEY: Sheila Whirley. I know you
24 can't tell us exactly what position would Michael
25 Brown have been in to have the shot to the top of

1 his head?

2 **A** The shot fired has to be above the head.
3 So in theory, if I'm sitting here and somebody's up
4 there and shoots down, you have to be above, the
5 shot has to be fired above his head in order for
6 that to happen.

7 **Q** (By Ms. Alizadeh) Kathi Alizadeh. When
8 you say above, you're talking the anatomical
9 diagram?

10 **A** Right.

11 **Q** I'm just theorizing here, just theorizing.
12 So if someone in this position, in other words, is
13 bent over at the waist and the top of my head is
14 facing the wall, that could account for a bullet
15 that would enter the top of the head, correct?

16 **A** That is correct.

17 **Q** In this case you have no way of knowing
18 where, what position his body was in when he
19 sustained that gunshot wound?

20 **A** No, I do not know specifically, correct.

21 MS. WHIRLEY: But it would be
22 inconceivable for him to be standing at 6'4",
23 straight up and have that shot to the top of his
24 head from someone not as tall as him, taller than
25 him?

1 **A** Correct.

2 MS. WHIRLEY: Okay.

3 **A** So as we always do, we want to see if
4 there is any stippling or soot. That's not soot,
5 that's just his hair. That wasn't scraped all the
6 way off with a scapple. There is no soot, there is
7 no stippling. So in terms of range, that is a wound
8 that is greater than 3 feet away again.

9 An x-ray, full body x-ray on this
10 particular situation, there is a bullet associated
11 with this wound that I ultimately recovered within
12 the soft tissue on the right side of his face that's
13 associated with this wound, there is a projectile.

14 All right. There is internal
15 beveling of this bone of the skull, which I was
16 telling you about before, that lets me know that
17 this is an entrance wound.

18 The path or trajectory on this one
19 based on the anatomical position is going downward,
20 it is going from the top of the head towards the
21 feet and it is going right. Meaning that when it
22 passes through the head and goes through the brain,
23 you got your outer part of your skull here, it is
24 going that way and burying itself. You can see it
25 is down and to the right. So that is how you know

1 that part.

2 In terms of the actual tissue that it
3 is passing through, going through the scalp, the
4 skin surface of the head, soft tissue, the parietal
5 bone of your skull, that's the particular location
6 of the skull cap specific for me, but just layman's
7 term, just your skull.

8 Once it went through the skull, it
9 hit the brain and your brain is separated in
10 hemispheres. So you have a parietal bone, you have
11 a parietal lobe. So it went through the parietal
12 lobe of the brain, then it went through the temporal
13 lobe of the brain. This is all on the right side.

14 Then it passed through the right
15 temporal bone of the skull, which is out here and
16 punched through there and buried itself right here
17 in the skin, the soft tissue beneath the skin on the
18 right side of his head. So that's the path of the
19 bullet.

20 So when it goes through there, it is
21 going to create injuries to the brain. There are
22 small little tears or contusions that are happening
23 to the brain as this bullet is punching its way
24 through the white matter of the brain. You have
25 gray matter on the outside and white matter on the

1 inside.

2 The white matter is responsible for
3 your, the nervous impulses that are going to go
4 through your brain. So those tracks, there is
5 little small contusions there, that's just from the
6 pathway of the bullet going through the brain.

7 There is also hemorrhage associated
8 with the wound. You have multiple spaces in your
9 brain. You have an epidural space, which is, you
10 know, you have your skull, beneath your skull
11 there's a space and then you have your dura. Your
12 dura is kind of like, for lack better of a better
13 word, the skin of the brain. In between that
14 imaginary space is called the dural space, there's a
15 space there.

16 You can get the dural, then you start
17 getting to another space and then you get to the
18 brain. So beneath that dural space is the subdural
19 space.

20 There is blood there and there is
21 actual blood on the surface of the brain, which is
22 the subarachnoid space. There is two areas where
23 there is blood, you have defects of where the bullet
24 is entering and then kind of exiting out on the
25 brain and staying in the soft tissue.

23 : You said
24 that you had to remove the hair from that area. Is
25 it possible to get any kind of soot or anything, any

1 kind of sampling of that or was anything sent in to
2 be examined or is it even possible to get any type
3 of evidence out of that?

4 **A** It is always possible, but nothing was
5 sent off with regard to the hair.

6 **Q** (By Ms. Alizadeh) So the hair that you
7 shaved off the scalp was not collected and kept?

8 **A** No.

9 **Q** Or tested in any way?

10 **A** No, it was not.

11 **Q** Okay.

12 Any other questions about this wound?

13 **A** 101. Same wound, but just the
14 introduction of the ruler.

15 **Q** And just so I'm clear on this, the bullet
16 that we're talking about is Wound Number 1 in your
17 report, entered the brain, traveled through the
18 brain and then you said was in the temporal region
19 just beneath the skin or the soft tissue?

20 **A** It is a little bit, it is coming right
21 through the bone of the skull, it is sitting in the
22 soft tissue right there.

23 **Q** In photographs, is there an injury to the
24 side of his face where that bullet rest beneath the
25 surface?

1 **A** It did not make an injury on the outside
2 of the face that would correlate to the inner
3 injury.

4 **Q** Just for the sake of these, all of these
5 injuries that you talked about, there was a
6 projectile that was found in his brain, correct?

7 **A** Well, it is more the soft tissue.

8 **Q** You're right. Wound Number 1, you
9 recovered that projectile?

10 **A** Correct.

11 **Q** Did you give that to the police officer?

12 **A** Yes, I did.

13 **Q** He packaged that?

14 **A** Yes, he did.

15 **Q** And then you also indicated you retrieved
16 a projectile in his chest cavity?

17 **A** Correct.

18 **Q** Was that given to the police officer?

19 **A** Yes, it was.

20 **Q** Was that packaged?

21 **A** That was packaged.

22 **Q** Any other projectile or foreign object
23 that you retrieved from his body?

24 **A** There was another. So the one projectile
25 back out here and one further down here, so there

1 were three projectiles that I recovered.

2 **Q** Okay. And then regarding any other
3 samples that you took, you've already testified that
4 you took a sample from that thumb area?

5 **A** Histology.

6 **Q** And did you take a blood sample from him?

7 **A** Like for a blood stain card for DNA?

8 **Q** For DNA, but also for toxicology?

9 **A** Yes.

10 **Q** So those are separate samples?

11 **A** Yes.

12 **Q** There is a stain card that is made for
13 DNA?

14 **A** Yes.

15 **Q** And then there is a sample of blood put in
16 a tube or something?

17 **A** Yeah, there is two types of tubes. We
18 have a red top tube, which is just basically a tube
19 with no preservatives in it, just going to be pure
20 blood and then we do a gray top tube has a
21 preservative, like sodium chloride. It is important
22 for dealing with testing for like cocaine, things of
23 that nature.

24 Cocaine is kind of volatile and kind
25 of breaks down if you don't put the fluoride in

1 there to stop the activity of the enzymes in the
2 blood. That is what the gray top tube is for.

3 So we do a red top and gray top for
4 toxicology, and the specific blood that I used was
5 chest cavity fluid that was sitting from that
6 gunshot wound. There is a lot of blood there. I
7 used that for my toxicology because the other
8 locations to try to get blood was very difficult.
9 He had lost blood, it is difficult to get sometimes,
10 so you get it where you can get it from. The
11 biggest reservoir of blood was the chest cavity.

12 **Q** And did you also take a sample of the
13 vitreous fluid from his eye?

14 **A** Yes.

15 **Q** He was missing his right eye, correct?

16 **A** That's correct, it came from the left.

17 **Q** You do that by a syringe, drawing off some
18 fluid?

19 **A** Correct.

20 **Q** And that's preserved for toxicology?

21 **A** Correct.

22 **Q** And then you also said earlier you had
23 mentioned urine. Did you take a sample of urine
24 from him?

25 **A** Yes, I did.

1 **Q** Is that also with the syringe?

2 **A** That is with a syringe.

3 **Q** Is that taken from his bladder?

4 **A** Yes, it is.

5 **Q** And so the cavity blood, the urine and the
6 vitreous fluid, you know those samples were
7 subsequently sent to a toxicology lab?

8 **A** Correct.

9 **Q** And is that lab also a part of the Medical
10 Examiner's Office?

11 **A** Physically it is located in the same
12 building.

13 **Q** But that's run by St. Louis University,
14 correct?

15 **A** Correct.

16 **Q** And other than sending those things off,
17 you don't have any role in testing those?

18 **A** No, I do not.

19 **Q** Okay. I want to try to go through these
20 quicker so that, I don't want to, again, I don't
21 want anybody to not ask questions they want to ask.
22 We've talked about the major wounds that he's
23 documented in his report. He has some additional
24 photographs of some of those tangential wounds and
25 also there is some autopsy photos where there is

1 cutting done. All of these photographs are going to
2 be available for you.

3 If you want, we can have him go
4 through them one by one. I prefer him to testify
5 about what he saw when he opened up the body and so
6 forth. I will tell you they are graphic and that is
7 going to be up to you guys, okay?

8 And so also let's go through the rest
9 of these injuries that are photographed and then
10 when we get to the cutting part, I'll ask you guys
11 if you want to start going through those
12 photographs. If you want to look at them on your
13 own at a later time.

14 I
15 have one question for you. I need to understand,
16 all of the injuries with the exception of number
17 one, accumulatively he could have still survived and
18 been mobile?

19 **A** He could have been mobile, I wouldn't
20 necessarily say survive. Those chest wound
21 injuries, those would have eventually become fatal
22 if not addressed.

23 He would have been
24 mobile, but this one absolutely?

25 **A** Absolutely.

11 So as that chest cavity fills up with
12 blood, it is going to get to the point where it
13 fills up with so much that it shifts all of those
14 organs on the inside of your body to the other side.
15 And the problem with organ shifting is you have a
16 major organ in the middle of your chest, which is
17 your heart.

18 So think of it kind of like a garden
19 hose. You put too much pressure on one end of it,
20 it stops the flow of the water. So the stop of the
21 flow of the water, in this situation is the blood.
22 When that thing starts filling up and pushing over
23 to the side, those vessels get squished, squished
24 and eventually get squeezed off to where now the
25 blood can no longer get returned to the heart to get

1 pump to other areas. And then that's the main
2 problem is your head is not getting blood, now you
3 are going to become unconscious. You are going to
4 have two problems, you're not getting blood, your
5 blood carries your oxygen. So you are not getting
6 any oxygen to the brain, you are physically not
7 getting blood to the brain, you are also losing
8 blood out of your body, inside of your body. So you
9 kind of got a lot of problems there.

10 But he could not
11 immediately, the hemothorax could be reversed?

12 **A** If you had some medical intervention.

13 That's what I mean.

14 **Q** (By Ms. Alizadeh) Would you say,
15 Dr. that medical attention would have to
16 be immediate?

17 **A** I agree.

18 **Q** Like if he were shot in the hospital, then
19 possibly if there was a doctor at his elbow,
20 possibly he could have medically then have survived
21 those injuries?

22 **A** Correct.

23 **Q** Without immediate medical attention, he
24 eventually would have died, alone of the internal
25 thoracic injuries?

1 **A** Correct.

2 **Q** And just to clarify because you talked
3 about bullets passing through his lung. And I
4 thought maybe I misunderstood. I thought one of the
5 injuries to the lung was caused by the rib that
6 punctured the lung?

7 **A** Correct.

8 **Q** Was there more than one bullet know
9 through the lung?

10 **A** One bullet went through the lung, the
11 other bullet struck the rib, the eighth rib, which
12 is nearby, so your right lung is in three pieces.
13 It has got an upper lobe, it's got a middle lobe and
14 it's got a lower lobe. So the first, that bullet
15 that's up here by the clavicle by the collar bone,
16 that hit the upper part of the lung.

17 So when that other bullet passes
18 through and hits the eighth rib, it snapped it, it
19 fracture it. So say this is a rib cage, your lung
20 is sitting there, when it broke it, it snapped it to
21 the inside and when it broke, the bone punctured
22 that lower portion of the rib causing additional
23 injuries to the lung. So the bullet itself didn't
24 do it, but the bullet hit the bone and snapped and
25 did puncture the wound.

6 **A** That's going to be difficult, difficult to
7 determine. It is just pure speculation.

9 . I just
10 need some clarification. The wound to the head, did
11 you say that was a far distance?

14 It is greater than 3 feet?

18 : The
19 wounds to the top of the head, could he have been
20 already falling forward?

22 : So let's say like the
23 first wound he received, I know you said --

Gore Perry Reporting and Video

1 : Let's just say to the
2 chest.

3 **A** All right.

4 : Could that wound have
5 like, I know you said that he could of still been
6 mobile, could he have not been mobile as well?
7 Could you just like get shot?

8 **A** You can stop walking, that wound is not
9 going to prevent you from using your legs. You've
10 consciously chose to stop moving, you still would
11 have the ability to move with sustaining a shot like
12 that. It is not going to render you unconscious,
13 that's the point I'm trying to make. The wound to
14 the head, he's going to be unconscious, he can't
15 move if he wants to.

16 But you get hit here in the chest,
17 you are going to have some time to be able to move
18 around and it is depending on a variety of factors.
19 How quickly you use blood. The main thing that will
20 make you collapse is, once you block off that blood
21 return, you've got maybe like 10 to 15 seconds of
22 reserve of oxygen going to your brain before you
23 pass out.

24 So when you reach that critical
25 level, each person is going to have a different

1 critical level with body masses, being different
2 sizes, people have different kind of levels of blood
3 reserve, different levels of volume.

4 So someone smaller or bigger maybe
5 last a little bit longer. Also the activity that
6 you are doing before is also going to impact. Say,
7 for instance, if you have been running and your
8 heart was going really, really fast, you're going to
9 pump blood out quicker as oppose to someone really
10 calm, just kind of sitting there, you are not going
11 to bleed as fast. So all of these factors play a
12 role in determining how quickly you are going to be
13 responsive or immobile.

14 Q (By Ms. Alizadeh) Okay. Let's go ahead
15 and somewhat quickly if you can run through those
16 other photos. If you go ahead and identify them and
17 put them on what it says, what it shows abrasion?

18 A This is 102, I believe. So this is his
19 left arm, this is just showing a linear abrasion on
20 the left arm.

21 Q You characterize that before as being like
22 a grazing wound?

23 A I wouldn't say it is in that category.
24 This one is some type of blunt force injury caused
25 that. I wouldn't say it is necessarily a

1 projectile. The characteristic of it is different.
2 You could have rubbed on something, it is hard to
3 say. It is nonspecific, but it is not a classical
4 graze wound like you saw on the bicep on the right
5 arm or that graze wound.

6 This is different. This is just an
7 abrasion. It is not specific and I can't say what
8 it is from.

9 : My thought was
10 whether with glasses on, if you were able to tell if
11 it was a clean cut?

12 **A** That's something you can argue about, but
13 the fact that it is so dry and, you know, it is kind
14 of firm, it is kind of difficult to say is it a cut
15 or incise wound. I can definitely say that is a
16 superficial layer of skin has been rubbed off, but
17 it is difficult to say was it a sharp or was it, you
18 know, rubbing on some keys or who knows, a door, I
19 don't know. It is kind of in between and it is
20 difficult to specifically say what caused that. But
21 there is definitely an injury there, the top part of
22 the skin is gone.

23 : Thank you.

24 **A** 104. This is just a close-up, same thing
25 with the showing of that.

1 **Q** (By Ms. Alizadeh) Just out of curiosity
2 lower in the photograph, is this also an abrasion?

3 **A** Yes. This is just showing that right palm
4 again, showing that graze wound of the hand.

5 106. Showing close-up of the graze
6 wound of the hand.

7 107. Same thing, graze wound of the
8 right hand with the ruler.

9 On 108. There is a very, I'm going
10 to get a little bit closer, but it is a little bit
11 of an abrasion here on his right here which is right
12 there.

13 109. This is close-up of that little
14 tie any abrasion on his right hip right there.

15 This should be 110. This is just the
16 same thing, but with ruler inserted for scale.

17 **Q** For those, the abrasion to his right hip
18 again, you can't say what caused that?

19 **A** No, I cannot.

20 **Q** Can you even say if that happened during
21 the same time he sustained the other injury?

22 **A** No, I cannot.

23 **Q** Okay.

24 **A** 111. There is an abrasion here to this
25 upper right chest, that's what I'm focusing on here.

1 112. This is the abrasion here in
2 the upper right chest right there and that bullet
3 hole from the upper right chest from earlier.

4 113. Same picture up, but insertion
5 of the ruler for scale of that abrasion on the upper
6 right chest.

7 This is 114. This is where I'm
8 trying to focus in on his lip. I told you he had
9 some abrasions on the inner portion of his lip.

10 **Q** Can you tell what caused the abrasions on
11 the inner portions of his lips?

12 **A** Not specifically.

13 **Q** Would it be consistent with some, with an
14 impact like involving his teeth or dental work?

15 **A** That's possible.

16 That's a close-up here showing these
17 defects or abrasions or shallow lacerations,
18 whatever you want to call it, here on the left.

19 **Q** Let me just ask the possibilities here.
20 Those injuries to the insides, they are injuries on
21 the inside of his mount?

22 **A** Correct.

23 **Q** Correct?

24 **A** Correct.

25 **Q** Could it be caused by getting punched in

1 the mouth?

2 **A** Possible.

3 **Q** Could it be caused by someone falling on
4 their face on pavement?

5 **A** It is possible.

6 **Q** You have no way of knowing how that
7 happened?

8 **A** I do not.

9 116. Showing the same thing, but
10 with the ruler for scale. I'm getting to the point.

11 **Q** Let me ask you some other things here.
12 Regarding his face, was there any injury to his
13 teeth, any chipped or broken teeth or anything?

14 **A** No.

15 **Q** Did you notice on his face, other than the
16 injuries to the wound that you've described, were
17 there any contusions?

18 **A** No contusions.

19 **Q** Contusions, again, is like a bruise. Note
20 any swelling to the face, other than what was
21 associated with the wound you talked about?

22 **A** Correct.

23 **Q** And then I'm going to ask you specifically
24 about his neck. I am going to show you Image 111,
25 which we already talked about. So this is an image

1 of, he's on his back on the table, correct?

2 **A** Correct.

3 **Q** And --

4 **A** His head is here, his feet is here.

5 **Q** His head is the lower right -- left-hand
6 portion. This defect right here, that's an exit
7 wound in the jaw, correct?

8 **A** Correct.

9 **Q** And these are the chest wounds you've
10 talked about?

11 **A** That's one of the abrasions next to it.

12 **Q** So his chin is up a bit; is that right?

13 **A** Correct.

14 **Q** You can fully see his neck in that
15 picture?

16 **A** Correct.

17 **Q** Did you notice anything when you examined
18 his body, was there any bruising of his neck?

19 **A** No.

20 **Q** Any abrasions on his neck?

21 **A** No.

22 **Q** Have you ever seen an injury, and injury
23 to a person who has been choked?

24 **A** Yes.

25 **Q** Okay. Can you describe someone who has

1 been choked?

2 **A** Well, I would like to clarify for me.
3 Strangulation is a better term, choking is
4 different.

5 **Q** Choking is like I got something, I
6 swallowed something wrong or whatever?

7 **A** Right, right.

8 **Q** So you are right, so you've seen someone
9 who has been strangled?

10 **A** Correct.

11 **Q** What kind of injury would you see on
12 someone who has been strangled?

13 **A** Externally you may see abrasions from, you
14 know, people have nails or whatnot and the rough
15 nature of the event, you can create abrasions on the
16 outside of the neck. You don't always see them, but
17 you can.

18 Then once you open the neck, when I
19 do a dissection of the neck, you have multiple
20 layers of soft tissue as well as muscle.

21 If enough force is applied there, you
22 can see hemorrhaging within the soft tissues of the
23 neck and then also you have a bunch of structure
24 within your neck called the hyoid bone can be
25 fracture or injured. And in a strangulation, those

1 are some of the things I look for in the neck and
2 situations where someone has been strangled or has
3 an injury to the neck.

4 Q In this case you found no injuries to his
5 neck, correct?

6 A Correct, correct.

7 Q And I know when we are talking, when I say
8 strangulation, I think of that as being like someone
9 who is a cause of death, they are dead from
10 strangulation, but people can be strangled, but then
11 survive, correct?

12 A Correct.

13 Q And in some occasions, will you notice
14 bruising to the neck?

15 A Correct.

16 Q And then, obviously, you're not going to
17 cut a living person open to look at the tissue
18 inside?

19 A Right.

20 Q But someone who has been grasped very
21 tightly around the neck, you might see bruising?

22 A Correct.

23 Q Okay. One more thing about, and at some
24 point, the police department, the police officers,
25 they fingerprint the deceased; is that correct?

1 **A** Correct.

2 **Q** And that's just standard protocol,
3 correct?

4 **A** Correct.

5 **Q** Now, do you ever observe in your
6 autopsies, do the police ever dust the body for
7 prints?

8 **A** I haven't specifically seen that unless
9 there is a question or certain circumstance for it
10 to happen. It is not part of routine procedure, I
11 guess that's what I'm trying to say.

12 **Q** I guess you've never seen someone, a
13 police officer try to lift a latent fingerprint off
14 of the skin of a deceased person?

15 **A** I have not, no.

16 **Q** Have you ever heard of that being done?

17 **A** Not specifically, no.

18 (Deposition Exhibit Number 8
19 marked for identification.)

20 **Q** (By Ms. Alizadeh) Okay. So another thing
21 so we can possibly, I don't want to shortcut
22 anything. I'm going to hand you Grand Jury Exit
23 Number 8.

24 For the record, this is a CD. Did
25 you bring that to me at my requests?

1 **A** Yes, I did.

2 **Q** Okay. And that CD contains a number of
3 photographs and some x-rays; is that correct?

4 **A** That is correct.

5 **Q** Have you looked at the photographs and
6 x-rays that are on that disc?

7 **A** Yes, I have.

8 **Q** Now, the photographs that are on those
9 discs, on that discs, were taken by who?

10 **A** Um, by the autopsy morgue assistant

11

12 **Q** So those are not police photographs?

13 **A** No, they are not.

14 **Q** And so those photographs are taken for a
15 different purpose?

16 **A** It is more for just kind of documentation
17 of the body, just getting a general overall of what
18 we are seeing for lack of a better word.

19 **Q** And some of those photographs that are on
20 that disc are after the autopsy is completed and
21 body has been closed up.

22 In this case you removed the top of
23 his head and eventually that's been closed up,
24 correct?

25 **A** Correct.

1 **Q** And have you seen those photographs on
2 there?

3 **A** Yes, I have seen the photos.

4 **Q** And then the x-rays that are contained on
5 those discs, are those the x-rays that you took and
6 examined in relation to the injuries that you've
7 testified to as far as when you can see a projectile
8 and so forth?

9 **A** Correct.

10 MS. ALIZADEH: Is there anyone here who
11 wants me to put on, to go through these xx rays with
12 you? Anybody have any questions about that? We can
13 put them in the player right now and bring up, how
14 many x-rays are there?

15 **A** I don't know, 42.

16 MS. ALIZADEH: The disc says how many
17 photographs and how many x-rays.

18 **Q** (By Ms. Alizadeh) How many photographs?

19 **A** Photographs 39.

20 MS. ALIZADEH: Is there anyone who has a
21 desire, if we can't do it today, we'll bring him
22 back after his vacation and go through these. Is
23 there anyone who wants to see these x-rays now, or
24 have any questions about a particular injury or
25 bullet that he might be able to see in an x-ray?

1 Okay.

2 MS. WHIRLEY: Just for the record, it is
3 about 5:00.

4 **Q** (By Ms. Alizadeh) I'm trying to finish up.
5 I know Dr. is on vacation for a couple of
6 weeks. I want to get as much as we can. If we have
7 to bring you back, we'll worry about that later.

8 And then, so now the rest of his
9 testimony about his autopsy is going to be about him
10 cutting into the body and examining each organ.

11 Let me ask you, Dr. did you
12 find anything other than the injuries that you
13 talked about to the lung and to the tissue and to
14 the brain, was there anything remarkable about any
15 of his organs?

16 **A** No.

17 **Q** There wasn't any heart disease?

18 **A** No.

19 **Q** No ulcers of the stomach or anything like
20 that?

21 **A** No.

22 **Q** And you are cutting and retrieval of the
23 projectiles that's all documented in these
24 photographs; is that correct?

25 **A** Correct.

1 MS. ALIZADEH: Is there anyone here who
2 wants right now to go through those photographs, or
3 have any particular question about them?

4 All right. They are going to be here,
5 they are part of the exhibit and they are something
6 that you can examine at a later time. And if at
7 all, there is a question later on down the road,
8 specifically about something, that I didn't have him
9 actually testify about, we will bring him back and
10 have him testify again. Yes.

11 The
12 photographs that we are talking about, they are from
13 the same string timeframe and same situation that
14 we've seen up to this point, correct?

15 MS. ALIZADEH: Yes, they are also
16 photographs that are taken by a police officer
17 during the autopsy and so, for example,
18 Dr. when you are retrieving a projectile,
19 you have to cut into the body. In this case you
20 did, and that is actually photographed that you have
21 cut into the body and in some of these photographs
22 you can see the projectile laying in the tissue of
23 the body.

24 A Correct.

25 Q (By Ms. Alizadeh) And then in some of

1 these photographs the projectile is removed from the
2 body and sitting on a paper towel, photographed
3 after it is removed?

4 **A** Correct.

5 **Q** But these are all photographs that are
6 taken that day during your autopsy?

7 **A** Yes.

8 **Q** And in conclusion for today, were you able
9 to determine within a reasonable degree of medical
10 certainty the cause of death of Michael Brown?

11 **A** Yes, gunshot wound to the head and chest.

12 **Q** Were you able to determine within a
13 reasonable degree of medical certainty the manner of
14 death of Michael Brown?

15 **A** The manner of death is homicide.

16 **Q** So that would be homicide as opposed to a
17 suicide or accidental or anything like that?

18 **A** Correct.

19 **Q** Homicide just means at the hands of
20 another, it doesn't indicate there is any kind of
21 criminal liability, that is a term that's used in
22 forensic pathology, correct?

23 **A** Correct.

24 MS. ALIZADEH: Anybody have any other
25 questions about the autopsy or what he did in the

1 autopsy?

2 Let me look at my notes real quick.

3 : . Can you
4 tell me how many exit wounds there were?

5 **A** I'd say three.

6 : How many entrance wounds?

7 **A** I don't include the graze wound as one of
8 these things that is in between say 1, 2, 3, 4, 5,
9 6.

10 And two graze wounds?

11 **A** That's 8.

12 Thank you.

13 **Q** (By Ms. Alizadeh) And those again, those
14 wounds, each of them is documented in your
15 post-mortem examination report that I provided
16 copies to the jurors and also is there any way that,
17 do you have any opinion as to the order in which
18 these gunshots were, these wounds were sustained on
19 Michael Brown's body?

20 **A** From what I do, the investigation is
21 ongoing. There is things I'm privilege to. There
22 is things I do know and things that can be shared
23 with you later as the process goes on.

24 In my opinion in terms of what I can
25 say the wound to the hand has to occur at a time

1 when Michael Brown is close enough to the officer
2 for that to have happened. So depending on the
3 circumstances that you guys hear from what I know,
4 there is a point in time where they are in close
5 approximation to each other at the vehicle.

6 In my opinion I feel that's the
7 closest they are for it to happen from the
8 circumstances that I know that that injury occurred.
9 So that has to be early on in the event. In terms
10 of the end of the event, the wound to the top of the
11 head is going to be the last wound that he is going
12 to receive.

13 So in terms of the beginning part
14 with the thumb wound and the part at the end, those
15 two I can feel good about saying that I know when
16 those happened, but the ones in between, it is to
17 difficult to say.

18 Q And given the entrance and exits of the
19 wounds that you've described, and I know that we've
20 said there is no entrance wounds on his back?

21 A Correct.

22 Q Or on his buttocks?

23 A Correct.

24 Q Or on the back of the his legs?

25 A Correct.

1 **Q** No bullet wounds on his legs at all?

2 **A** Correct.

3 **Q** And then there is some wounds to the
4 anterior portion of his torso?

5 **A** Correct.

6 **Q** And then the wounds to his arms are kind
7 of like all over the joint, right?

8 **A** Right.

9 **Q** Any way of telling what position that body
10 was in when those wounds were sustained?

11 **A** No.

12 **Q** Given that they're arms, it just depends
13 on where his arms were?

14 **A** Correct.

15 **Q** And in relation to where the gun was?

16 **A** Correct. But I can say to sustain wounds
17 to the chest, the chest is fixed, those with the
18 arms it can be in a number of positions.

19 MS. ALIZADEH: I don't have any other
20 questions. Does anybody else have anything they
21 want to cover today?

22 : Just one. He did have an
23 entrance wound to the back of his --

24 **A** Anatomical correction, the anatomical
25 position, the dorsal on the back side, posterior

1 portion of that right forearm there is a wound
2 there.

3 Q (By Ms. Alizadeh) So if someone in this
4 position and it is a gunshot wound, the gun could
5 have been fired from behind them?

6 A Correct.

7 Q Someone in this position, the gunshot come
8 from the front of them, correct?

9 A Correct.

10 Q Or in this position, or in this position?

11 A Correct.

12 Q It is difficult to say, correct, or
13 impossible to say?

14 A Correct.

15 : The reason
16 that you are saying most likely the last is because
17 the wounds to the chest and the wounds to the arm he
18 would of had to be somewhat upright to have those
19 somewhat?

20 A What's more of an issue he could still be
21 mobile, he could be moving around, once he got this,
22 he's going to be unconscious.

23 : He's going to be down and
24 there is no way to get to his chest if he were down.

25 A Right, that is true.

1 MS. ALIZADEH: Anybody else?

2 : . The
3 police officer that was there present with you as
4 you were doing your examine.

5 A There were three there.

6 There were three there?

7 A Which one?

8 The one who takes the
9 photos.

10 A There were two kind of crime scene
11 officers and then there was a detective.

12 Okay.

13 A But one guy was taking pictures.

14 : As you are doing your
15 exam, like you said before, you are speaking, right,
16 you are talking while you are doing your examine?

17 A What do you mean?

18 Are you speaking while you
19 are --

20 Transcribing.

21 A I do it after I finish the autopsy.

22 Oh, okay. So there is no
23 talking, you are just taking pictures?

24 A It is just pictures, I'm directing them
25 saying what I want them to take pictures of.

1 : Oh, okay.

2 **A** As I am going through the autopsy, I want
3 pictures of this, I need a picture of this, this is
4 important I think, I need that, that's the extent of
5 the talking. I'm not, the generation of this
6 report, this is happening once I complete
7 everything, I go back to my office with all of my
8 notes and then I do this on my Dictaphone after
9 everything is done.

10 They were there also, they
11 were present also when the x-rays were going on?

12 **A** X-rays, no, they came, once you saw that
13 picture when he's out of the bag, he has his clothes
14 on and the placard, that's when they were showing up
15 and that's when it started. The x-rays are done
16 before, the process of the body being processed for
17 me to do my examination, that's happening.

18 : Okay.

19 **Q** (By Ms. Alizadeh) And, in fact, some of
20 the x-rays, the x-rays are done with his clothing
21 on, correct?

22 **A** Correct.

23 **Q** And like in some x-rays you can see the
24 belt buckle on his pants and so forth?

25 **A** Correct.

3 Q X-rays are done before the clothes are
4 removed and you begin the examination, correct?

6 . I think this
7 might be the last question. So in essence, while
8 you are doing your examine and you have the
9 onlookers or the people that watch, they take the
0 photographs, no one actually knows what you are
1 going to put into your report until your report is
2 done, is that correct?

14 Thank you.

15 Q (By Ms. Alizadeh) Just then for the
16 record, I know this, your report was done in, I
17 would say in my experience with the Medical
18 Examiner's Office, in a little speeder fashion,
19 sometimes it takes six weeks for me to get your --

20 **A** And even longer.

21 Q And in this case there was, there was a
22 directive that this was going to be a priority?

23 **A** Right.

24 Q This was to be done?

25 **A** Correct.

1 **Q** Did you feel that you didn't have
2 sufficient time to complete your report at all?

3 **A** No, I felt in terms of the adequacy of my
4 report, I was done with it, the only thing that I
5 wasn't finished with when I was told that I needed
6 to finish the report was the histological section of
7 tissue, that takes awhile for that to be processed.
8 It can take four weeks sometimes, but I had to speed
9 that along too.

10 So I had to finish the bulk of the
11 report, and then if you look at my last statement.
12 I comment at the time, the histology examination
13 will be issued as a supplemental report.

14 That portion I was not able to
15 include at the time of this. So this, until the
16 histology, which I testified to you guys about this
17 happened after I did this, so that's an additional
18 important information which helped me understand
19 better that gunshot wound to the hand.

20 At this time, I was suspicious of it
21 being a close range wound until histology came
22 through, I couldn't definitively say. So in my
23 report I say, hey, I see these, I see these
24 discolorations, I have to my histology to confirm.

25 So now I'm testifying I got that

1 back, I can now say that wound is a close range
2 wound so, but outside of the rest of everything
3 else, everything was just fine.

4 Q So, Dr. you had a supplement
5 where you talked about the examination of that
6 tissue?

7 A Yes, I issued that is supplemental report.

8 Q Is that completed yet?

9 A That is not completed.

10 Q Okay. When that is completed, would you
11 provide that to me as soon as it is done?

12 A Yes, I will.

13 Q And so I just want to make clear, this was
14 done in a speedy manner, was there anything about
15 this that you felt that if you had more time or were
16 given, you know, more time to write your report,
17 that it would be a better report or more accurate?

18 A No.

19 Q Did you just put everything else on the
20 back burner and you did this first, is that how that
21 happened?

22 A No, I'm kind of multitasking.

23 Q Okay.

24 A I made sure I got it done.

25 Q So is there a date on your report, the

1 date that it was completed?

2 **A** It just says a start time.

3 **Q** Do you sign it and date it?

4 **A** No, I just sign it. I do know, was that
5 Friday, whatever that.

6 **Q** So the shooting happened a Saturday.

7 **A** I want to say that Friday I was done with
8 it.

9 **Q** Okay.

10 **A** I signed it that day. And then I gave it
11 to the officer, Monday an officer came and picked up
12 my report, which would have been what, the 18th of
13 that month.

14 **Q** Until the officer picked up that report,
15 you did not discuss this with any police officers
16 what your findings were?

17 **A** No, no one. The only people who were
18 privy to what I was seeing, what I was dealing with
19 were the officers who were in the autopsy with me,
20 that's it.

21 **Q** But as far as like them knowing what the
22 gunshot entrance and exit is --

23 **A** No.

24 **Q** -- you didn't explain any of that to them?

25 **A** No.

1 : It

2 talks on the last page here about fingernail
3 clippers and scrapings?

4 **A** Yes.

5 : Is that in your report or
6 is that done by someone else?

7 **A** That is someone else. The lab is going to
8 be responsible for processing that, I just procure
9 the items and I pass it to St. Louis County Police
10 Department as evidence and just take it to the lab,
11 which process it.

12 MS. ALIZADEH: Anyone else?

13 Sheila, do you have any questions?

14 MS. WHIRLEY: I think we are probably all
15 questioned out.

16 MS. ALIZADEH: It has been a long day and
17 thank you for being patient. I don't want anybody
18 to feel like I'm trying to leave something out here,
19 we are not rushing you in any way.

20 **A** I'm fine. If you got a question, feel
21 free. I'm not upset. I'm glad I had the
22 opportunity.

23 MS. ALIZADEH: All I'm saying the photos
24 are here and available. I just, I know from being a
25 layman myself, I can look at these and, you know,

1 but, you know, he can explain them if you want him
2 to. If you later look at them, but he has already
3 testified about what he found and where he found
4 them. So I didn't feel it would be a good use of
5 your time to go through each of the photographs
6 right now, but they are here for you to examine,
7 okay. This will conclude the testimony for today.

8 (End of the hearing for September 9,
9 2014.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforsaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforsaid witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 9/9/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: Grand Jury- Ferguson Police Shooting

Transcript of: Grand Jury

Date: September 10, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 10, 2014

VOLUME IV

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI,

5

6

7 vs.

8

9 DARREN WILSON,

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 10th day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING

2

3 MS. WHIRLEY: Good morning. Present is
4 Shirley Whirley, Kathi Alizadeh, the 12 jurors and
5 the court reporter. This is September the 10th,
6 2014. This morning we are going to start out by
7 watching a series of video clips that depict Dorian
8 Johnson discussing what he saw as an eyewitness in
9 this case.

10 As you recall, Dorian Johnson was the
11 person who was with Mike Brown at the time of the
12 shooting.

13 There is approximately six video clips
14 that you will see. And once you see those videos,
15 then we'll also provide you with a transcript and an
16 interview. I think it is approximately two hours
17 and 13 minutes, something like that, interview that
18 Dorian Johnson gave to the FBI, and St. Louis County
19 Police were also present. So you will hear his
20 statement to them.

21 And then after that, we'll likely break
22 for lunch and when we resume in the afternoon, we
23 anticipate that Dorian Johnson will testify.

24 So with that bit of an introduction, Kathi
25 Alizadeh is operating the laptop to get us started.

1 And I think we are projecting, correct?

2 MS. ALIZADEH: Just for explanation.

3 MS. WHIRLEY: This is audio.

4 MS. ALIZADEH: No, these are video.

5 MS. WHIRLEY: Okay.

6 MS. ALIZADEH: These are videos that were
7 on news outlets and some of them, some of these
8 clips contain other statements from other people,
9 comments reporters have made about the incident.
10 And as much as possible, I want to exclude those.

11 So it will take me a second, I have my
12 notes where we are starting and stopping on these
13 and it will take me a second on each clip to get to
14 that point. And then we will start it and you will
15 see that clip.

16 The only time you will hear from a
17 reporter is when they're asking questions of Dorian
18 Johnson, obviously, to understand his statement, you
19 need to hear the questions.

20 So as much as I can, I'm going to get to
21 wherever I need to get. I'm hoping that when I hit
22 this, we are going to see it and hear it.

23 (Grand Jury Exhibit Number 9
24 marked for identification.)

25 MS. ALIZADEH: This is what I've marked,

1 it is a disc, it is marked Grand Jury 9. I didn't
2 stay last night to look at my exhibits, I'm hoping
3 that's the next number.

4 This is a disc that contains video clips
5 of interviews of Dorian Johnson and the first clip
6 is on KTVI. The date of the interview is 8/9/14 and
7 I'm starting this clip at one minute and seven
8 seconds into the clip, and I am going to stop it at
9 one minute and 20 seconds into the clip. None of
10 these are terribly long. They are news clips.

11 (We have a pause.)

12 MS. ALIZADEH: Just for the record, we had
13 a brief break because we were having difficulty with
14 the audio. I think we have that resolved. So once
15 again, and actually now this is starting at 106 and
16 I will try to stop it at 120.

17 (Playing the video at this time)

18 MS. ALIZADEH: So I stopped that at 120.
19 Is there anybody that needs to see that again and
20 hear that again?

21 : Yeah, I need to see it
22 again. It looks like the volume was up kind of
23 loud, I can't pick up what he's saying. If you
24 would put that at like half.

25 (Playing the video clip.)

1 MS. ALIZADEH: Anybody else need to hear
2 it again?

3 So the next is a clip from CNN. The date
4 is August 12th of 2014. I'm starting the recording
5 at 19 seconds into the clip and I will end it at six
6 minutes and six seconds into the clip.

7 (Playing the clip.)

8 MS. ALIZADEH: Does anybody want to hear
9 that again? The next clip is KSDK on August 12th of
10 this year, 2014. I'm playing starting at actually
11 29 seconds and I will stop it at two minutes and 40
12 seconds.

13 (Playing the clip.)

14 MS. ALIZADEH: Anybody want to hear that
15 clip again?

16

17 Miss Kathi, what date was the second video?

18 MS. ALIZADEH: Second video was on the
19 12th.

20 : That was the 12th.

21 MS. ALIZADEH: So the next video is MSNBC,
22 it is also on August 12th of this year. I'm going
23 to start it at 27 seconds and it goes to a minute 47
24 seconds. And actually, immediately after this clip
25 is another MSNBC clip that is a continuation of that

1 interview you will see a little overlap, but this
2 interview sounds like it kind of gets cut off, but
3 then on the next clip it continues.

4 (Video clip is being played.)

5 MS. ALIZADEH: Anybody want to see that
6 part again?

7 So again, the next clip is also MSNBC and
8 it is a continuation of the same show or program.
9 I'm going to start it at the beginning of this clip.
10 So zero seconds and it runs until nine minutes and
11 21 seconds and then continues onto the next clip as
12 well.

13 (Video clip being played.)

14 MS. ALIZADEH: Does anybody want to see
15 that again? It continues onto the next clip.

16 (Video clip is being played.)

17 MS. ALIZADEH: So I'm continuing the next
18 clip. You can see it started with the last question
19 that he asked on the previous clip, so this next
20 clip will go from zero to 24 seconds. And this is
21 also again it is MSNBC on August 12th.

22 (Video clip is being played.)

23 MS. ALIZADEH: I actually stopped it at 29
24 seconds accidentally, asleep at the switch.

25 Anybody want so see that brief clip again?


```
10         I'm going stop it a two minutes and 40
11     seconds.
```

13 MS. ALIZADEH: Okay. So that is the last
14 clip on Grand Jury Exhibit Number 9. Does anybody
15 want to see that again or any other clips?

16 And again, this is available to you at any
17 time, you know, during this investigation. You want
18 to hear it or see it again, we'll make sure you have
19 the opportunity to do that.

20 MS. WHIRLEY: I'm going to go get the
21 transcripts.

22 MS. ALIZADEH: She was going to bring them
23 into when they were done.

25 MS. WHIRLEY: We're back on the record.

1 It is approximately what, 9:45 or so.

2 Right now we're going to play the recorded
3 interview of Dorian Johnson which occurred on August
4 the 13th, 2014. An interview he had with the, an
5 agent from the Federal Bureau of Investigation and
6 also a detective from St. Louis County.

7 This interview is approximately two hours
8 and 13 minutes long. We provided you with
9 transcripts of the interview. You can write on
10 these transcripts if you wish.

11 Kathi, did you have something else you
12 want to say about that?

13 MS. ALIZADEH: At any time, you know, we
14 discussed this during the break that if, since this
15 is over two hours long, if anybody needs to take a
16 break in the middle of it, let me know, I will try
17 to find a place where it is kind of a pause to stop.

18 And there was a question during the break
19 by one of the jurors about whether you can ask
20 witnesses questions when they testify. And I know
21 you have been so far, but of course, that's true of
22 any witness.

23 We don't have a witness right now, this is
24 just obviously the audio interview, but any time a
25 witness is before you and been sworn in, you may

1 inquire of anything that you think is relevant and
2 we want you to.

3 Sheila and I will ask questions of
4 witnesses as we have been going on. If at any time
5 you want to inquire, anything is relevant. There is
6 no, there is no objections to questions and we would
7 have in a courtroom or anything of that nature,
8 okay.

9 (Grand Jury Exhibit Number 10
10 marked for identification.)

11 MS. ALIZADEH: So with that being said,
12 I'm going to play Grand Jury Exhibit 10, which is a
13 DVD and it is an audio recording, and for the
14 record, this DVD contains a number of interviews of
15 other witnesses. And so for the record, I'm going
16 to be playing the interview of Dorian Johnson and
17 Sheila said the transcript of that interview is
18 given to you.

19 (Interview is being played at this time.)

20 MS. ALIZADEH: Anybody want to take a
21 break right now or keep going?

22 It is 11:17, let's take about a five
23 minute or so break and stand up and move around a
24 little bit.

25 (Recess)

1 MS. ALIZADEH: It is 11:24 and I'm going
2 to resume the playing of the interview of Dorian
3 Johnson.

4 (The interview is being played.)

5 (End of the playing of the interview of
6 Mr. Johnson.)

7 MS. ALIZADEH: It is 12:13, I think your
8 lunch is going to be here at 12:30. What I would
9 propose we do because this is not going to take very
10 long at all is that I have what I've marked as Grand
11 Jury Exhibit 11.

12 (Grand Jury Exhibit Number 11
13 marked for identification.)

14 MS. ALIZADEH: Which is another disc or
15 DVD and it contains video from the Ferguson Market,
16 the incident you heard Dorian Johnson talk about.
17 They went in, got the Cigarillos and left the store.
18 They are pretty brief clips. You want to watch them
19 now since we have 15 minutes and then I thought
20 during lunch, you also heard during his interview
21 that he was drawing on some maps and we have copies
22 of those maps. And also he made a drawing I can't
23 find it in my office right now, I think Sheila might
24 have one.

25 I thought while you are eating lunch, you

1 can pass around those maps and look at them as you
2 are relaxing if you want to. This will only take a
3 couple minutes. You all right with me playing this
4 now?

5 So for the record a DVD, that on the DVD
6 itself it says 14-43984, and it says video segments.
7 There is no audio with this disc.

8 (Video is being played at this time.)

9 MS. ALIZADEH: Now, for the record that
10 was called register snippet and that was a view of
11 where the cash register is and the counter is.

12 So this next snippet, it is called door
13 snippet. It is at the door of the food store, the
14 convenience store.

15 (Playing of the video clip.)

16 MS. ALIZADEH: Would anybody like to see
17 those snippets again? And of course, you can watch
18 them at any other time you wish.

19 . Can we ask you a
20 question, both, either one of you a question about
21 maybe we'll find out more later, but how this
22 pertains or relates to the knowledge that maybe
23 Officer Wilson would of had at the time?

24 MS. ALIZADEH: You will hear some evidence
25 about that.

1 Okay.

2 MS. ALIZADEH: There will be, we have a
3 lot of witnesses to call still.

4 : Okay.

5 MS. ALIZADEH: A lot of these things, it
6 is difficult for us to, if we were in a trial, you
7 try to put things on in order that people can make
8 sense of it. But in a trial you make an opening
9 statement so you can outline for the jury what the
10 evidence is going to be.

11 But we are not doing that here, and so you
12 all understand you are hearing things and not
13 knowing what's left to come.

14 There will be, I believe, other witnesses
15 who talk about that, so we'll just have to wait and
16 see how that testimony comes in.

17 : Will we hear
18 testimony any of witnesses inside the store to the
19 events that happened in the store?

20 MS. ALIZADEH: Possibly. Sheila and I
21 have not made out our list. Our intention is to
22 call as many people as we can. Some people may not
23 be cooperative. We will serve subpoenas on people
24 who don't voluntarily agree to come in.

25 I don't know how else to explain that

1 other than we are going to have as many people as we
2 can, that we think know anything about this coming
3 in and testifying. So there will be many, many
4 witnesses to come, all right?

5 So at this time it is 12:23, if you all
6 will just break for lunch and your lunch will be
7 here in less than ten minutes. And the plan right
8 now is shortly after 1:00, we'll give you an update
9 of when we might start up in the afternoon.

10 (Recess)

11 MS. WHIRLEY: So present is Sheila
12 Whirley, Kathi Alizadeh, Dorian Johnston is our
13 witness. We have 12 grand jurors and the court
14 reporter.

15 Dorian Johnson, I said your name, I
16 generally ask --

17 MS. ALIZADEH: Sheila, he needs to be
18 sworn in.

19 MS. WHIRLEY: Thank you.
20
21
22
23
24
25

1 DORIAN JOHNSON,
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 MS. WHIRLEY: Thank you.

9 BY MS. WHIRLEY:

10 Q So introduce yourself to the grand jurors?

11 A Good afternoon everybody. My name is
12 Dorian Johnson, as you all well know. I'm thankful
13 that you all could come, part of your busy schedule,
14 I don't know if you all have anything else to do,
15 I'm thankful you can come and hear my story.

16 Q Thank you. Now, Dorian, I stand in the
17 back of the room. I do that so that we can have a
18 conversation and you will talk loud enough for even
19 me to hear you. These mikes that you see, they are
20 just recording, they're not really making your voice
21 louder, so speak up for me, okay? We have a lot of
22 fans in here to try to keep the room a little bit
23 cooler.

24 A Okay, yes, ma'am.

25 Q Okay, good, that's better. Now, you came

1 here on your own free will; is that correct?

2 **A** Correct, yes.

3 **Q** You do have an attorney, your attorney is
4 Freeman Bosley?

5 **A** That's correct also.

6 **Q** And he's outside sitting, he cannot be a
7 part of the testimony, he cannot be in here while
8 you testify, but he's outside and you know that if
9 you ever want to take a break and consult with him,
10 or talk to him, you have a right to do that.

11 **A** Oh, okay.

12 **Q** Do you understand?

13 **A** Yes, ma'am.

14 **Q** Your mother came too, as a matter of fact?

15 **A** Oh, yes, she's here with me also.

16 **Q** And she's in the TV room right now. We
17 made her comfortable sitting in the TV room.

18 Now, we told you that you are not a
19 focus of any criminal charges, right?

20 **A** Yes.

21 **Q** That we just want to hear from you being
22 the person that was with Michael Brown that day, in
23 your own words, what happened, that's what we are
24 here for. We are not here to prosecute you. You
25 may tell us some things that have to do with

1 criminal behavior. I know there is an incident at
2 the store, at the Ferguson Market. We will play
3 that video and ask you to tell us what's going on
4 there.

5 There is some talk about smoking weed
6 and those kind of things, but that's not anything
7 that we are here to prosecute you for. I want to
8 make that clear on the record, okay?

9 **A** Yes, ma'am.

10 **Q** Because we want you to feel free and
11 comfortable to tell us only the truth here, that's
12 what we are trying to do. This is a fact finding
13 mission, okay?

14 **A** Yes, ma'am.

15 **Q** All right. So with that said, let's talk
16 about you knew Mike Brown, right? You call him Big
17 Mike?

18 **A** I'm going to ask if I can refer to him as
19 Big Mike, that's the way it sounds funny saying if
20 it is okay with the jury.

21 **Q** Absolutely, I will call him Big Mike too
22 if you don't mind.

23 **A** Thank you.

24 **Q** So you were good friends with Big Mike?

25 **A** We were good friends, but not childhood

1 friends.

2 **Q** So tell us how you met Big Mike?

3 **A** I met Big Mike, I recently had, well, not
4 recently, but I just moved in those apartments, I
5 had me and my girlfriend, my daughter, we were
6 staying in the apartment, two bedroom apartment, I
7 had a roommate. I just moved over there.

8 I only been staying in those
9 apartments for about eight months. I met Big Mike
10 around the fifth month that I was living there. I
11 met him through a friend that I know from the area,
12 neighborhood down the street where he lived.

13 **Q** Okay.

14 **A** So when he introduced Big Mike, they came
15 to my apartment one day, they want to play video
16 games, you know, relax and have conversation. And I
17 didn't have a problem with that.

18 So they came over, and when he came
19 to my door, he was real quiet when he came in, you
20 know, he was the biggest person in the room. So it
21 struck me as kind of strange, I don't really be
22 around people that I don't know. So I asked him a
23 question, I was like, hey, how you doing. I live
24 here, this is my house.

25 And he spoke back to me, he said I'm

1 all right, you know. And he just kind of kept it to
2 hisself. I felt that he was good, he was just a
3 person that didn't speak a lot. So he was all right
4 with me to be in my house.

5 Q Did you socialize with him on a regular
6 basis after that or how often would you say you was
7 in his presence?

8 A Like I said, it was my apartment, so you
9 know, I had bills and things like that. I was
10 working at the time of me first moving into the
11 apartments. I recently lost my job around the sixth
12 month, I met him in the fifth month, so now I'm on
13 the verge of finding new work and finding a way to
14 pay the bills. So I was not able to connect with
15 him on a daily basis or even every other day because
16 I'm trying to find work.

17 Q And what was your address at the time that
18 you met him?

19 A

20 Q And did he live in that same apartment
21 complex?

22 A No, he did not. He stayed in an apartment
23 complex behind, there is another one called
24 Northwinds and it was right behind Canfield. When I
25 met him, the time that I met him.

1 **Q** When you met him. And on August the 9th
2 at the time of the shooting, was he living in
3 Northwinds.

4 **A** No, at that time he had recently moved out
5 of his grandmother's house. He was staying with a
6 friend that I knew in Canfield across the parking
7 lot.

8 **Q** Okay. All right. So when you first met
9 him, he was living with his grandmother in
10 Northwinds?

11 **A** Correct, yes, ma'am.

12 **Q** And so after you met him, so you had known
13 him before the shooting probably a couple of months,
14 two to three months?

15 **A** Yes, maybe a month or two.

16 **Q** A month or two?

17 **A** A month or two.

18 **Q** But you really didn't hang out with him?

19 **A** No, ma'am, not on a daily basis.

20 **Q** You were a few years older?

21 **A** Yeah.

22 **Q** He was 18 you were 22?

23 **A** 22, yes, ma'am.

24 **Q** But you liked him?

25 **A** Right, he was a real comfortable guy. I

1 didn't feel a threat from him to where I could, you
2 know, I could let him around my family, my daughter
3 and my girlfriend and let him into my home. He was
4 that comfortable around me that I could, you know, I
5 could trust that he wouldn't bring harm to me and
6 anybody around me.

7 **Q** He had been to your home before?

8 **A** Yes, ma'am, once.

9 **Q** And he knew your girlfriend?

10 **A** I had introduced him to each other, I
11 introduce anybody that comes over to my girlfriend
12 and let them know we live here as a family, not as
13 she's visiting, you know, she is with me.

14 **Q** Okay. Had you ever been to his
15 grandmother's house?

16 **A** One time, but I never met anyone in his
17 family. At that time I think his grandmother was
18 real strict on who she let inside her home. So at
19 that time I didn't know them that well, so he was
20 telling me that you should come around more, my
21 granny, she will like you, you will be able to come
22 in.

23 And at that time I really wasn't, you
24 know, into, I didn't have the time for it, like I
25 said because like I said, I was still on the verge

1 of looking for new work.

2 Q I guess it is fair to say you guys really
3 didn't hang out much, he was somebody that you was
4 comfortable with?

5 A Correct, that's exactly.

6 Q Okay. So we're going to be talking a lot
7 about August the 9th, you realize that?

8 A Yes, ma'am.

9 Q This is the day of the shooting. Tell us
10 how your day began, August the 9th?

11 A August the 9th, it began like any other
12 day. I start my morning, I wake up, I take a
13 shower, and I ask my girl does she like breakfast,
14 what would she like for breakfast. I head out to go
15 get it. Upon getting breakfast I get me some
16 Cigarillos. I smoke marijuana in my mornings when I
17 start my day off, so I was going headed to the
18 store.

19 Q Now wait a minute, just stop here to now
20 and then to make sure we are all clear. So that is
21 kind of what generally happens for you in the
22 morning?

23 A In the morning, yes.

24 Q On August the 9th, you got up, was it
25 around seven something?

1 **A** Around 7:00 that morning.

2 **Q** 7:00. Did you smoke marijuana that
3 morning?

4 **A** I didn't actually get a chance to smoke, I
5 was going to get some Cigarillos because I didn't
6 have any, and there was a guy in the complex who
7 sold them.

8 **Q** Who sold the Cigarillos?

9 **A** Yes, he sold the Cigarillos, so I didn't
10 initially have to go to the stores.

11 **Q** I was going to ask you, was the market
12 open at seven or not?

13 **A** It is.

14 **Q** Did you get Cigarillos from another guy
15 that morning?

16 **A** No, I actually did not.

17 **Q** Tell us what happened after you got up?

18 **A** When I got up and got dressed up or
19 whatnot, I leave out my front door coming down my
20 balcony, I stay on the third floor. I come down my
21 balcony, around my building. I see Big Mike across
22 the parking lot, the apartment complex is set up in
23 the drive through areas, once you come out to it,
24 you can see right across, there is nothing blocking
25 it.

1 I saw him at 7:00 in the morning, he
2 was helping someone put some kids in the car, he was
3 putting some kids in the car for his auntie, I
4 believe it was.

5 Q Okay. And what, did you go over to where
6 he was or did he come to you?

7 A Yeah, just coincidentally the guy who I was
8 going to is like a path is passing up the building
9 where he is living in now. So I was going to pass
10 the building whether he was outside or not, just
11 coincidentally he was outside and he was alone at
12 the time.

13 He said the friend that I knew that
14 he was staying with, the one that I knew, he was
15 upstairs asleep.

16 Q What was that friend's name?

17 A His name was

18 Q Okay. So you didn't interact with
19 at that time?

20 A Not at all.

21 Q And so how did you and Mike, based on
22 information I've heard, you guys kind of hooked up
23 at that point, that morning?

24 A Yeah, when I saw him, like I said, we
25 wasn't real childhood friends, but he was cool

1 enough to me if I saw him I would stop and speak to
2 him.

3 So I stopped and spoke to him. He
4 asked me where I was headed to. I told him, I was
5 going to get some rillos and get something to eat
6 for me and my girl, I'm headed back to the house.
7 He was like okay, well, I'll match you. I guess he
8 had his own weed, so he said he would match me one.
9 Matching is, if you don't know, is just someone I
10 will roll the weed, he will roll the blunt, we both
11 exchange blunts.

12 Q In matching does that mean that one person
13 has the weed and one person has the rillos?

14 A One person has their weed and rillos, the
15 other person has his weed and rillos and they smoke
16 together, it is just smoking together basically.

17 Q So he said he would match you?

18 A Correct.

19 Q And then what happened?

20 A He stopped and talked to some construction
21 workers. There was two construction workers that
22 was doing work on the bottom floor at the time of
23 his building. They was doing work on my building
24 also, but they was doing work at his building and he
25 had stopped and said something to them. I really

1 didn't hear, but I notice that the construction
2 worker, he stopped working and he didn't have like a
3 frown on his face, so much as he was being, you
4 know, back and forth complying. They was having a
5 nice little conversation, but it wasn't that long
6 for about one or two minutes.

7 **Q** So you could not hear what they were
8 saying?

9 **A** No, I couldn't hear what they were saying.
10 I wasn't really focusing on their conversation
11 because, you know, it didn't have anything to do
12 with me. I had my mission that I was going to do,
13 so I guess, you know, at the time I didn't really
14 think the construction worker would say anything,
15 you know, it is the general neighborhood I live in.

16 **Q** Had you all smoked, matched and smoked
17 yet?

18 **A** Not yet, no.

19 **Q** Not yet?

20 **A** No.

21 **Q** You said there was a person in the complex
22 that actually sold the rillos?

23 **A** Yes.

24 **Q** Is that where you were headed?

25 **A** That's where I was headed, yes.

1 **Q** But that changed?

2 **A** Yes, it changed.

3 **Q** Tell us how?

4 **A** It changed. We started talking, our
5 conversation was about sports, he was into clothes
6 and fashion, our conversation was drifting from
7 topic to topic, but really based on sports, design,
8 girls or what our future plans was.

9 He was just telling me he was about
10 to go off to school or go to school. I was telling
11 him about my past experience in school. I was in
12 school before Lincoln University, when I graduated
13 high school, I went straight to school. So I was
14 telling him some challenges that he was going to
15 face, even though he wasn't at a university, he was
16 going to face some challenges. Basically our
17 conversation was about future, future emphasis.

18 **Q** Okay.

19 **A** It kind of took my mind off of going to
20 the person in the complex because he didn't know the
21 guy that I was going to. Big Mike, he didn't know
22 the guy I was going to get the rillos from. When I
23 told him I was going to get Cigarillos, he was like,
24 I need one too. Let's walk to the store.

25 By that time the conversation was so

1 deep that I forgot that there was a person there
2 that I was going to, so we ended up just walking to
3 the store.

4 Q Any idea, I know timing is difficult, but
5 if you started out at seven-ish in the morning, any
6 idea how long, how much time went by before you got
7 to the market?

8 A Before we got to the market, I mean, it
9 wasn't really an hour, it wasn't that long, but our
10 conversation because he had to go, I asked him could
11 he go check on my friend that I knew ask him
12 if he wanted to walk to the store with us. He said,
13 yeah, he went up to go check on him. When he came
14 back down, he told me that he was really sleepy, he
15 didn't feel like it, he wanted to sleep in that
16 morning.

17 So that's basically what 30 minutes,
18 I'm not real pressed on time, but it could have been
19 more than an hour before we started walking.

20 Q So from the time you left Canfield Green
21 and then you saw Mike, Big Mike talked to the
22 construction worker, you all talked some more and
23 then you walked to the market?

24 A Correct.

25 Q Okay. Did you go get anything to eat

1 first or you went to the market first?

2 **A** No, we went straight to the market.

3 **Q** Market, okay. So tell us about the
4 market, what happened at the market?

5 **A** At the market, now, prior to walking to
6 the store, never came up that he didn't have any
7 money. I had money, I had money in my pocket. It
8 never came up he didn't have any money or what we
9 were going to do in the store because we already
10 knew we was going to purchase Cigarillos, in my mind
11 that's what we were going to do.

12 It didn't strike me, I never thought
13 that he didn't have any money because like I said,
14 when I did see him the times that I see him, he
15 dressed nice and next generation clothing, so it is
16 kind of pricier, so I figure that he had money.

17 **Q** Okay.

18 **A** When we got to the store, while we're in
19 the store, Big Mike talks to the store clerk faced
20 eye-to-eye, face-to-face. I'm standing right behind
21 Big Mike.

22 **Q** Is it a female or male store clerk?

23 **A** It is a male store clerk that he's talking
24 to. I also see the female store clerk, she's at her
25 register and she is just looking at us.

1 **Q** But he is talking to the male store clerk?

2 **A** Yes, he is talking to the male store
3 clerk.

4 **Q** Go ahead.

5 **A** As he is talking to the male store clerk,
6 the male store clerk ask him what does he want. Big
7 Mike says in a very not, you know, threatening voice
8 he just said, and while he was saying what he
9 wanted, he said I want these box of Cigarillos.
10 While he was saying it, he was leaning forward to
11 grab them.

12 **Q** Okay.

13 **A** He leaned forward, but it wasn't a snatch
14 and grab motion like he did it really quickly. He
15 did it like, like he did it before I should say.
16 Once he reached over the counter the first time, the
17 store clerk, he was standing right in front of him,
18 he never did anything, he didn't say anything, the
19 first time, he didn't smack his hand down or
20 anything like that.

21 That was the time that he pulled back
22 and he handed the box, it was a box of mini
23 Cigarillos, 69 cent Cigarillos. It was just a box
24 of them. He turned around and handed those to me.

25 **Q** Okay.

1 **A** Now, at this time I still didn't think
2 that he was not going to pay for them because I have
3 saw people purchase a lot of Cigarillos at one time,
4 a large amount. It is not that much 30 or \$40, you
5 can buy you a box.

6 It wasn't until he went back the
7 second time and grabbed a handful of the single
8 Cigarillos. Now first he grabbed the box and the
9 store clerk did nothing, this time he was going back
10 to grab the single Cigarillos. As he was coming
11 back, the store clerk did a late response and he
12 swung at his hand, but he missed because he was so
13 late, he smacked the counter.

14 **Q** The store clerk did?

15 **A** The store clerk did.

16 **Q** This is behind the counter that this is
17 occurring, the store clerk is behind the counter?

18 **A** The store clerk is behind the counter, Big
19 Mike never went behind the counter.

20 **Q** I see.

21 **A** He was standing in front of the register,
22 I was standing right behind him, there was another
23 male, he was inside the store, he had just purchased
24 something. We were, the time where he snatched back
25 and the store clerk missed, he kind of hit the top

1 of some Cigarillos, which made some of them fall.
2 And Big Mike turned to pick them up, and as he
3 picked those up, he faced towards the door, that's
4 when I knew okay, something is not right here.

5 I didn't see, from where I was
6 standing, I didn't see money get transferred to the
7 store clerk and that's why I sat the box of
8 Cigarillos back on the counter. I've been to the
9 store a lot of times.

10 Q Did the store clerk say anything or did
11 Big Mike say anything to the store clerk when the
12 store clerk swatted at his hand?

13 A At that time, no.

14 Q Nobody said anything?

15 A No one said, words were not exchanged at
16 the time that I can hear.

17 Q Okay.

18 A Because I'm standing behind him, but I'm
19 trying to gather up, am I being pranked or is this
20 something. Because I didn't hang out with Big Mike
21 on a day-to-day basis, I didn't know how well his
22 relationship was to the store clerk, so I didn't
23 know was, you know, did he do this all the time or
24 anything like that, I didn't know. I was trying to
25 gather that in my head at the time.

1 Now, while all of this is going on,
2 Big Mike is making his way towards the door. The
3 store clerk had came around, now he came around his
4 register and he's making his way to the door. He's
5 not like running or anything like that, more a pace
6 walking and when he got to the front door, he didn't
7 get there yet because a man, like I said, there was
8 another male customer in there at the time. He had
9 just purchased something. As he's leaving out, he's
10 kind of holding the door open like he's watching,
11 but he's trying to get away at the same time, like
12 he didn't have nothing to do with it, but he is
13 watching. I see him holding the door open.

14 As he let the door close, Big Mike
15 was almost at the door, so he was going to put his
16 hand on the door to, you know, to push the door
17 open.

18 By that time the store clerk had got
19 around and he was almost in front of the door, he
20 didn't get there right directly in front of the door
21 so much as put his hand on the door.

22 Big Mike, Big Mike thrushed the door
23 open to where the store clerk, it slipped out of his
24 hand, so the door flew open. And at that time I
25 was, I knew, I saw what was going on, but I didn't

1 know it was going to happen that way. So I was
2 trying to pull myself as far away from the initial
3 contact with the store clerk as possible because I
4 didn't know what was going on.

5 So at that time when he slung the
6 door open, I was making my way, I was trying to get
7 around Big Mike and the store clerk to exit the
8 store because I didn't want any part of it, I knew
9 there was cameras in the store.

10 When Big Mike tried to go out and
11 thrush the door open and came out of the store
12 clerk's hand. The store clerk then tried to grab
13 Big Mike and Big Mike kind of reverses the grab and
14 grab, like it was a very fast motion, but the store
15 clerk never came off of neither one of his feet. He
16 never fell on the floor or got punched or anything
17 like that, it was a very fast motion, just a shove.

18 Q So when this grabbing is occurring, is Big
19 Mike saying anything?

20 A At the time all he said was, get back.

21 Q Big Mike told him to get back?

22 A Big Mike told the store clerk to get back.

23 Q What about the store clerk, is he saying
24 anything?

25 A He didn't say anything else, but the last

1 time I heard the store clerk saying something, we
2 were walking out of the store and I heard the store
3 clerk say, I'm going to call the police.

4 Q And did Big Mike say anything in response
5 to that?

6 A Just kept walking.

7 Q Okay. What did you guys do then, did you
8 go and get something to eat?

9 A At that time eating and all of those other
10 things that I had on my mind were left field. I had
11 just witnessed something occur that I feel like if
12 not, you know, I was there. So I walked in with
13 him, I felt like I was an accomplice.

14 I was trying to figure it out in my
15 head at the time we were leaving out of the store
16 like, all right, I didn't know this was going to
17 happen. I didn't touch anything, but I did see what
18 just happened and I know there was a crime.

19 Q Did you all talk about it, did you and Big
20 Mike talk about it?

21 A Yes.

22 Q What did you all say?

23 A I asked him, I looked at him, actually,
24 looked at him for a while and stared at him because
25 the times when I did meet him before that day, he

1 didn't strike me as a person who would do anything
2 like that. He never talked about any crimes or
3 anything like that. And prior to that day, it
4 shocked me a lot, it shocked me a lot. So I was
5 asking him, I was like, you know hey, I don't do
6 stuff like that. What's going on.

7 And so much is giving me an answer as
8 to why he did it was he was basically laughing it
9 off, be cool, be calm, stuff like that laughing it
10 off but in my head I'm like, I can't be calm, I
11 can't be cool because I know what just happened and
12 we were on camera.

13 **Q** Did you talk to him about being on camera?

14 **A** I never said that, but I knew we were on
15 camera.

16 **Q** Did he appear as if he had, was
17 intoxicated or impaired in any way at that time?

18 **A** No, like I said, the conversation leading
19 up to the store was a general conversation I would
20 have with anybody any other day. There was nothing
21 strange about the conversation. He didn't say any
22 words that made me feel like you need to sit down or
23 anything like that. Up until that point I thought
24 he was mindful of everything that was going on at
25 the time.

1 **Q** So when you first encountered him or first
2 made contact with him that morning, you said you all
3 had never smoked together between the time you
4 caught up with him to the time you went to the
5 store?

6 **A** Yes.

7 **Q** Did he seem like he had some marijuana or
8 something before you saw him that morning?
9 Basically what you know of him?

10 **A** Yeah, based on what I saw of him that
11 morning before we walked to the store, he didn't
12 look like he smoked anything that morning or
13 anything like that at that time.

14 **Q** Okay. So you guys are walking towards
15 West Florissant?

16 **A** We are waking down West Florissant.

17 **Q** On West Florissant?

18 **A** Now we are walking down West Florissant,
19 from Ferguson Market to Canfield is actually like,
20 walking is like a four minute, five minute walk,
21 especially when you are having a conversation
22 talking, could be longer, could be shorter, but in
23 that timeframe of walking to Canfield, I saw a
24 police cruiser coming down, coming down West
25 Florissant. It was a Ferguson cruiser, it was a

1 truck.

2 At that time in my head I was like,
3 wow, he called the police. They came really
4 quickly, I knew that they would probably come
5 quickly. I was just, wow, we're really going to get
6 locked up, this is going to happen.

7 But when the police officer, you
8 know, they passed us, the first car never stopped at
9 the Ferguson Market. The first car stopped at
10 McDonald's right next to the Ferguson Market and
11 they kind of just sit on the lot. And that kind of
12 struck me as odd. I was like, wow, maybe he didn't
13 call the police at that time. Maybe he didn't call
14 the police or they didn't get the dispatch call or
15 anything like that because they drove past us and at
16 no point in time, the shorts that I had on, I had on
17 pajama shorts, I didn't have pockets on them.

18 I was not able to grab Cigarillos out
19 of Big Mike's hand to put in my pocket, he had
20 pockets. He did not put the Cigarillos in his
21 pocket. The Cigarillos now he has them in both
22 hands, now he is spreading them evenly apart and we
23 are walking down plain sight West Florissant to
24 Canfield.

25 Q You are not like running or hiding?

1 **A** Not running or not hiding, we are in plain
2 sight walking down the sidewalk while we are on West
3 Florissant and I see the police cruiser.

4 **Q** You walk to West Florissant and then what
5 is the street that takes you into Canfield
6 Apartments?

7 **A** Canfield Drive.

8 **Q** Canfield Drive. So you walk up Canfield
9 Drive?

10 **A** Well, once we get to Canfield, I see
11 another police cruiser pass us by. Now this one, I
12 believe, in my mind I believe he was going to the
13 store to check the car if the store clerk made the
14 call. At that time I wasn't aware, but I heard him
15 say as I was walking out the store that he was going
16 to call the police.

17 And seeing two police squad cars
18 before we got to Canfield, it made me believe that
19 he did call the police and if so, why didn't they
20 pull up on us at that time.

21 But we got to Canfield and now we're
22 walking down Canfield, like I said, we wasn't
23 running, we wasn't ducking behind bushes or anything
24 like that.

25 **Q** There is not a lot of cars out on Canfield

1 out at this time, a lot of traffic?

2 **A** At that time there was not a lot of
3 traffic, maybe two or three cars passed, which is,
4 you know, not that much traffic up and down Canfield
5 to what is backed up two or three cars will pass you
6 going both ways.

7 **Q** This is a Saturday?

8 **A** Yes.

9 **Q** And according to the information, the
10 records, it is somewhere around 11-ish or so, right
11 around noon time that you guys were at that store?

12 **A** According to the information, like I said.

13 **Q** Would that sound reasonable to you if you
14 heard that?

15 **A** It sounds about right, about 11:30 or
16 12-ish maybe.

17 **Q** Okay, okay. So now you are walking, I
18 guess, east on Canfield?

19 **A** Canfield.

20 **Q** Drive?

21 **A** Yes, ma'am.

22 **Q** All right. And tell us what happens?

23 **A** We are going down Canfield on the
24 sidewalk. As we approach, we get close to the
25 leasing center, the leasing office is right at the

1 beginning of Canfield.

2 The conversation we was having at
3 this point, we was talking the same, the
4 conversation never changed about what we were
5 talking about future goals and stuff like that, what
6 we were planning on doing.

7 And basically he was asking me
8 questions on how did I transform to coming from
9 where I was and getting on track and now I have my
10 own apartment and stuff like that, I was just
11 telling him a few things that I went through in my
12 life that made me change and stuff like that.

13 I knew he wasn't someone like me, I
14 knew he didn't grow up where I grew up from, where
15 there was a bunch of violent gangs and violent stuff
16 occurring all the time. I knew that much about
17 because I read from his demeanor he didn't come up
18 that way. I'm telling him about my life story and
19 how I come up from a bunch of tragedies. I went to
20 school, I was still able to do things that I need to
21 do in life.

22 At that time he asked, at that time
23 there was no cars, no traffic, no one was coming up
24 or down Canfield Drive. We got in the middle of the
25 street, got into the middle of the street. We're

1 walking in the middle, I'm in front of Big Mike and
2 he's right behind me. He's real big so I know
3 people can see him right above me.

4 So we are walking on the street. At
5 that time we are walking like 30 seconds, I'm not
6 really on the time preferences, about 30 seconds and
7 traffic started going, but no one blew their horns,
8 no one made irregular turns to get around us like we
9 were in the way and no one yelled out their windows,
10 you guys are in the way, get out of the street,
11 anything like that. Two or three cars had passed
12 us.

13 Q Let me ask you a question. Where were you
14 guys headed at this point?

15 A At this point we was headed back to my
16 house or his house because where we were staying,
17 like I said, we were staying directly apart from
18 each other, but on opposite side of the streets. I
19 lived on this side, my building was on this side and
20 the building he was staying in at that time was on
21 the other side of the street.

22 Q So you hadn't decided whose place you were
23 going to go to yet?

24 A We hadn't made it to that point yet.

25 Q Okay. And your plan was to go and smoke?

1 **A** Yeah, smoke and something like that?

2 **Q** So you hadn't decided whose house yet.

3 **A** No.

4 **Q** Okay. So go ahead and finish.

5 **A** As we're walking down the street, now I
6 see the police cruiser approaching us, coming up
7 west going back towards West Florissant. The police
8 cruiser is approaching us, right before the police
9 cruiser approached us, two cars had passed us
10 already. Nobody said anything like we are in the
11 street or nothing like that.

12 When he got right directly on the
13 side of us, the police officer Darren Wilson, when
14 he got on the side of us he rolled his window down
15 and he said, get on the sidewalk, but it wasn't in a
16 polite manner, it was very rudely.

17 **Q** You can say whatever he said.

18 **A** He said get the F on the sidewalk.

19 **Q** That's the get the --

20 **A** Get the fuck on the sidewalk.

21 **Q** Had you ever have had any interaction with
22 him before?

23 **A** No, ma'am, I had never seen him before.

24 **Q** You had never seen him before. Do you
25 know if Big Mike had ever seen him before?

1 **A** We didn't get a chance to talk about it.
2 Like I said, I just moved in that area, I really
3 wasn't caught up too much in the police or anything
4 like that, I go to work and come home.

5 **Q** Nobody said oh, I know him?

6 **A** Yeah, nobody said anything like that, it
7 was just me and Big Mike. He didn't say anything at
8 the time when the police pulled up on the side of
9 us. The initial pull up Big Mike said, he didn't
10 say anything. I was the one that was talking when
11 the police officer said get the F on the sidewalk.
12 I told the police officer we was just a minute away
13 from our destination, I live in Canfield and we'll
14 be off the street closely.

15 Now, at that time I was looking at
16 the officer's face, but not really in his eyes. I
17 really didn't look back up at Big Mike, he didn't
18 say anything. I was the one talking to the officer
19 and I wasn't loud with the officer or anything like
20 that. I was just telling him where we were headed
21 to.

22 **Q** How close were you and Big Mike at this
23 time?

24 **A** At this time me and Big Mike, he's like
25 right on my back.

1 **Q** He's behind you, single file?

2 **A** Yes, he's right behind me, single file.

3 **Q** All right, go ahead.

4 **A** As I'm telling the police officer we were
5 just going to get out of the street, we were close
6 to our destination, I stayed in Canfield. I believe
7 that he was pulling off. So we continued to walk.
8 In my mind I thought he was just, you know, okay,
9 they're just kids, they will get out of the street
10 shortly.

11 **Q** So you stayed in the street?

12 **A** Yes, we stayed in the street.

13 **Q** Okay.

14 **A** We continued to walk and have our
15 conversation, but almost a split second we heard the
16 tires screech, and the officer, he pulled back in
17 the truck very fast to the point at an angle if we
18 didn't hear his tires screech, the back of his
19 cruiser would have struck one of us, not both of us,
20 it would have struck both of us or one of us because
21 of the way he angled in reverse.

22 He never drove and turned around, he
23 reversed real fast. Why he reversed so fast on us
24 and the angle that he did in the manner, now we are
25 almost not inches away from his front door, like we

1 was right in his face now. He never got out of the
2 car, he just pulled right back on the side of us,
3 but it is almost at an angle.

4 Q Okay.

5 A When he pulled up we are face-to-face. Me
6 and Big Mike are shoulder to shoulder now and the
7 officer is facing us.

8 Q So you both are facing this driver's side
9 door?

10 A Driver's side door.

11 Q Where are you in proximity to Big Mike?

12 A I'm on Big Mike's right-hand side. I'm
13 standing right on the side.

14 Q So you are at the front or the rear of the
15 car?

16 A I'm still in the beginning of the car, I
17 never really walked and got far to the back. I was
18 like in the middle of the front door and the rear
19 door, so I'm like right here in the middle. And it
20 is more Big Mike because he's larger than me, it is
21 more him in the window, but mostly my face, I'm
22 short and like the top part of me.

23 Q Okay. And the car is facing west?

24 A Yes.

25 Q Towards West Florissant?

1 **A** Yes, but it is not straight facing, I'm
2 standing counter facing.

3 **Q** Okay, all right. All right, go ahead, and
4 so you all are at the door and then what?

5 **A** The officer pulled back. What did you
6 say? Very loud, angry.

7 **Q** Who did he appear to be talking to?

8 **A** At the time I believe he was talking to
9 both of us. Like I said, Big Mike never said
10 anything when the officer pulled up on us. So at
11 the time I believe he was talking to both of us when
12 he said, what did you say?

13 And Big Mike, in an instant, Big Mike
14 was finished saying something, his door was thrust
15 open, very complex, he thrust his door open real
16 hard. We was so close to the door that it hit
17 mostly Big Mike, but it hit me on my left side and
18 it closed back on him, like real fast. Just the
19 same speed, boom, boom, that fast.

20 And at that time he never attempted
21 to open the door again like to try to get back out,
22 but his arm came out the window and that's the first
23 initial contact that they had. The officer grabbed,
24 he grabbed ahold of Big Mike's shirt around the neck
25 area.

1 **Q** So did he grab his neck or his shirt
2 around the neck area?

3 **A** It was more of both because he had a real
4 good grip on him.

5 **Q** Was there any warning, did he just stuck
6 his hand out and grab, does he say something, did he
7 say anything?

8 **A** No, ma'am, at this time when the door had
9 closed back on him, he didn't say anything. His arm
10 almost in an instant came out the window, his left
11 arm, I remember it was his left arm, came out the
12 window and touched Big Mike around his neck area and
13 his throat. I watched his hands, you know, they
14 really tightened up, so yeah, he had a good grip on
15 it, that what's I saw first.

16 **Q** Were you still right behind Big Mike when
17 this occurred?

18 **A** At this time I'm not behind him any more,
19 we're side to side so I can see everything that is
20 going on. I'm still in the windowed, I'm still
21 right here standing in the same spot, I never moved.

22 And at that time Big Mike, he still
23 has the Cigarillos in both of his hands, divided
24 evenly, he never put them down in his pocket or
25 anything like that.

1 Now, from the beginning of the grab,
2 it is a tug of war. Big Mike places his hands
3 openly, one hand on top of the cruiser and the other
4 hand more right up under the window, the side
5 mirror. He's trying to pull off the officer's grip.

6 **Q** How is he doing that with the Cigarillos
7 in his hand?

8 **A** He placed the Cigarillos on the car and
9 his hands are on the car. He never dropped a single
10 pack. He still has them in his hand not dropping
11 them, but he's pulling away, but he still grab on.
12 So he never could really get a good grip on the car,
13 but he's really trying to pull away.

14 **Q** Okay.

15 **A** At this time the officer, I'm not hearing
16 what the officer is saying, I'm not hearing what Big
17 Mike is saying, so now I'm not in shock, but that's
18 the beginning of my shock level. That's where I'm
19 like, this doesn't happen every day, something is
20 out of order here.

21 They are talking to each other, they
22 are yelling and cussing. And neither one of them
23 can calm down, they both have angry faces on while
24 they are talking.

25 They both were very upset and they

1 couldn't calm do. There wasn't any wrestling or
2 anything like that, punches were thrown. It was
3 more a tug of war and it was very intense, very
4 intense.

5 **Q** Okay. And so please tell us what
6 happened?

7 **A** While the officer is grabbing ahold of Big
8 Mike, he kind loses grip around his neck, that's how
9 I knew he had a good grip. He never fully let Big
10 Mike go, now he has a good grasp on his shirt. So
11 now Big Mike's able to turn different angles while
12 he is trying to pull away.

13 And at a point he turned, now we are
14 face-to-face, and he put his hands like, grab these,
15 Bro. And in shock, I'm so not unconsciously, my
16 hands open to where he could put the rillos in my
17 hand, but I'm still standing in the same spot. I
18 never said anything any more, I'm just standing in
19 shock. I'm this close, I'm standing right here.

20 I almost feel like someone needs to
21 come out here and say something to either one of
22 them to calm somebody down.

23 At the time I couldn't open my mouth,
24 I couldn't speak. I wanted to say could someone
25 calm down. I could not speak at that time and the

1 Cigarillos were placed in my hand.

2 At that time he turned back around,
3 facing the officer now, and now he can get a good
4 grip on the car.

5 So now as he is pulling away, it is
6 with more power, with more force. The officer is
7 trying to pull him inside the vehicle through the
8 window, like he's pulling him, but he's pulling
9 away. The officer never attempted to open his door
10 again after the first initially opening his door and
11 close back on him.

12 Now he's trying to pull him, he's
13 pulling away.

14 Q Was he pulling him with both his hands?

15 A No.

16 Q The officer is only using the left hand?

17 A The officer is only using his left arm and
18 trying to pull Big Mike in and I could tell Big Mike
19 was, he was getting the best of the officer because
20 here was in a better position to pull away. He was
21 outstanding and he was pulling off of something.

22 The officer was using one hand,
23 although he had a nice size, I really couldn't get
24 the full body, but from his arm and when I seen his
25 arm, he had nice size so where he was kind of

1 strong, he looked strong enough to pull, but not
2 strong enough to fully pull him all the way in the
3 car.

4 **Q** Was the car moving at all?

5 **A** No, at this time it was parked, it was
6 still there in the same spot he pulled up in, same
7 angle he was in.

8 And by this time there was cars
9 behind and they could not get through because of how
10 the officer had his vehicle or the cars couldn't get
11 through the other way either east or west. So now
12 we're just like three cars parked more towards the
13 same direction the officer was going.

14 **Q** That would be west on Canfield Drive?

15 **A** On Canfield Drive. Now, in the midst of
16 the tug of war, I never see Big Mike actually have
17 his body inside the vehicle, like the officer never
18 fully got him inside so much as he has torso or top
19 area coming toward the window.

20 **Q** Did you ever see Big Mike's hands inside
21 the car?

22 **A** No, ma'am, I never, I'm still standing
23 there, more shocked than ever because I see it is
24 escalating, I can see and hear the cuss words, I can
25 see the frowns on their faces getting more intense.

1 MS. WHIRLEY: Is there a question?

2 I do have a question.

3 MS. WHIRLEY: It is okay with me.

4 : Do you want to wait?

5 MS. WHIRLEY: You can go ahead and ask a
6 question.

7 You said you were on his
8 right?

9 **A** Yes, ma'am.

10 : You were both very close
11 to the door?

12 **A** Correct.

13 : You said he had his hands
14 on the police car?

15 **A** Correct.

16 And he handed you the
17 Cigarillos in your hand?

18 **A** Yes, ma'am, correct.

19 : Did he and you both have
20 in one hand?

21 **A** Correct, yes, no. He handed both of them
22 in my hands he had, my hands were free, so he handed
23 them to me at the same time.

24 : Reason I ask this, I'm
25 not judging, the reason I ask you is because that in

1 the film we saw, he only had the Cigarillos in one
2 hand.

3 **A** Yes, when he initially grabbed out of the
4 store, he had a lot of them in one hand when he
5 grabbed them in the store. Once he got outside the
6 store, that's when he divided them kind of and had
7 both of his hands.

8 He's 6'3" or 6'4?

9 **A** Yes, ma'am.

10 You're not six feet?

11 **A** No, not at all.

12 : So how do you know he is
13 so much taller than the car than you, you say you
14 saw both of his hands, how did you see his left
15 hand?

16 **A** The officer or Big Mike's?

17 Big Mike.

18 **A** Big Mike.

19 : He's so big, he's up
20 against the car.

21 **A** Yeah.

22 How could you be sure?

23 **A** He was never like, I see what you're
24 saying, he was never that close to the car, like I
25 said, because of the position that he had on the

1 officer standing outside. He was more overpowering
2 the officer and the officer couldn't get him to
3 close to the car.

4 So as he is pulling away, I can see
5 his hand on front of the car, not both of his hands
6 were on top. One hand was on top, the other hand
7 was kind of by the side mirror on the officer's
8 cruiser. So I can see his hands as he's pulling
9 away, but then the officer, you know, there's a tug
10 of war. He pulled him and then he pulled away.

11 That begs another
12 question. You said he was getting the best of the
13 officer. And when Sheila asked you if the car was
14 moving, not was it mobile, but was moving, like was
15 it so much force that it was rocking or something?

16 **A** I mean, the truck, yes, it was moving.

17 Because you didn't say
18 you could tell that Big Mike was getting the best of
19 the officer?

20 **A** Yes.

21 : If he is 300 pounds and
22 6'3", there has to be movement of the car?

23 **A** Yeah, because of the distance, or
24 whatever, and he was standing, the car was moving,
25 thank you for clearing that up.

1 MS. WHIRLEY: I'm glad she cleared that
2 up.

3 A It wasn't moving, but it was shaking and
4 moving, thank you.

5 : . You said
6 initially that generally your process is to get up
7 in the morning, check with your girlfriend and your
8 baby to see if they want anything to eat on that
9 date, your intent was to go get the Cigarillos from
10 somebody in the apartment complex?

11 A Yes, ma'am, correct.

12 : Okay. And then was your
13 intent to get something, you said something to eat
14 for your girlfriend; is that correct as well?

15 A Correct, yes, ma'am.

16 : Naturally you didn't get
17 to the friend's apartment for the Cigarillos, you
18 were kind of diverted you said to the Ferguson
19 Market; is that correct?

20 A Yes, ma'am, that's correct.

21 : At which time that's where
22 the alleged theft had occurred?

23 A Yes, ma'am, correct.

24 Of the Cigarillos. You
25 came out, you're coming back to the apartment

1 complex; is that correct?

2 **A** Correct, yes, ma'am.

3 Where did you, if I
4 understand correctly, there's a McDonald's in this
5 area, is that also correct.

6 **A** Yes, ma'am, right next door to the store.

7 At any point did you stop
8 at the McDonald's to get breakfast for your
9 girlfriend or your baby at that time.

10 **A** No, ma'am. At that time I was more
11 concerned with getting home, getting away from that
12 whole incident because of what had just occurred in
13 the store, now I'm more wanting to just get back to
14 my daughter and my girl because I know the
15 seriousness of what just occurred.

16 Uh-huh, okay. And you
17 said that you had lived there approximately about
18 eight months you said, right?

19 **A** Eight months.

20 Although you only met
21 Mike, I think you said about three months before
22 this incident occurred; is that correct?

23 **A** One or two months.

24 : One or two months.

25 **A** Or five.

1 : You knew other people that
2 lived in the complex; is that correct?

3 **A** As neighbors, I only knew one other person
4 that visited the complex as a childhood friend. I
5 knew him as a childhood friend that one person,
6 everybody else that I met, I met them as neighbors,
7 I never stayed in Ferguson before.

8 : Okay. Now while you were
9 there, I'm of the impression, I don't want to
10 speculate, you had no other contact, had no other
11 contact directly with Ferguson Police Department for
12 any reason, any tickets or any altercations or
13 anything of that nature?

14 **A** Yes, ma'am, I never had any.

15 While you are in the
16 apartment complex, I mean, I'm quite sure sometimes
17 you hear through the grapevine well, yeah, this guy
18 got stopped or whatever or the police is like that,
19 did you hear any conversations to that effect from
20 any residence in the apartment complex?

21 **A** Yes, ma'am, all the time. Every day I
22 hear different stories about people's different
23 encounters with Ferguson Police. Be very mindful of
24 the police around. Whenever you're coming outside
25 the door, people are always giving you a warning,

1 they are up the street now, they are down the street
2 or something in that manner basically keeping you
3 aware of Ferguson Police.

4 : Okay, all right. With you
5 being the older person, I think I heard in one of
6 the DVDs that we saw or either in the transcript of
7 that, you were basically kind of being a mentor to
8 Mike; is that correct?

9 **A** Yes, ma'am, correct.
10 You saw that as an
11 unofficial mentor?

12 **A** That's correct. It wasn't just like that
13 with Big Mike, it was other kids his age that would
14 see me and they see how I look and they see me
15 walking up and down the street.

16 I have a dog, so me and my dog, I
17 walk my dog a lot. I just live a peaceful lifestyle
18 and they see that and they see me with my tattoos
19 and my dreadlocks asking questions every day. They
20 see me how did you, what happened, how did you get
21 your job or anything like that.

22 So it is on a, it wasn't random that
23 a person his age would come to me asking me how and
24 the ways to get to work, to be the life to where you
25 be comfortable a little. It was just me and him

1 didn't talk on a daily basis, I didn't see him on a
2 daily basis.

3 : Okay. And with having
4 that kind of relationship, when this incident
5 occurred at Ferguson Market, did you have any
6 opportunity at any time before this happened to kind
7 of inform Mike what you had heard about the
8 condition or the relationship between the community,
9 the African-American community or community in that
10 area and the Ferguson Police Department?

11 **A** No, ma'am, to my knowledge, Big Mike was
12 living in Ferguson a lot longer than I was. Like I
13 said, his grandmother stayed in Northwinds, they
14 still in Ferguson. He knew a lot of people that
15 stayed in Ferguson.

16 He was very popular, you know, with
17 the kids, or people in the area. I was just the new
18 resident, first time owner, year lease holder, I
19 really didn't know people around or that much about
20 Ferguson to give him knowledge about Ferguson and he
21 stayed there a lot longer.

22 : Okay. So, I mean, did he
23 have the opportunity to let you know about the
24 Ferguson Police Department if he's been there
25 longer?

1 **A** Yes, but not, he never directly told me
2 like yeah, man, Ferguson, they really be on us like
3 that, he never really said anything like that
4 towards me or never really brought up incidents
5 where he had encountered with the Ferguson Police.

6 My other neighbors that stayed around
7 who lived or who owned their apartment or drive up
8 and down the street every day, those are the ones
9 getting stopped and they had their complaints, but
10 he really didn't talk about Ferguson Police.

11 When the officer, Officer
12 Wilson, Darren Wilson, when he first accosted you
13 and Mike Brown in the street as you are walking back
14 to your, I guess, wherever you intended on going,
15 hadn't been decided yet, going to go to his place or
16 go to your place or not, but when he, I believe you
17 guys are walking east then; is that correct, on
18 Canfield and he is traveling west on Canfield, the
19 officer in his vehicle, is that correct?

20 **A** If west is going towards West Florissant,
21 east towards Northwinds, yes, that's correct. I'm
22 sorry, I don't know.

23 Okay. When he stops you
24 and he makes this comment to you, okay, and then you
25 say that you tell him that you are about a minute

1 from where you are going, you need to get to, okay,
2 can you write that down for me in relative about
3 approximately how many feet, did you have a block to
4 go, did you have like 20 feet to go, 10 feet to go
5 or what?

6 **A** Yeah, like I said, we was just at the
7 leasing office where my building is and his building
8 is away from the leasing office is not a block away,
9 probably 20, 30 feet away.

10 : So about 20 or 30 feet?

11 MS. WHIRLEY: We can look at the map, did
12 you have another question?

13 Yeah, I had another
14 question. Was there any particular reason when the
15 police officer gives you an order that you and Mike
16 did not obey that order to get out of the street at
17 that time and onto the sidewalk?

18 **A** The reason, I mean, at the time in my head
19 and the response that I give back to the officer, I
20 didn't feel like I was rude. I knew by law that we
21 really wasn't committing a crime at the time because
22 there was no traffic flow and no one was, you know,
23 we wasn't holding up traffic or anything like that
24 because cars were still able to pass us.

25 It was more so, it was more so like a

1 father figure talking to a son and that's where, you
2 know, we are just walking down the street. But no
3 one said anything like that, but this is what I'm
4 thinking in my mind, we are just walking down the
5 street, we are not causing anybody any harm. He
6 didn't initially pull up on us and stop us because
7 of the store incident, which I thought when I saw
8 him I thought he's coming to get us for the store,
9 but once he told us just get on the sidewalk, in my
10 mind I'm like well, I guess he didn't call the
11 police.

12 So at that time if the officer didn't
13 know and I feel that he didn't know about the store
14 because Big Mike still did have the Cigarillos in
15 his hands in plain sight when the officer pulled up
16 on us. He was just saying get on the sidewalk.
17 Once I responded to him telling him we was a minute
18 away from the destination, I felt like that we were
19 not committing a crime, we were having our
20 conversation, we was just walking.

21 At that time the officer really
22 didn't look like, you know, he was mad or he was
23 telling us that we was committing a crime, he was
24 just saying get on the sidewalk. We was basically
25 okay, we will be out of the street in a minute.

15 : Earlier you spoke about
16 the construction worker, you did not speak to the
17 construction worker, you did not talk to them?

22 : Okay.

24 : Could you hear them
25 talking?

1 **A** Not so much as, hey, when the construction
2 worker spoke back, I kind of bowed out of their
3 conversation. I didn't hear what they were saying
4 to one another.

5 : You didn't hear him
6 talking about getting high and something?

7 **A** At first I heard because that's what I was
8 initially going to do. So I heard him bring up
9 smoking or anything like that, but I couldn't get
10 detailed on what exactly was said between him and
11 the construction worker. I couldn't really factor
12 in exactly what they were both saying.

13 : Where was the
14 construction worker on your way back, they were
15 gone?

16 **A** We did not get there.

17 : You didn't get that far?

18 **A** We didn't get that far.

19 : You mentioned, you said
20 it was almost, you didn't know if you were being
21 punked because it was almost like he had done it
22 before. Do you think it is possible he could have
23 done it before, do you think it is possible? I
24 mean, he is a big guy, he's a big guy.

25 **A** Yeah, he's a big guy. I really can't say

1 if it is possible that he would do it at another
2 store or anything like that. All I can say is how I
3 felt at that time when I did see that because I
4 never seen it before like that or the store clerk
5 react that way or that slow.

6 Yes, it was like he knew the people
7 like he had been in that store before, like he knew
8 them, that store before and he knew things like that
9 in that store.

10 It was not like he had
11 stolen before or he was just familiar?

12 **A** Familiar with the store to where he could
13 just pick up things and just pay for however he
14 pleases.

15 I'm going to kind of ask
16 you the same thing that he asked you. You said you
17 didn't feel like you were doing anything wrong, but
18 in the manner that the police spoke to you --

19 MS. WHIRLEY: Speak up a little bit for
20 us.

21 : In the manner that he
22 said get the fuck in, on the sidewalk.

23 **A** Yes, ma'am.

24 : Why were you not even on
25 the sidewalk? It was not safe, is there a reason

1 why you didn't take advantage of the sidewalk, why
2 you didn't do that?

3 **A** It wasn't a reason that I wasn't on the
4 sidewalk, it was more just a decision that we made.
5 When we get down there or anything like that, but
6 the initial, the reason we didn't follow the
7 complaint, like I said, Big Mike at this time never
8 said anything.

9 : Okay.

10 **A** It was more like a chastisement than you
11 are breaking law or you are committing a crime or
12 you might bring harm to yourself.

13 If those were represented in the way
14 he came off to us when he first said it, then maybe,
15 okay, you know what, we'll get on the sidewalk.
16 Because of the way he said it and the manner that he
17 said it, it was more like we're not your kids, we're
18 not doing anything legally wrong, just walking down
19 the street even though it could be considered a
20 crime jaywalking, but we are just walking in the
21 street, we are not committing any crime or bringing
22 harm to anyone.

23 : My last question right
24 now. When the police, you said that the police
25 passed you?

1 **A** Yes, after that.

2 : And you're walking back?

3 **A** You talking about after the store?

4 : Yes.

5 **A** Okay.

6 : Are police going both
7 ways?

8 **A** No, the police came.

9 : From the area of the
10 store?

11 **A** Not the area from the store, from deeper
12 in Ferguson, so they was coming towards the store.

13 : Okay.

14 **A** When I first saw the official squad truck,
15 it was a truck, not a car. Like I said, they didn't
16 even go to the store, they went to McDonald's, they
17 was on the parking lot. They turned around coming
18 off the parking lot, but didn't really come off the
19 parking lot or didn't confront us.

20 The third police car.

21 **A** Darren Wilson.

22 : Darren Wilson is the one
23 that said get the F on the sidewalk?

24 **A** On the sidewalk.

25 : You said I'm not doing

1 anything, I'm going home, and that's when he backed
2 up.

3 **A** Correct.

4 : And you couldn't go
5 anywhere --

6 **A** Yeah, at that point when he backed up on
7 us, I stopped.

8 : Okay.

9 **A** Because I felt that he had something else
10 to say and I didn't want to make myself look guilty
11 by running away or being startled and, you know,
12 making a quick reaction, so I just stood there and
13 complied with the officer even though he never said
14 freeze or hold when he pulled back. I felt I will
15 just stand still and see what he asked.

16 (Grand Jury Exhibit Number 15
17 marked for identification.)

18 **Q** (By Ms. Whirley) So at no time when the
19 officer pulled back, we have brought a map that's
20 marked as Grand Jury Exhibit Number 15 that would
21 hopefully help you kind of illustrate where you guys
22 were, does that look familiar?

23 **A** Yes, ma'am.

24 **Q** Okay, good. But my question before we get
25 started is when the officer pulled back, he never

1 said, he never questioned you about that store
2 incident?

3 **A** No, ma'am.

4 **Q** He never gave you any other directions
5 then get out of the street or get on the sidewalk?

6 **A** After he initially said get on the
7 sidewalk, he never even brought the sidewalk
8 situation back up. He never brought the store up
9 after he gave his first statement about getting on
10 the sidewalk and I told him exactly how I said we
11 are a minute away from our destination. We will be
12 out of the street shortly. After he pulled back,
13 there was no more sidewalk talk, it was nothing, it
14 was just anger.

15 **Q** And then the altercation ensued?

16 **A** Began from there.

17 **Q** All right. I'm not sure how sturdy this
18 tripod is, hopefully it will get us through. Can
19 everyone see this map? You had a question?

20 : . A couple
21 questions. I want to keep it before we move on.
22 When you went into the market, you talked about
23 payment, did you have money in your hands? I know
24 you didn't have any pockets, I'm trying to figure
25 out where you had your money?

1 **A** I had my money in my shoe at the time,
2 yes, I had my money in my shoe.

3 When you left the store, I
4 thought it was strange you guys stuck together. You
5 didn't seem concerned, then kind of something bad
6 was there, then you kind of stuck with Mike, kind of
7 walk down the street, see the cops coming knowing
8 they might be coming for me, I would expect probably
9 more hide behind the bush, get back in place. What
10 is the reason you walked down the street waiting for
11 the cops to come get you?

12 **A** Like I said, that was in my mind at the
13 time, we're not running, there is nothing really to
14 hide behind on West Florissant. We could have run
15 behind the stores, we still had to get out in the
16 open eventually to get down Canfield. In the mind
17 walking from Ferguson Market to Canfield, we're
18 never making it to Canfield. We're never making it
19 to Canfield how far this store is, to how many
20 police cars we see on a day, you know, that's just
21 in the area, we'll never make it to Canfield.

22 You know, just seems
23 strange to be in the middle of the street, you think
24 on the sidewalk to kind of avoid being noticed.

25 **A** In my mind, I'm still trying to fathom

1 everything that is going on and why he didn't put
2 the Cigarillos in his pocket. He still had them in
3 his hand the whole time leaving out the store, all
4 the way walking down Canfield Drive.

5 When the police officer
6 backed up at you, obviously, very aggressive. You
7 think he intended to hit you, you think it was a
8 miscalculation on the part of his judgment what he
9 thinks, I shouldn't ask it that way, but I'm just
10 trying to, I mean, that's pretty aggressive if you
11 felt like you had to literally get out of the way to
12 avoid him hitting you, if you felt that way?

13 **A** Yes, correct. It was very aggressive and
14 fast the way he pulled back, but because we heard
15 the tires, we was able to step back almost a second
16 before the truck, the back of the rear of it kind of
17 hit us, so it didn't hit us, but the way his car was
18 angled, it very well could have hit both of us.

19 : . Just a
20 quick follow-up question. Is it typical for you to
21 walk down the middle of the street when you went to
22 the market or walk around the neighborhood.

23 **A** No, sir. I walked in the middle of the
24 street before, but it is not like I just wake up in
25 the morning, hey, we are going to walk in the middle

1 of the street. It is something you do, you are
2 crossing the street and try to stay a little longer
3 or you just walking down the sidewalk. It wasn't
4 planned to walk in the street.

5 Typically you would be on
6 the sidewalk?

7 **A** Correct.

8 : In my mind an act of
9 defiance going down the middle of the street
10 expecting cars to go around you and, you know, pay
11 attention to you. If I see somebody in the middle
12 of the street I'd be concerned about hitting them
13 and really slowing down and moving over.

14 **A** Yeah, that's correct.

15 : I would interpret that
16 they are being defiant to show strength or
17 something.

18 **A** Correct, walking down the middle of the
19 street could, you know, cause harm if someone had
20 to, but like I said, walking down the middle of the
21 street we saw two, three, maybe even four cars pass
22 us and no one blew their horn, no one even stopped
23 or slowed down. They kept the same speed and just
24 rolled right passed us.

25 Eventually there might

1 have been a driver that caused a confrontation?

2 **A** If, but it didn't come at all, we didn't
3 get anyone telling us to get out of the street, you
4 are in our way, anything like that, no comments like
5 that.

6 : Thank you.

7 MS. WHIRLEY: We just have, as I
8 mentioned, Grand Jury Exhibit Number 15 as an aid to
9 help the jurors. I'm going to try to move it where
10 everyone can see it. Can you guys see it from here?

11 **A** You want me to stand up?

12 **Q** That would be great, Dorian, thank you.
13 I'm going to give you this pen.

14 **A** Well, as you all can see Number 12, this
15 is my building right here . Like I said, we
16 have a driveway, you see into the driveway, Canfield
17 Drive, you can see directly over. This is the
18 building --

19 **Q** Excuse me, this says Caddiefield Drive.

20 **A** Caddiefield, this is Canfield and through
21 the apartments like the driveway, they have
22 Caddiefield.

23 : . You lived in
24 Caddiefield.

25 **A** Yes, I lived on ,

1 Like I said, you can see directly
2 across coming out of my building, this building that
3 he was standing with a friend, Building Number
4 Big Mike. They were standing on the third floor
5 also.

6 That morning when I came out, I could
7 see him, Big Mike right about right here helping
8 someone put kids in the car.

9 The guy who I was going to --

10 **Q** (By Ms. Whirley) Let me stop you a minute.
11 When you indicate where Big Mike is, could you put
12 BM or MB, either one, so we can keep track of who is
13 who. This is him too, right?

14 **A** This is where he was living.

15 **Q** This is you down here?

16 **A** This is, right. I will put DJ for me.

17 **Q** Okay.

18 **A** I don't know if you can see it. And this
19 is Big Mike. Now initially when I first met him he
20 was staying a little further back in Northwinds. At
21 the time of the incident he was staying here at the
22 time, something was going on with his grandmother,
23 he had to move out, and he was staying with a
24 friend.

25 When I came out that morning, he was

1 down in the parking lot area. Now the guy I was
2 going to go to for the Cigarillos, stayed in this
3 building right here Number Like I said,
4 regardless whether I saw him or not, I was passing
5 this building, that's the way I walk through to go
6 to the guy.

7 When I saw him, we had our words,
8 we're going to match, now we are walking up.

9 Now this is where we are going
10 towards the store, going up Canfield. Now back to
11 the part where the officer pulled up on us.

12 One is the leasing office, the first
13 building. We were pretty much, we didn't get on
14 into the street until we were like right before the
15 leasing office, so it had to be right here where we
16 initially just crossed over into the street.

17 Now, when the street, the officer
18 doesn't pull up on us until about right here is
19 where the police officer first really pulled up on
20 the side of us.

21 After he initially said get on the
22 sidewalk, we got to about, I say we wasn't really
23 that far away from him, we got to about right here.

24 Q When he said get on the sidewalk, you are
25 still, you said I don't have, I'm almost at my

1 destination, you keep walking east?

2 **A** Yes, we were still walking, but eventually
3 I figure we were going to get out of the street.

4 : . So you were
5 right there at Copper Creek Road and he said get the
6 F on the sidewalk?

7 **A** Yes.

8 : You said not but a
9 minute, you kept walking, you didn't hesitate, you
10 didn't even do anything except we are almost home?

11 **A** Yes, that is what I told the officer. We
12 are a minute away from our destination, I'll be out
13 of the street shortly. At this time Big Mike said
14 nothing, no words were out of his mouth towards the
15 officer.

16 **Q** (By Ms. Whirley) Let me stop you for a
17 minute. Your destination would be like, show us
18 where you were when you told the officer you are
19 almost at your destination, this goes to one of the
20 grand juror questions.

21 **A** This leasing office where we are at. This
22 is where the officer stopped us. He asked us to get
23 on the sidewalk, I told him we were going to our
24 destination. This is where I was headed, this is
25 where Big Mike's house was and, you know, it is not

1 very close, but it is not very far. You can
2 actually see both our buildings from standing right
3 there, there is no real big trees or anything, they
4 were actually cutting trees down in the
5 neighborhood.

6 Q (By Ms. Whirley) You don't know the
7 distance between that?

8 A I don't know the distance, you can see
9 both the buildings from where we are standing from
10 the leasing office.

11 Q All right.

12 A Now, once he pulled back on us. Let me
13 see, you know what, I'm sorry, yeah, when he pulled
14 back on us.

15 Q Is there something wrong?

16 A Yeah, I'm sorry, like I said, because of
17 that day and what was going on, I really couldn't
18 time or distance time and distance really is a blur
19 to me, so much actually happened.

20 Q Are we right with the location as far as
21 when, where he stopped you?

22 A Where he stops us, yes. I really can't
23 tell how far we got down like the distance he had to
24 drive in reverse, but I know he had to drive in
25 reverse.

1 The front of his car never met us,
2 the back of his car met us first when he came back.
3 I'm describing from the distance because where he
4 was shot was down here, Big Mike was shot down here
5 in this area.

6 **Q** That's where his body fell?

7 **A** That where his body was. One of the cars
8 that I had to duck behind for cover, they were along
9 this right here. (indicating)

10 **Q** Put car or something to let us know.

11 MS. ALIZADEH: Why don't you make, before
12 when you have done this, yeah, make a rectangle.

13 **A** Okay.

14 MS. WHIRLEY: That's better.

15 **A** Like one car. It had to be a second car
16 and third car would be like right behind.

17 MS. ALIZADEH: And Dorian, all three of
18 those cars were going towards West Florissant?

19 **A** Yes, ma'am, correct.

20 MS. ALIZADEH: They were on the right side
21 of the street?

22 **A** Yes, ma'am, correct.

23 Now, like I said, I don't know how
24 far we got along, but because of how the officer
25 pulled reverse on us, now his cruiser was more like

1 on both sides. I'll put another rectangle, but his
2 rear was more on the side where he was coming from
3 and kind of like, the beginning of his front was on
4 the other side. Either way cars couldn't come this
5 way or go the other way. They were stuck, and at
6 that moment that's when these three cars were
7 standing right there. And like I said, me and Big
8 Mike, we are standing on this side of the police
9 cruiser car.

10 Now, when he pulls up on us and he
11 said, what did you say? I could tell that he's mad
12 then, that's when he tried to open his door. Like I
13 said, the way I was standing on the side of Big Mike
14 when he opened his door, we was so close to his door
15 that it hit us, but more so it hit Big Mike, only
16 like a little portion of me, maybe the end of the
17 door, it didn't really hurt me or anything like
18 that, but it struck us and it closed back on the
19 officer.

20 At that time is when his arm came out
21 the window and he grabbed onto Big Mike.

22 **Q** (By Ms. Whirley) Okay.

23 **A** Any other questions or should I continue?

24 : . Where
25 did you say that the door hit you?

1 **A** The door hit me on my left side, left arm,
2 not my whole body because Big Mike is so big he
3 takes more of the door than me, but just a piece of
4 my arm and a piece of my body.

5 Did you have any visible
6 injuries to that area?

7 **A** No, it hit more Big Mike than me, I didn't
8 have any bruises but I felt the door hit me.

9 : Require any medical
10 attention?

11 **A** No, ma'am.

12 MS. ALIZADEH: Dorian, can I ask you some
13 questions? I know you have, at this point you've
14 known Big Mike a couple months, maybe three months
15 max?

16 **A** Yes.

17 MS. ALIZADEH: I know you've said that he
18 was a great guy, you liked everything about him,
19 right?

20 **A** Yes, ma'am.

21 MS. ALIZADEH: You considered yourself,
22 you know, kind of a mentor?

23 **A** Yes, ma'am.

24 MS. ALIZADEH: You are older, you came
25 from a violent background, not you violent, but

1 lived in a violent area?

2 **A** Yes, ma'am, correct.

3 MS. ALIZADEH: So, you know, when you go
4 to the store and you see him just take these
5 Cigarillos and you said he just said I'm going to
6 take these Cigarillos, right?

7 **A** Yes, ma'am, correct.

8 MS. ALIZADEH: That's really brash,
9 wouldn't you agree?

10 **A** Yes, ma'am.

11 MS. ALIZADEH: That's like indignant. And
12 then when the clerk tries to stop him, he pushes the
13 clerk aside?

14 **A** Yes, ma'am.

15 MS. ALIZADEH: Doesn't he?

16 **A** Yes, ma'am.

17 MS. ALIZADEH: You are surprised by that.
18 And I think, you know, no one is saying that you had
19 anything to do with planning that or even were aware
20 it was going to happen, but just that behavior,
21 that's pretty brash, wouldn't you say?

22 **A** Yes, ma'am.

23 MS. ALIZADEH: And then so when you are
24 walking back and now you heard the clerk say I'm
25 going to call the police, let me ask you this, after

1 he pushes the clerk aside, and I know you are
2 watching this and if you want to watch the video
3 because we couldn't get it to work in the other
4 room, we can play it again for you. We can play it
5 for you, but doesn't Big Mike come back at the clerk
6 at some point?

7 **A** He does, but that's almost like because
8 the store clerk made a move like he was going
9 towards, like I said, the first time before the
10 store clerk actually tried to grab for Big Mike
11 because the first initial grab the store clerk just
12 grabbed the door and Big Mike just pushed the door.

13 Now, the store clerk made another
14 step like he was trying to grab for Big Mike and
15 that's when it was like a real --

16 MS. ALIZADEH: Like a push away?

17 **A** Fast push away, and I don't know if the
18 store clerk was going to walk back on or anything,
19 but that was like a stare down, like he kind of like
20 stared at him.

21 MS. ALIZADEH: And that was threatening,
22 he was threatening, don't you think, he is 6 foot
23 5 inches tall?

24 **A** He was a small man. He was almost smaller
25 than me, shorter than me, you are right.

1 MS. ALIZADEH: That would be extremely
2 intimidating, don't you think?

3 A I could see where it made the store clerk
4 kind of eased off.

5 MS. ALIZADEH: Sure.

6 A You know what, I will just leave this at
7 the hands of the police.

8 MS. ALIZADEH: At this point, I mean, this
9 is not behavior you are used to seeing from him,
10 correct?

11 A No, ma'am, I wasn't aware of it.

12 MS. ALIZADEH: But it is clearly very much
13 macho, I'm going to take these Cigarillos, I know
14 he's not saying that, but that was kind of his
15 demeanor, like what are you going to do, stop me?
16 I'm taking them, right?

17 A Correct, yes, ma'am.

18 MS. ALIZADEH: Okay. So then you are
19 walking down the street, I know you said you are
20 kind of freaked out at this point?

21 A Yes, ma'am.

22 MS. ALIZADEH: And you see cop cars coming
23 by oh, my God, you know, but Big Mike doesn't really
24 care, does he?

25 A Not so much care because when he saw, he

1 looked at my face. I'm just walking like oh, my
2 goodness. When I see the squad car I kind of follow
3 it, I want to see are they going to the store or
4 what is going on. And once he sees that on my face,
5 he is like just walk normal, so we are just walking.

6 MS. ALIZADEH: But he doesn't even put the
7 Cigarillos in his pocket?

8 **A** Like I said --

9 MS. ALIZADEH: He has them out there like.

10 **A** Just walking, yes, ma'am.

11 MS. ALIZADEH: Whatever, you know. He
12 owns the street right there, right, kind of?

13 **A** I don't want to say he thought he owned
14 the street, he was very bold with how --

15 MS. ALIZADEH: Bold, that's a good way to
16 put it. So then, you know, as you walk back and you
17 say you are walking in the middle of street.

18 **A** Yes, ma'am.

19 MS. ALIZADEH: I know, you know, it is
20 Saturday, noon-ish, there is people out, but not
21 like rush hour or anything, but, you know, cars are
22 going back and forth, cars are going, passing you,
23 but they don't have any trouble getting past you.

24 **A** No, ma'am, none whatsoever.

25 MS. ALIZADEH: But then the officer stops

1 and says get the fuck on the sidewalk.

2 **A** Yes, ma'am.

3 MS. ALIZADEH: And you said hey, we are
4 just going to my place, we are going to be there in
5 just a minute and you guys kind of keep walking and
6 he then drives past you, correct?

7 **A** That was, in my mind, that is what I was
8 thinking, yes, ma'am, I heard his car pull off.

9 MS. ALIZADEH: Okay. And then you hear
10 screeching tires and then do you look back to see
11 him reversing towards you?

12 **A** Yes, ma'am.

13 MS. ALIZADEH: You hear him say what?

14 **A** What did you just say? He thought someone
15 had said something else.

16 MS. ALIZADEH: Is it possible that Big
17 Mike, who is behind you now, could have said
18 something to the officer as the officer pulled away,
19 could have said something ignorant to him?

20 **A** No way, no, ma'am. He was standing behind
21 me, he was so close if he would have said something,
22 I would have heard. He didn't say anything, like I
23 said at that time only I spoke to the officer.

24 Now, I could kind of see where he may
25 have been looking at the officer, kind of staring

1 him in his eyes, I'm talking he never said anything,
2 probably eye-to-eye contact with the officer. I
3 don't know if that, like he did the store clerk,
4 eye-to-eye with the store clerk where he thought --

5 MS. WHIRLEY: I want to interrupt you.
6 Did you see that or you just speculating?

7 **A** I am speculating right now.

8 MS. WHIRLEY: We want you to tell us what
9 you know, what you saw.

10 **A** I was looking at the officer because I was
11 talking to the officer. I wasn't directly looking
12 into his eyes, so much looking at his face and
13 telling him what was going on, but at no point in
14 time I heard Big Mike say anything at all, he never
15 said anything.

16 MS. ALIZADEH: But the officer said, what
17 did you say? That kind of sounds like he heard
18 something.

19 **A** Or he may have got a look that may have
20 looked like he said something. That's why I
21 speculate that he may have been looking at the
22 officer, but, you know, the way the officer pulled
23 back on us, yes, I feel like, all right, I'm lost.
24 I was the one that just told you, I didn't say
25 anything else.

1 MS. ALIZADEH: You didn't saying?

2 A No out of order, no cuss words or anything
3 like that.

4 MS. ALIZADEH: You didn't hear Mike say
5 anything?

6 A No, ma'am.

7 MS. ALIZADEH: Is it possible, if he said
8 it like under his breath as he turned his head,
9 might be that you didn't hear it?

10 A I didn't hear him mumble anything.

11 MS. WHIRLEY: Here is a question.

12 : . If the
13 police had already passed you guys up as you are
14 walking towards home, he is going back towards West
15 Florissant, how could he have heard you because he
16 had to come back to you and say what did you say?

17 A Exactly, so I felt that was my random
18 thinking, no one said anything, but I didn't say
19 that to the officer because I didn't know what he
20 was feeling at the time, the way he pulled a reverse
21 on us, I was let me stand fast and see what he is
22 going to say. That's why I basically was standing
23 side to side talking to him.

24 : Okay, this is
25 So now you say you don't even think the police heard

1 you say we are almost home?

2 **A** No, he definitely heard me say that.

3 Again, I was looking at his face while I was talking
4 and telling him.

5 : Again, I'm not judging
6 you, but somebody just stole something?

7 **A** Right.

8 : On the video that we
9 watched, he grabbed ahold of the man?

10 **A** Right.

11 : He said something to him
12 and he lunged at him, okay, you are walking down the
13 street?

14 **A** Yes, ma'am.

15 : The police tell you to
16 get the fuck on the sidewalk?

17 **A** Correct.

18 And you say I'm almost
19 home, you are thinking to yourself we are not doing
20 anything wrong, didn't you? Somebody did just do
21 something wrong, so that still begs the question why
22 you did not listen to the police?

23 **A** Yeah, like I said before, at the time we
24 was walking from the store, I saw with my two eyes
25 police squad cars pass us by, neither one of those

1 cars stopped us or said hey, did you just come out
2 of that store or anything like that.

3 So in my mind at the time they were
4 unaware or the store clerk never made the call
5 because before we saw Darren Wilson, we saw two more
6 police cars. He was the third police car we saw and
7 he was the first one that stopped us.

8 MS. ALIZADEH: So you guys thought, or at
9 least you thought you were in the clear that this
10 officer wasn't talking to you about the Cigarillos.

11 A Not so much me in the clear because I know
12 I didn't commit a crime. I was so much thinking
13 maybe he didn't call the police, that's all I was
14 thinking.

15 MS. ALIZADEH: You were worried, you
16 already said --

17 A I was worried because of, I know that, you
18 know, he's not a person like that and I'm worried
19 because I don't think, well, I don't know what is in
20 his mind. I can't think what he's thinking at the
21 time, but I know, you know, I've been locked up
22 before, not for anything like that, jail is not for
23 nobody. Nobody should ever want to go to jail. So
24 I knew that's where he was headed, so that is where
25 my worry and fear is coming from.

1 MS. ALIZADEH: Okay.

2 MS. WHIRLEY: You say when he came back,
3 he never mentioned anything about the Cigarillos or
4 the store?

5 A Darren Wilson the police officer?

6 Q (By Ms. Whirley) Yes, the police officer.

7 A He never stopped stop us and said hey,
8 freeze, stop right there, let me get out of my car
9 anything like that. I've been stopped by police
10 before, I know there is a way that they stop or pull
11 up on people, suspects for committing crimes.

12 So exactly what I said, didn't feel
13 like he was stopping us or telling us anything like
14 we were committing a crime so much as chastising
15 from a father to a son, like you are doing some
16 wrong. Hey, put that down or don't touch that, it
17 came off like that, that's how he said it.

18 : . You did
19 say that you have money in your tennis shoes?

20 A Yes, ma'am.

21 Why don't you pay for the
22 Cigarillos?

23 A At the time I thought he was going to buy
24 them because when we was in the store, I never
25 confronted the store clerk, I never even walked up

1 to the register, I just stood back because I thought
2 that he was buying the Cigarillos.

3 When I saw that he wasn't, I didn't
4 need that many Cigarillos, that's why I just, you
5 know, set it back. And because of what was going on
6 at the time, I don't even want to be, you know, I'm
7 really trying to get out of the store now. I don't
8 like what is going on, so I'm leaving so much as
9 hey, I'll pay for them, it is all right. I'm just
10 trying to leave now.

11 : When you saw your friend
12 do something that is wrong and you have the money,
13 why don't you pay?

14 **A** Oh, no.

15 : Or at least offer to pay?

16 **A** I'm sorry, I didn't have enough money to
17 purchase all of them.

18 : At least some of them,
19 what have you?

20 **A** I didn't have enough to purchase all the
21 Cigarillos that he was grabbing. And at the time,
22 like I said, we never had a conversation about what
23 he was going to do in the store or anything like
24 that. We was just going to get some Cigarillos.

25 At the time you didn't

1 even pay for one Cigarillo?

2 **A** At that time I was basically, hey, you
3 know what, I'm not a part of this, I didn't know,
4 although I didn't say it, I was basically just
5 trying to get out of the store like all of the rest,
6 there was another person in there, he was just
7 trying to get out of the store, so I'm getting --

8 : You are with him and he
9 is doing that, you are an accomplice?

10 MS. ALIZADEH: You can't hear him?

11 **A** I'm sorry, I'll speak up. The store clerk
12 actually does notice me, like I said, it was a male
13 store clerk and his daughter was there. She's
14 looking directly at me, I'm looking at her
15 face-to-face and she sees me actually put the box of
16 Cigarillos back and I step back.

17 Because they are kind of in front of
18 the door so I really can't get through, like walking
19 straight. So I have to kind of side step them. The
20 store clerk, as he walked past me, he never tried to
21 grab me, hey, you with him, he never did anything
22 like that. So I felt like, you know what, he saw me
23 put those back, he saw that my intentions were not
24 to steal from him, so that's why I believe he didn't
25 never try to grab me or hold me back or from leaving

1 or anything like that.

2 . When the police
3 officer backed up and almost ran over you, let's
4 say, and you guys were facing his window, when he
5 opened his door, what is your sense of what he was
6 trying to do when he was opening your door, do you
7 think he was intentionally trying to hit you with
8 the door or was he potentially trying to get out of
9 the car very quickly?

10 **A** That I can't speculate on. Again, I
11 cannot speculate what is in someone's mind or what
12 their agenda is going to be, but the force that he
13 used and the power behind it, I believe it was
14 unnecessary. He could of, and the way he backed up,
15 if he would have backed up straight back, he would
16 have been able to open his door, step out of his car
17 perfectly. But because of the angle where he
18 reversed and how close we were and how fast he did
19 it, it happened real fast. Everything happened
20 continuously right back to back.

21 It was really with a lot of force and
22 power that wasn't needed.

23 Do you think, do you think
24 it is possible that he didn't know how close you
25 guys dies were to the car?

1 **A** I don't think that it is possible not to
2 see someone. You have a couple of mirrors attached
3 to your car as you are backing up, I'm sure, I pray,
4 I hope he was using his mirror and not intentionally
5 trying to strike us. But like I said, I can't
6 speculate what he was doing, I know that he was very
7 forceful and powerful.

8 MS. ALIZADEH: But Dorian, you said you
9 guys had to kind of jump out of the way?

10 **A** We definitely had to step back, not so
11 much as a big leap to where, you know, oh. It was
12 more of a step back real fast because of the rear
13 end, you know, it wouldn't have, the whole back of
14 the car wouldn't have hit us, it would have been
15 like a corner of the side of the rear because of how
16 he was turning his vehicle, it would have struck one
17 of us, if it would have hit him, it would have fell
18 into me, but if it would have hit me, I would have
19 fell onto the ground.

20 : . It seem likely
21 to pull up next to you, you had the first encounter,
22 he continued down west, probably, potentially looks
23 in the mirror, sees you have not adjusted your path.

24 **A** Right.

25 : He's aggravated because

1 you aren't doing what he asked for, backs up, not
2 only does he back up to stay straight, he backs up
3 and puts his rear end across that center line,
4 therefore, blocking your path. You can no longer
5 walk down the center line any more, he is going to
6 take that away. And possibly when he is asking you
7 what did you say, I had a feeling he may be
8 referring back to the first conversation we had and
9 he is wondering, what did you say? Didn't you tell
10 me you were going to get out of the street?

11 Again, I'm assuming different things in
12 there, but it may not have been a secondary
13 conversation that he's referring to, what did you
14 say when I drove away or when I was coming back, he
15 very well could have been referring to the very
16 first conversation, he's wondering why you are still
17 in the street?

18 **A** I can see where you are saying, he maybe
19 didn't hear exactly what I was saying to him or
20 something like that. I never said that it right
21 away, officer, we get right on the sidewalk. So I
22 could see why he would be like, they're not getting
23 off the street and pulled back.

24 : Right.

25 **A** Even still, like I said, if he would have

1 pulled back straight, the altercation would have
2 happened a lot different, I'm sure he would have
3 happened a lot different if he been able to get out
4 of the car, full body, stand straight up, but
5 because of how that little small incident reacted,
6 it kind of turned the next level up a lot.

7 MS. WHIRLEY: Okay. Anybody else? All
8 right.

9 Dorian, why don't you have a seat, we may
10 go back to the map.

11 Q (By Ms. Whirley) Let's get to the actual
12 shooting.

13 A Okay.

14 Q We left off with you talking about the
15 officer had his left hand out of the car and he is
16 pulling Big Mike in or trying to, so now the
17 Cigarillos have been handed off to you?

18 A Yes, ma'am.

19 Q Go from there?

20 A I'm sorry, could I stand up? This map is
21 perfect and I just want to see very perfect,
22 everything is here.

23 So at the time, like I said --

24 Q You still have the pen in case you need
25 to?

1 **A** Big Mike and Darren Wilson, the officer,
2 they are doing their tug of war. He passed me off
3 the Cigarillos. Now he's back, at no point in time
4 did I begin to move away, I stood in the same
5 position, same spot. I'm still in the driver window
6 of the officer the whole time they are doing their
7 tug of war, so I can see both of them. I'm going
8 back and forth looking at both of their faces.

9 I'm hearing cuss words from both of
10 them, but I don't really hear the officer saying,
11 you know, stop or get down on the ground.

12 I really like, I'm shocked, the shock
13 level I'm going through right now is continuously
14 building. So now it is more and more stuff, I'm
15 trying to comprehend that it is not, it shouldn't be
16 happening, that I know shouldn't be happening. They
17 are pulling back and forth. At this time I heard
18 the officer says, I'll shoot. This is the first he
19 says, I'll shoot.

20 At that time I was looking at Big
21 Mike when he said I'll shoot. In my mind taser, I
22 see people get tased before and it looks like it
23 hurts a lot.

24 **Q** Let me stop you a minute. So the first
25 time the officer says, I'll shoot, Big Mike's hands

1 are free now?

2 **A** Yeah.

3 **Q** He's given you the Cigarillos?

4 **A** Yes.

5 **Q** No shots have been fired yet?

6 **A** Not at the moment, no.

7 **Q** Okay. So do you know where his hands are
8 when the officer is saying, I'll shoot?

9 **A** I can still see both Darren Wilson's hand
10 and Big Mike's hands.

11 **Q** Tell us about it?

12 **A** Big Mike's left hand was still on like
13 right above the side mirror, right up under that,
14 right up under the side mirror. His other arm now
15 because of the tug of war pull, the officer's grip
16 come up, from up on his neck, to the shirt collar,
17 to the shoulder, to basically he never let go. Now
18 he has Big Mike. Big Mike's left arm is on the car
19 pulling away still, and he's trying to pull away
20 because now he basically just has his arm.

21 **Q** So the officer has his right arm?

22 **A** Yes, with the officer's left arm, he's out
23 the window grabbing Big Mike's right arm.

24 **Q** Okay. So he has Big Mike's right arm,
25 does he pull it inside the car?

1 **A** I really, from the time of everything
2 happening and once he said, I'll shoot, now my focus
3 has switched and locked on the officer and say what
4 he is saying he's going to shoot because in my mind
5 I assume it is a taser. If it was going to be a
6 taser, no matter who was in the wrong or who was in
7 the right, if I would have saw that taser, I would
8 have immediately told my friend Big Mike, look, just
9 stop, stop moving, stop pulling away, just stop.

10 But because I saw the gun and the
11 barrel, I've been shot before. It is the worse pain
12 I can ever imagine, it does not feel good, because I
13 saw the barrel, I went into a deeper shock.

14 **Q** You didn't think everybody should just
15 stop when you saw the gun?

16 **A** I was praying, I was, I'm in such shock
17 right now and firm, because when the officer pulled
18 up and that's why I was trying to make clear people
19 were, he's a witness, key witness. I was so
20 victimized that people don't even understand.

21 There was a witness standing on their
22 balcony, a witness drive by in her car, me being
23 right there in the moment, I felt victimized because
24 I felt so afraid that I couldn't talk.

25 I couldn't say what was on my mind

1 because I'm so afraid of, I couldn't calm it down.
2 I don't have the power to calm down the police
3 officer and obviously Big Mike is bigger than me.

4 **Q** Let's just go back. I understand what you
5 are saying about seeing the shooting like that, but
6 when Big Mike's right hand or arm is being pulled
7 into the car, I don't know if you said that or not,
8 you said that the officer had his right hand with
9 his, the officer's left hand had Big Mike's right
10 arm?

11 **A** Correct.

12 **Q** Where is it, did you see it or not, where
13 his right, where Big Mike's right hand was?

14 **A** I didn't see Big Mike's right hand because
15 the officer had it, but it was up, so it may have
16 been times when the officer could have pulled his
17 right, because his left hand never removed off the
18 officer's car.

19 So there could have been times when
20 the officer pulled him, but like I said, because of
21 the position how Big Mike has on the officer,
22 officer never got out of the car, he is still
23 sitting down. He has a better way of pulling with
24 more force, so he is just pulling. I can see more
25 of the officer's arm out the window than his arm in

1 the window.

2 Q From your vantage point, you can tell if
3 Big Mike's hand ever went inside the officer's car?

4 A No, because at the point, I'm back and
5 forth, but when, I'll shoot, my eyes locked on the
6 officer.

7 Q So where was, where were the hands, I'm
8 interested in the hands and the arms?

9 A At that point when the officer said I'll
10 shoot, now is like Big Mike, this hand is not on the
11 car any more.

12 Q That's the left hand?

13 A The left arm is not on the car any more,
14 the officer still has the right arm, but he's not
15 inside the car. And when I look up and see the
16 officer, the officer has his gun pointed, his left
17 arm grabbed, he has his gun pointed aimed at Big
18 Mike.

19 In my mind it was probably aimed at
20 both of us, but I assumed he wasn't directly just
21 trying to go for Big Mike. He had his gun pointed
22 towards us. I'm still standing in the doorway and
23 at the time he said I'll shoot. He was going to say
24 it again, I'll shoot and almost, he didn't get to
25 finish his sentence, the gun went off.

1 **Q** At the time that the gun went off, where
2 were the hands of Big Mike?

3 **A** The left arm was down at his side. He was
4 standing straight up, I was standing right on the
5 side of him. The right arm was still up in the air
6 while the officer, but still pulling, but it is not
7 like he got any, pulling off the car, he is still
8 pulling the officer.

9 At this time, like I said, I see more
10 of the officer's arm outside the car than Big Mike's
11 arm inside the car, so he has a better position to
12 pull away from, the officer was sitting down.

13 **Q** Just so I understand with the officer's
14 left hand, he's pulling Big Mike's right arm into
15 the car and Mike's pulling away and the officer has
16 his gun in his right hand?

17 **A** Correct.

18 **Q** And he says, I'll shoot?

19 **A** Correct.

20 **Q** While this pulling is going on?

21 **A** Correct, yes, ma'am.

22 **Q** Okay. Go ahead, well, there is a
23 question?

24 Real quickly,

25 When the gun went off as soon as he said I'll

1 shoot, do you know if the gun was inside the car or
2 outside the car.

3 **A** The gun definitely was inside the car when
4 he fired the shot. How me and Big Mike was
5 standing, we were standing straight up, so we
6 definitely was outside the vehicle. The bullet came
7 outside the car and struck him. He was never inside
8 the car and got struck, he was outside the car when
9 the first shot went off. The officer was inside the
10 car, so the gun was inside the car, but when he shot
11 the gun, bullet traveled outside his car and struck
12 Big Mike in the chest, or I seen blood coming from.

13 **Q** (By Ms. Whirley) You are not sure where
14 the wound --

15 **A** It struck him, I definitely know that it
16 hit him, I saw the blood with the first shot.

17 **Q** Are you absolutely certain, I know you
18 talked about being in shock and that kind of thing,
19 this is very important, this jury is trying to get
20 this thing figured out.

21 Are you absolutely certain that you
22 did not see Big Mike's hands inside the officer's
23 car in a struggle with the officer?

24 **A** Now, his hand being inside the car, I
25 won't speculate on, like I said, there was times

1 where the officer had a good pull and his arm would
2 get in there, but majority of the time the officer
3 really didn't have that much power because of the
4 position that they both had. I'm not saying that he
5 was stronger than the officer, but because the
6 officer was sitting down in his car and Big Mike was
7 standing up and he had better, more strength in
8 pulling from the officer.

9 Q Right, can you go ahead?

10 A I never saw at no point in time Big Mike's
11 hand touch the gun or anything like that because of
12 the gun was already out drawn.

13 Q How about touching the officer?

14 A Now, touching the officer, now touching
15 the officer, maybe, because they're pulling each
16 other, but as far as striking the officer, or
17 physically striking the officer, no, I didn't see.

18 Q You didn't see him with a fist?

19 A No, ma'am, he never had his fist clenched
20 up like in a punching manner, so much as trying to
21 grab stuff and push himself off of.

22 Q Could it have happened and you missed it?

23 A Him striking the officer?

24 Q Right, some type of physical altercation
25 with the officer inside the car?

10 **A** Yes, ma'am, correct.

12 : . In
13 here, what we heard earlier, you said that you could
14 tell, you couldn't really see him, the officer, you
15 said you couldn't tell what color hair he had, you
16 couldn't see what kind of build he was, but because
17 of his arm, you could tell that he was a certain,
18 you could assume that he was a certain build. If
19 you couldn't see the officer inside the car, is it
20 possible that you couldn't have seen Big Mike's arm
21 go into the car as well.

22 **A** I was going to say on that, the way they
23 ask that question, they was basically asking for a
24 description on the officer. And I told them that
25 because I was in a state of shock, I couldn't give

6 **A** Yeah, I'm still standing right here, but
7 I'm not like, he's got blue eyes, brown eyes, no. I
8 step back, there is a gun pointed at you guys,
9 that's how I'm acting like at this point.

12 **A** How tall I am? 5'6" or 5'7".

14 **A** 123,125.

17 **A** Not in front, but on the right side.

19 **A** Yes, ma'am.

21 **A** I really couldn't, I didn't know how big
22 he was until I heard it.

24 **A** Yes, please.

25 : 285 pounds and 6'4".

1 He's a big, big guy.

2 **A** Yes.

3 With a big tummy.

4 **A** Yes, it wasn't so much his weight, he was
5 like big in bulk. He wasn't like blabby fat.

6 : I don't mean, big tummy,
7 or could be muscle whatever. You are a pretty small
8 guy, I am a small person too.

9 **A** Okay.

10 : If I am close to her and
11 she's fighting with them, and the other arm and I am
12 here and I have the side of the car, the head rest
13 on the seat, I don't know that I can see what
14 happened with the hand whether he touched the gun or
15 no. Describe the police or no. I don't see that
16 you can have as much vision as you say. I don't
17 think that you are lying, I think that you don't
18 have as much of a good vision as you say.

19 **A** Okay.

20 It is difficult for me to
21 understand that.

22 **A** And that's what I'm trying to make you
23 understand because of where I'm standing outside the
24 vehicle and how close I am to Big Mike and
25 everything that I saw, the officer never got Big

1 Mike inside the window. You have to think about
2 someone sitting down trying to pull in a 6'9", 285
3 pound person.

4 You're not going to have that much
5 ease with just, hey, get over here in this window.
6 No, he's big, he's standing up, and the officer's
7 gun is on his right side, I believe, because that's
8 where he draw from with his right arm. In order for
9 Big Mike to have touched the gun, it is almost like
10 his whole top half of his body had to be inside the
11 vehicle, and that never happened.

12 His arm, yes, but like I said, the
13 officer had it. It wasn't like his arm was in the
14 window free, the officer has his left arm on his
15 right arm, so if he made a grab and got that far
16 over there, it wasn't because --

17 So did you say he had the
18 right arm, not the left?

19 **A** Not the left, the left arm never went
20 towards the window whatsoever.

21 MS. ALIZADEH: Dorian, do you understand,
22 I don't know, I'm not a physics person or anything,
23 you know you kind of said to yourself that Mike
24 Brown was, Big Mike was in an advantageous position
25 and that he was standing on his feet outside the

1 vehicle.

2 **A** Correct.

3 MS. ALIZADEH: And the officer is seated
4 in his vehicle?

5 **A** Correct.

6 MS. ALIZADEH: Hard to figure out why he
7 couldn't break free if the officer has him just with
8 his left hand?

9 **A** Uh-huh.

10 MS. ALIZADEH: First of all, by the neck?

11 **A** Uh-huh.

12 MS. ALIZADEH: And then you said by his
13 shirt?

14 **A** Correct.

15 MS. ALIZADEH: You couldn't just, do you
16 understand it might be difficult to understand why
17 he couldn't just, just the sheer weight of him if he
18 had fallen over his shirt would have ripped.

19 **A** I understand that, that would almost be
20 believable if the officer was somebody of my size.
21 If the officer was a small person, Darren Wilson
22 didn't look small from his arm and from his, like I
23 said, I saw his top part. He never got out of the
24 car for me to see his full body size. I could tell
25 he wasn't a small officer. It wasn't like he could

1 be overtaken (sic) very easily.

2 Once you have a grasp on something, I
3 don't care if someone's really strong, if you have a
4 good grip on it, you can pretty much hold on to a
5 lot if someone's stronger than you, you can still
6 hold onto a lot. Not his flesh so much more, but
7 more his shirt. I'm not letting this shirt go sort
8 of thing.

9 MS. ALIZADEH: Just to clarify, you didn't
10 see him get out of the car, you saw him standing up
11 and fully out of the car later, correct?

12 **A** The police officer?

13 MS. ALIZADEH: Yeah, right.

14 **A** Yes, I did, correct.

15 MS. ALIZADEH: So how would you compare
16 him to how your build and height is? How tall did
17 you say you are?

18 **A** 5'6", 5'7", 123 pounds. He was bigger
19 than me.

20 MS. ALIZADEH: Okay.

21 **A** He wasn't so much bigger than me like Big
22 Mike, but he was bigger than me. You can tell he
23 was a full grown man, he was a grown man. He didn't
24 look like he was fat, he looked like he was a little
25 muscle, like a little training on him. He looked

1 like he was solid muscle also.

2 I didn't see where he was very weaker
3 than Big Mike, just so much as he had a bad position
4 sitting down not even getting out of the car, again,
5 to even confront. Just basically trying to, like he
6 was trying to pick up a kid or something like that.
7 It is still the whole ordeal more still looking like
8 chastisement from a father to a son type of deal.

9 MS. WHIRLEY: Number 1?

10 : Yeah, .
11 Just take a couple steps back, I'm trying to trace
12 how this began. Again, he puts it in reverse, what
13 did you say, from your point of view or perspective,
14 are you saying that Officer Darren is the aggressor
15 in this situation in regards to making that first
16 grab or whatever that is first?

17 **A** Correct, yes, I am. He was the aggressor
18 by initially just the way he reversed and opened his
19 door and the grab, it was overaggressive. I felt
20 like it wasn't needed.

21 If it was just regular backing up and
22 just gently getting out of his car, we had no reason
23 why we wasn't running no time before then, so we had
24 no reason to run from him if he would have did it
25 right if he was, you know, answering to a distress

1 call and he did catch us, or catch him. He would
2 have definitely locked both of us up at the time,
3 but like I said, he never said anything about the
4 store, he never got out of the car or anything like
5 that, it was all aggressive.

6 : Okay, thank you.

7 Q (By Ms. Whirley) Okay. So the first shot
8 goes off in the car while he has Big Mike's hand?

9 A Yes, ma'am.

10 MS. ALIZADEH: Right arm.

11 A At this time with the gun out, he don't
12 have much of the flesh so much as his shirt.

13 Q (By Ms. Whirley) Okay.

14 A A real tight grip on his shirt now.

15 Q Does he have on a long or short sleeve
16 shirt?

17 A Short sleeve shirt.

18 Q What about the police officer?

19 A The police officer, like I said, he had a
20 short sleeve shirt on, yes. I seen his arm, his
21 forearm, yeah, he had short sleeve shirt on.

22 Q So you told us the position of the hand
23 when the gun goes off the first shot inside the car,
24 he's in the car, the shot you said went out of the
25 car?

1 **A** Yes, ma'am.

2 **Q** Hit Big Mike and then what?

3 **A** When the first shot went off, we were so
4 close and ringing, I've been shot before so
5 instantly everything, emotions that I had, like I've
6 been shot three or four years ago, so everything is
7 still fresh. With guns, I really dislike them loud
8 bangs.

9 At the time and seeing the fire come
10 out of the gun and shot go off, when I see Big Mike,
11 I see the blood come down his, where the officer had
12 his right side. I'm on his right side, I see the
13 blood come down.

14 I never looked at myself because I
15 was so afraid I was like, oh, I saw him. My eyes
16 got big, he didn't say anything after that. He kind
17 of looked at my face and saw my eyes and at that
18 time, that was when the officer let go and we were
19 both able to run. That's when I turn and run. He
20 was right behind me.

21 **Q** Which way did you run on the map?

22 **A** After the first shot took off, we both ran
23 this way. (indicating)

24 **Q** Okay.

25 **A** Now, I was so in shock and so in fear, at

1 that time now I'm just, I'm really afraid, I'm
2 really afraid. I don't know if the officer's coming
3 towards Big Mike or just towards both of us. Right
4 now I'm just so afraid that the time I get past the
5 first vehicle, I was in front of Big Mike when we
6 was walking. When I took off running, I was still
7 in front of him.

8 When I got to the first vehicle,
9 which was like a Sunfire or gray Sunfire, so very
10 small vehicle. The officer was not yet out of his
11 car, he was still in his car because I was able to
12 run to the car and like stand, not squatting real
13 low, but I was standing behind the car, the Sunfire,
14 but I know he was able to still see the back of my
15 neck and hair and all of those things.

16 When Big Mike ran past me, he saw me,
17 he looked directly at me he said, keep running, Bro.
18 And at that time is when I kind of hear the door
19 opening, I figure the officer is getting out of his
20 car now, but before then, like I said, the officer
21 was still in his car, I was able to run, squat
22 behind the first car.

23 Big Mike ran, he was right behind me.
24 He looked directly in my eyes and said, keep
25 running, Bro. That's when I knew that I was still

1 in plain sight. Now, the tension of me, I'm so
2 afraid that I can't move any more, so I'm just
3 standing there behind the first car now.

4 There is people in this car. Now
5 there is people coming outside the house because
6 they heard the first shot, there is not that many
7 people. As Big Mike run past me and sees me, he
8 keeps going. He makes it past the second car, once
9 he gets to the second car, I can feel, I'm not
10 looking around me because I'm so scared. I'm just
11 standing there and I can feel someone approaching,
12 so I kind of give a glance over to my right and it
13 is the officer now, he's walking, he's walking, but
14 he is kind of fast walking. He's not running or
15 anything like that, but he has his weapon drawn.

16 **Q** Just like you are doing now?

17 **A** Yes, in this manner, his weapon is drawn
18 and he's walking in at fast manner. He's not saying
19 anything, he's not saying freeze, he's not saying
20 anything at this time while still just
21 concentrating, he is walking.

22 As I see him, I'm in plain sight, Big
23 Mike was able to see me. He ran past me, keep
24 running. I'm so scared, I cannot move my feet.

25 And I watch the officer walk past, he

1 never even looked at me. He just kept walking past
2 and I'm watching him and I'm in awe. I'm like okay,
3 is he looking for us or is he going after him, but
4 everything is in my head is just racing real fast
5 because of the gunshot and I'm hyperventilating, my
6 heart is pounding.

7 After he walked past me, I kind of
8 stand up more. I'm trying to ask the people in the
9 first car, could I please just let me in the
10 vehicle, I stay in the same complex. You can just
11 drop me off. They said no, and they pulled off on
12 the sidewalk.

13 Q Where did they pull to?

14 A The first car? They didn't drive through
15 the driveway, they pulled on the sidewalk to drive
16 past the police officer. Once they pulled off, I
17 was even more visible now. I'm standing straight,
18 the officer's back is towards me, Big Mike's back is
19 towards me and the officer because he is running
20 away.

21 I'm watching the officer, he's
22 walking and Big Mike gets past the third car, the
23 final car before the second shot was fired. It was
24 the second shot fired, pow, the officer shot. I
25 don't know if it hit, I wasn't that close to see

1 that it struck Big Mike, but the manner that he
2 jerked and just stopped in his track, I sense that
3 he was hit again.

4 The first time I definitely knew, I
5 definitely saw him get shot the first time, he had
6 been struck one time already.

7 The second time he shot, I didn't
8 know if it hit him or not, but he kind of jerked and
9 that's when he stopped running. He just kind of
10 stopped and turned around at the officer. And now
11 he's face-to-face with the officer, but not so
12 close.

13 Now, Big Mike is probably, he's not
14 fully at the driveway, but he gets probably to the
15 curb of the driveway when the second shot, and now
16 at the second shot, the officer, I'll just put DW,
17 he's passing the third vehicle.

18 **Q** Where are you?

19 **A** At this time I'm still right here.

20 **Q** You are at the second vehicle?

21 **A** Yes, but I'm more over to the side now
22 because like I said, I was trying to talk to the
23 people in the front car. I was on the side of their
24 car when I was trying to talk to them.

25 After they pulled off, I had to stand

1 up and I was still in shock and now I'm just
2 watching the officer, you know, pace towards Big
3 Mike. I see him fire the second shot, I see Big
4 Mike turn around and face the officer. And now the
5 officer is past the last car and Big Mike is off the
6 sidewalk now more in the street.

7 Q What is Big Mike doing?

8 A At that time Big Mike's hands was up, but
9 not so much up in the air because he had been struck
10 already in this region somewhere on this. It was
11 like this hands is up and this hand is kind of like
12 down sort of.

13 Q His hands were nowhere near his waist?

14 A No, his hands never went down towards his
15 waistline or anything, like he didn't have a belt on
16 or anything.

17 Q Was he sagging, was his pants sagging or
18 you say he wasn't wearing a belt?

19 A Yeah, at that time he didn't look like he
20 was sagging.

21 Q That's okay if he was, I'm trying to get
22 the picture.

23 A At that time I wasn't looking for, I was
24 looking more at him and the officer because how he
25 stopped, I felt like he was shot again, so now I'm

1 really fearing like, wow, he's been shot twice. Not
2 knowing for sure he has been shot twice, definitely
3 know he has been shot one.

4 **Q** Okay. The reason why I am asking you
5 about the sagging, we probably all know the kind of,
6 you know, how young folks do it.

7 **A** Yeah.

8 **Q** A lot of times when they are sagging,
9 their pants are down so low that you can actually
10 see the waist area.

11 **A** Right.

12 **Q** That's what I'm asking, was he sagging or
13 do you recall?

14 **A** No.

15 **Q** Was not, but no belt?

16 **A** No belt on.

17 **Q** Did he have a weapon that day?

18 **A** No, ma'am.

19 **Q** Did you?

20 **A** No, ma'am, none whatsoever, anything like
21 that.

22 **Q** All right. He turns around, show us again
23 how his hands were?

24 **A** His hands, this one is higher, this hand
25 is higher, this one is, like I said, he was

1 definitely struck with the first shot. So I could
2 tell he was injured because this hand was a little
3 lower than this hand. As I'm looking at him, he
4 said I'm, he didn't say I'm unarmed per se, he said
5 I don't have a gun, but he's still mad, he still has
6 his angry face. I don't have a gun.

7 And he goes, he never started running
8 because, you know, he's hit, but sort of, I don't
9 have a gun. And before he can say the second
10 sentence or before he can even get it out, that's
11 when the several more shots came.

12 Q How close would you say the officer was to
13 Big Mike when Big Mike is saying to him, I don't
14 have a gun. Like can you kind of show us?

15 A I can't be definite on feet.

16 Q Big Mike is somewhere here, and the
17 officer is here?

18 A Yes. He's not on the sidewalk no more,
19 he's on the street level now and the officer has,
20 he's not so close to the third car, but he's like,
21 he's not on the sidewalk on the other side, he's
22 closer to the other side of the street, the opposite
23 side of Big Mike.

24 Q You are where?

25 A I'm still standing right in plain sight

1 standing on the side.

2 Q You can hear him say I don't have a gun?

3 A I can see him start to say something.

4 Q What did you hear him say, if anything?

5 A I heard him start to say I don't have, but
6 you know, in my state of mind in my shock, I'm
7 bouncing in and out. Time, in my mind slowed down
8 and everything, I can see what is going on.

9 Q Let me just make sure I understand because
10 this is important. Does he actually say, did you
11 actually hear him say, I don't have a gun or this is
12 what you are thinking he's trying to say?

13 A No, the first statement was I don't have a
14 gun.

15 Q You heard him say that?

16 A Yes, I don't have a gun.

17 Q Okay.

18 A The second statement he was starting to
19 say I, you know, he couldn't get the full sentence
20 out before the rest of the shots hit his body. And
21 I stood and watched face-to-face as every shot was
22 fired and as his body went down and his body never.
23 His body kind of just went down and fell, you know,
24 like a step, you know what I'm saying? Like a step,
25 his body just kind of collapsed down and he just

1 fell.

2 **Q** Was he walking towards the officer as he
3 was collapsing?

4 **A** He couldn't get a step off like. When he
5 was giving his second sentence, what he was going to
6 say, it was like he was going to step close to the
7 officer, but like I said, before he could even get
8 that sentence out, the rest of the shots was hitting
9 him and he was going down.

10 **Q** And was shots being fired as he was going
11 down?

12 **A** Shots was definitely fired while he was
13 going down. The last shot he fired he was so close
14 to the ground, it looked like to me he was already
15 on the ground. His knees were, he was going down,
16 he was already down before the last shot came.

17 **Q** So he never like got on his knees, he was
18 just falling down?

19 **A** He was falling. I can almost feel the
20 shots because like I said, I've been shot before.
21 I'm so face-to-face with him being shot, I'm seeing
22 his eyes blink and all of these different. It is
23 making me relive the pain of coming through because
24 I've only been shot one time.

25 I can see how many shots this officer

1 is firing, it is sickening to my stomach, I'm almost
2 bursting in tears right there. I threw up a little
3 in my mouth initially. I got in my head that he's
4 dead. When I see his body hit the ground, in my
5 head I say he's dead.

6 At that time while he's on the
7 ground, the officer is standing there, he doesn't
8 look around like he's looking for me or anything
9 like that, I'm still in plain sight. I never went
10 anywhere until it clicked back to me that he may
11 could be looking for you too.

12 Again, at that time, that's more fear
13 for my life. I just seen him gun down and kill
14 someone I was just walking with my friend Big Mike,
15 I see that, I see with my eyes he killed him. Now
16 in my head I'm wondering what is he going to do with
17 me.

18 Q Let me ask you this. When he stopped
19 shooting, what did he do, the officer?

20 A When he stopped shooting, the officer, he
21 just kind of stood there.

22 Q Did he go check for, check his pulse?

23 A No, ma'am.

24 Q Did he check to see if there was a weapon
25 anywhere?

1 **A** No, ma'am.

2 **Q** What do you mean he just stood there?

3 **A** After giving the final shots, the rippling
4 shots because there is only one rippling shots.
5 Boom, boom, boom, boom, boom, he kind of stood
6 there. And at that time I see him, and I see Big
7 Mike on the ground, he's not moving, breathing or
8 anything like that. I see the officer kind of just
9 standing there, it wasn't for like a full two
10 seconds when I took off running, I just --

11 **Q** So you didn't see the officer when he went
12 back to his car or when he left the scene or
13 anything like that?

14 **A** No, I didn't see him go back to his car or
15 anything when I took off running. My building is
16 right here, I was so afraid for my life that I
17 didn't want to go to any other direction, so I took
18 this direction all the way, all the way around. I
19 went the longest way around to my house.

20 Now, when I got into my apartment, I
21 wasn't there for a minute or two, my girlfriend is
22 there, I'm hyperventilating, I'm still throwing up,
23 I have been throwing up since I started running.
24 I've been throwing up all the way along the run.

25 When I got there, she's trying to

1 calm me down, but I'm telling her, I'm trying to
2 tell her what just happened, but I'm so, I mean, I'm
3 hyperventilating so much that I can't really tell
4 her, and now I want to see did it really just
5 happen, did he just die, was he just injured, did
6 that just happened. So not a full two minutes --

7 MS. ALIZADEH: Excuse me, Dorian, do you
8 mind because we have been going now almost two hours
9 and the court reporter because his hands need a
10 break.

11 A Okay.

12 MS. ALIZADEH: Can we take, because we
13 still have a bit for you to do and if you need a
14 break or restroom break, we'll walk you out here in
15 a minute. Is that all right if we take like a five
16 minute break so that the court courter can stretch
17 his hands. You all can take a five minute break if
18 you like.

19 (Recess)

20 Q (By Ms. Whirley) Okay. Dorian, you were
21 telling us about, I think where we left off Mike
22 Brown or Big Mike had fell down.

23 MS. ALIZADEH: Actually, Sheila, we had
24 gotten to the point where he was back in his
25 apartment and was now saying you were going to go

1 out again that's kind of where.

2 **A** Correct.

3 MS. WHIRLEY: Thank you, Kathi. So go
4 ahead and finish.

5 **A** Like I said, when I had got back to my
6 apartment, hyperventilating, still trying to figure
7 out. At the scene, I kind of pretty much assumed
8 that he's dead. But when I ran to my apartment and
9 I was able to kind of get it together, it wasn't a
10 minute or two minutes, I came back out to check to
11 see if he's all right, is he moving or, you know,
12 did he really get killed.

13 When I came back out to the street,
14 you can see where my apartment is, how close the
15 street is. When I came back out, I came back
16 straight away. Came back straight away, I got to
17 about right here and I could still see that Big Mike
18 was still laying in the street in the same position
19 he was when he had got shot. But I did not see the
20 officer any more, I saw his cruiser, his car was
21 still there, it didn't look like he was inside the
22 car.

23 I continued to walk along because now
24 there is a lot of people outside right now. At this
25 time when coming back now, there is a lot of people,

1 but I did not see the officer any more, I did not
2 see any officers on the scene.

3 Q (By Ms. Whirley) That is what my question
4 was, so there is no police officers on the scene at
5 this time when you walk back?

6 A No, ma'am.

7 Q So there is no tape of anything?

8 A No tape, nothing right at the moment. At
9 the moment of me coming back, there was just Big
10 Mike laying in the street, his car was still there,
11 but Darren Wilson himself was not present any more,
12 there was a bunch of other people congregating
13 outside.

14 Q People from the neighborhood?

15 A Yes.

16 Q What did you do then?

17 MS. ALIZADEH: Can I ask a real quick
18 question? When you were in the house, when you went
19 back to your apartment.

20 A Yes, ma'am.

21 MS. ALIZADEH: Did you change clothes
22 then?

23 A Yes, ma'am. When I got into the
24 apartment, that's when I had changed my clothes.
25 I'm sorry, thank you for bringing that up. Yes, I

1 had changed my clothes in fear that he would see me
2 when I came out, but I definitely had to come back
3 out to see was he dead or not. I wasn't doing it, I
4 was still in fear of my life. So I just changed,
5 really didn't change that much I just put on
6 different bottoms and tank top.

7 **Q** (By Ms. Whirley) How long were you in the
8 house?

9 **A** Not even two, five, three minutes.

10 **Q** You didn't shower?

11 **A** I didn't shower or anything, I just
12 changed my bottoms and put on a tank top.

13 MS. WHIRLEY: Okay. You had a question?

14 : You
15 changed because you were afraid that the police
16 would recognize you?

17 **A** Correct, yes, ma'am.

18 When you came
19 back around and you were taking a peek at the scene,
20 did you notice whether the other two cars that were
21 in the traffic stop, were they still there?

22 **A** No. When I came back on the scene, the
23 rest of the cars, the two cars, they had already
24 pulled off, I'm assuming they pulled off. The car
25 was still right there. They had to pull through the

1 driveway or pull off like the first car just drive
2 on the sidewalk.

3 **Q** (By Ms. Whirley) So the road was open
4 between Michael Brown and the police cruiser, nobody
5 else on the road?

6 **A** Correct, yes, sir.

7 : At any
8 time from the first time the officer approached you
9 and Mr. Brown to the time of his death, did he ever
10 call for help?

11 **A** No, ma'am, the officer never got on his
12 dispatcher or anything like that. He never even
13 seemed like he really needed any help. We wasn't
14 threatening his life in a threatening manner. I
15 definitely wasn't doing anything like assisting Big
16 Mike in pulling him away. It was more so just him
17 and Big Mike, I didn't see him needing any help.

18 : . You said
19 that you had crouched down behind that first
20 vehicle?

21 **A** Yes, ma'am.

22 : You described a Toyota,
23 are you speaking of a two door Toyota?

24 **A** Yes, ma'am.

25 Or a Pontiac Sunfire; is

1 that correct?

2 **A** Yes, ma'am.

3 Can you tell me were you
4 down on your knees like this, both knees, one knee
5 down like this or what?

6 **A** Yes, ma'am. I never got down on my knees
7 so much as crouch down slightly, just a little. I
8 played football in school, so I got a good crouch.
9 I was just basically standing there. I'm behind the
10 car, but I know that I'm not low enough because the
11 car is so small I didn't really want to get down on
12 the ground. I was just really trying to stoop.

13 But once Big Mike looked me in my
14 face as he is going by and says, hey, keep running,
15 Bro. At that moment I knew this is not a good place
16 to be, but I could not move because of fear and
17 shock that I was. My mind was like go, run, go, but
18 I was just like, uh, I couldn't move at the time.

19 : Is there any reason why
20 you didn't want to get on the ground, you said
21 somebody is shooting at you?

22 **A** Like I said, I'm so much in shock that
23 I've been shot before and the time that I have been
24 shot, I just kept running. I got hit running, so I
25 figure if I'm going to get hit, I'm going to get

1 shot, it might as well be trying to get away instead
2 of laying there basically waiting for it to happen.

3 : Your back is
4 to the car?

5 **A** Yes, ma'am.

6 : Your back is to the
7 action so to speak?

8 **A** No, my back was to the car. At that time
9 when Big Mike passed me, he passed in front of me.
10 He past in front of me and he was still going and
11 now at that time my back is towards the officer in
12 the vehicle.

13 : Okay.

14 **A** Big Mike ran past me.

15 : You can see Big Mike?

16 **A** Yeah.

17 Your back is to the
18 officer and the officer's car?

19 **A** Correct.

20 MS. WHIRLEY: ?

21 : . So we
22 appreciate hearing your perspective and you are
23 obviously very much involved in this. From your
24 point of view, from your perspective, if you had to
25 say, you know, what caused Officer Darren Wilson to

1 fire all of these shots as you are pursuing Mike
2 Brown, what would you say is the cause of that?
3 Kind of from what you've seen and everything that
4 happened, why would you say he was pursuing him?

5 **A** You are saying why didn't he fire the
6 shots from the beginning or from the last couple
7 shots?

8 : He is out of the vehicle
9 and he is pursuing as Mike is running, why would you
10 say, do you have any suspicion?

11 **A** I saw no reason possible for him to
12 actually fire the weapon now. If he would just pull
13 it out to threaten him to stop running, I could see
14 him doing that, but I still didn't understand why he
15 pulled a gun out to threaten somebody to stop him,
16 but like I said, I didn't see no reason for him to
17 fire the shots. The first one or the rest of the
18 ones afterwards.

19 : Thank you.

20 So you
21 mentioned that he never said stop or halt when Big
22 Mike was running?

23 **A** Correct, yes, sir.

24 : So I guess the point where
25 he fired the one shot and he turned around?

1 **A** Yes.

2 : Leading up to that, you
3 never heard stop, get on the ground?

4 **A** No, sir and like I said, I was still on
5 the scene to the point where I could, I was still
6 right in the area and the only thing that I heard
7 was Big Mike tell me to keep running. After that
8 there was no more words said by anybody, it was just
9 shots fired.

10 : . I have a
11 question. You said after the first shot, your ears
12 were ringing?

13 **A** Yes.

14 : I've been in close range
15 with a loud noise, I know it can take a while for
16 your hearing to fully restore where it is like
17 cotton or ear plugs, how well did you actually hear
18 Michael Brown say, keep running, Bro, or was it
19 really muffled to you. I guess where I'm going with
20 this, if you really couldn't hear that well, were
21 you able to hear the officer clearly if he was
22 saying anything?

23 **A** Right, and I understand that. Prior to
24 the first shot firing off and I got to the car, I
25 guess the ring, like I said, I've been shot at

1 before, I've been shot once before, but I've been
2 shot at in crazy situations, walking home from
3 school and all.

4 So the ringing affect from gunfire,
5 it really didn't drown out everything because my
6 adrenaline was pumping so hard, my mind is going so
7 many different ways, like survival mode I should
8 say. So once he says something, I can definitely
9 hear, I'm like I'm locked in on him and the police
10 officer, Big Mike and the police officer.

11 So once he runs by me and says, keep
12 running, Bro, it is almost clear as us having a
13 conversation.

14 As the police officer is walking by,
15 he's not saying anything so much as focusing on
16 where he's going because he never once glanced over
17 at me like Big Mike did. Big Mike actually turned
18 his head and looked at me and kept running. The
19 officer walked past me and now that I'm not, I'm not
20 crouched down lower than I was when Big Mike saw me,
21 I'm still, is the officer going to see me or what is
22 he going to do because I know he can see me. What
23 is he going to say. He never said anything, never
24 look towards me, he just kept walking past me.

25 Q (By Ms. Whirley) So when you go back to

1 the scene to verify that what you thought happened
2 did indeed happen, what did you do then when you see
3 him laying, and there is no police there, what do
4 you do?

5 **A** At that time I kind of stood back into the
6 crowd of people that is starting to come out now
7 because at that time now, police officer was coming.
8 At that time it wasn't Darren Wilson who came back,
9 it was some other officer.

10 He initially started putting up the
11 tape around the area. At that time it was, he was
12 by himself.

13 So the family and people, I could
14 tell it was his family. They were trying to get
15 information from that officer who had just got on
16 the scene, so he really didn't know anything that
17 happened. So he's basically telling them to get
18 back, get back, move away and move away. I'm just
19 standing there like if this is his family and all
20 they want to know is why their son is laying in the
21 street uncovered. He wasn't covered at that time.

22 Everyone is taking pictures of him
23 and stuff like that, he's not covered, he's bleeding
24 everything, he's out in the open. The parents want
25 to know why, they're asking this officer who is on

1 the scene caution up, he's not telling them
2 anything, he has no information. Darren Wilson
3 wasn't there to tell him anything, you know, he was
4 gone.

5 His car was still there, they
6 actually had to take some caution tape over his car
7 because they left it there at that time so his car
8 was still there. It was cautioned off, but when I
9 saw that they were not giving, you know, the parents
10 what happened or anything like that and I was kind
11 of waiting to see if they were, if anybody were
12 going to come out to speak to them and say anything,
13 no one said anything.

14 Q Did you make contact with the police to
15 let them know what was going on?

16 A At that time I was real fearful, I was
17 more scared of police. I should say I didn't want
18 them to know when I ran the first time, everyone was
19 saying well, there was somebody with him, he ran so
20 fast we couldn't tell who it was, that's how fast I
21 was running. Even people who see me every day in my
22 complex didn't know it was me running.

23 Q Who was the first person that you talked
24 to about what happened?

25 A I had, I went to his grandmother's house.

1 She had just got out of the hospital and stuff. She
2 is staying in Northwinds, when I see his uncle and
3 all of them standing right there, I immediately all
4 right, they are not going to tell these people
5 anything, I have to tell their family. I was with
6 him last, I saw what happened. So I went to his
7 family only where he was living at.

8 Q His grandmother's house?

9 A His grandmother's house.

10 Q Did you actually talk to his grandmother?

11 A Yes, I talked to his grandmother.

12 Q What did you tell her?

13 A I told her exactly what happened. From
14 the start of the morning all the way to the store
15 incident.

16 Q What you told us here today?

17 A Yes, exactly.

18 Q So you went through the whole thing with
19 the grandmother?

20 A I told the grandmother, yes, ma'am,
21 grandmother, I think, I don't know if his auntie or
22 uncle was there, but it was definitely the immediate
23 family who lived there.

24 Q You told them?

25 A I told them.

1 **Q** Okay. Did anybody talk about calling the
2 police?

3 **A** They actually wanted me to walk down, that
4 was my first interview. I don't know if it was Fox
5 2 or anything like that, the first statement that
6 I've given. And that was the reason I gave it
7 because the family they asked me if I could do it
8 for them because they wanted to get it out
9 immediately. Their words, so it wouldn't be covered
10 up or misconstrued or any type of way. They wanted
11 me to get it out there quickly.

12 Even at that time now, it's a lot,
13 there is a strong police for now, there is a lot of
14 police officers, detectives out there. While I'm
15 talking to the camera, I'm talking to the camera
16 crew right here in this area where the cameras are
17 located at.

18 They taped off pretty much this area.
19 They taped off so all of that was taped off, nobody
20 could come through here or there or anybody like
21 that, it was taped off. Police force strong right
22 here and they are walking around, but I'm right here
23 talking to the camera. The first interview, I'm
24 talking to the camera, I'm talking to the uncles and
25 they are standing right there. At no time no police

1 officers came or looked for me or even was saying
2 they were looking for me.

3 Q You talking about that particular day?

4 A Yeah, that day.

5 Q So you didn't talk to the police, you were
6 so fearful?

7 A I was so afraid. I didn't know what was
8 going to happen to me. I basically just didn't,
9 really I didn't feel comfortable with Ferguson at
10 the time. That was really who was out there at that
11 time, there was a lot of Ferguson police officers
12 and I just felt like, you know what, I don't need to
13 be seen right now. I don't want to be detained in
14 any type of way, you know. It was just a lot at the
15 time and I was just in the crowd.

16 Even so, no one was asking for me or
17 looking for me really, they was just trying to
18 patrol the area what was going on.

19 Q Did you learn a day or two afterwards that
20 the police were wanting to get your statement?

21 A I didn't, a couple, three or four days, it
22 wasn't until I had my lawyer, that really was what
23 my concern was, I wait until I got a lawyer so that
24 I can, if they were looking for me, they wanted me.
25 I can go to my lawyer, here is what happen. I have

1 a lawyer right here that will represent me and stuff
2 like that.

3 At the time I didn't have nobody
4 representing me, I didn't have no one even caring if
5 it was me there or not.

6 Q Like the next day, did anybody tell you
7 that the police came to

8 A

9 Q looking for you to get a statement?

10 A I was actually there. No one came, I was
11 there in my apartment that day, no one came, knocked
12 on the door.

13 Q Not on the 11th, nobody came?

14 A Probably so because I don't know if I was
15 going to stay there on the 11th. When I came out,
16 the next day after this on the 10th, people thought
17 I was dead. Because they said that they found a
18 body, that is what happened, they found a body
19 behind Dominoes. The media, it was out of control,
20 people thought it was me.

21 When I came out of my apartment,
22 people crying and oh, they killed him too and all of
23 that. When some people saw me, like a neighbor saw
24 me, he was like, oh man, they are saying you're
25 dead. They said they found some body behind the

1 pizza place, you need to get out of here, it is
2 crazy.

3 So at that time my fear grew, not of
4 just me, for my daughter and my girlfriend.

5 Q Did your girlfriend tell you that the
6 police were looking for you to get a statement?

7 A She didn't see the police.

8 Q The police didn't make contact with your
9 girlfriend to your knowledge?

10 A Not with her or me.

11 Q So when did you first talk to the police?

12 A The first police that I did talk to was
13 the FBI and St. Louis County, and that was four days
14 prior to them releasing the video, so four days
15 before that, I had my talk with the FBI.

16 Q So that would have been the 13th of August
17 probably?

18 A Yeah, the 13th.

19 Q Okay. And so, even though the county
20 police, you know, the county police had taken over
21 the investigation?

22 A Well, I was out there long enough to see
23 the county actually come in and Ferguson leave, I
24 saw all of that.

25 Q Okay. And the county police were trying

1 to get you to get a statement, but you just weren't
2 aware of that?

3 **A** At the time, no, I wasn't aware of that,
4 that the county was looking for me or they wanted me
5 for questioning or anything like that.

6 MS. ALIZADEH: Can I ask a question?
7 Dorian, I know you talked about when you, you were
8 right by the police vehicle and you see these three
9 cars come up?

10 **A** Yes, ma'am.

11 MS. ALIZADEH: Did you notice were any
12 cars coming from that direction?

13 **A** At that time, actually, through the
14 incident, no cars were coming in that direction.
15 There was no one trying to get over even though I
16 could see the police squad car is on the opposite
17 side of the line as well, but no one came. There
18 was no one held up that way.

19 MS. ALIZADEH: When you ran after the
20 police officer shot Mike and you ran away, you ran
21 kind of around, did you run around the police car,
22 is that the line you drew?

23 **A** That the tape, that's me here and that's
24 run all the way around.

25 MS. ALIZADEH: So when you ran in this

1 direction, did you say anything to anybody?

2 **A** Oh, no.

3 MS. ALIZADEH: Did you say anything?

4 **A** I didn't say anything, I was just running.

5 MS. ALIZADEH: You didn't say they killed
6 my friend.

7 **A** It did come out, but I didn't get it out
8 loud where someone would have heard it, I was just,
9 killed my friend. You know, I was still
10 hyperventilating, but it didn't come out a clear
11 sentence to where somebody standing there would have
12 heard it.

13 MS. ALIZADEH: You didn't see whether
14 there were any cars right there that would have seen
15 any of this?

16 **A** Oh definitely, the three cars.

17 MS. ALIZADEH: No, no, no, I'm sorry, on
18 the other side of the police car?

19 **A** No, when I was running, I wasn't looking,
20 I looked at the officer, I seen that he was still
21 standing there, and that's when trying to figure out
22 something in his head, let me run and I just ran. I
23 just kept running.

24 MS. ALIZADEH: Okay.

25 : : I have a

1 question for you. You talked about Michael Brown
2 said something, exchange words with the officer
3 during the tug of war at the car, you heard him say
4 something. And you heard him say something towards
5 the end right before he was killed, you didn't hear
6 the officer say anything during that tug of war or
7 anything during that entire time that he was coming
8 down the street.

9 **A** I didn't hear him, no, when he was coming
10 down the street after he got out of the car he said
11 nothing, I didn't see his mouth move. I was there
12 looking at him, his mouth wasn't moving, he didn't
13 say freeze or anything like that before he fired the
14 second shot, which made him stop.

15 And the car, because of the, I'm not
16 used to seeing, I see police officers get into it
17 with people before, I'm not use in that manner
18 sitting in his car, tug of war and all of that, I'm
19 not used to seeing it like that.

20 I'm not focused so much on what they
21 said, so much as saying who was going to calm down,
22 who was going to give in to the words because that
23 is all it was at the car was just words. There was
24 no physical altercation really as much as the
25 pulling of the arm, but so much as words being said

1 in a very aggressive manner.

2 Nothing like, no threatening manner
3 like I'll kill you, or let me go or I'll punch you.
4 Let me the F go, get the F off of me, and what the
5 officer said, I couldn't really make what he was
6 saying, I heard him cussing also, he had a very
7 angry face.

8 : Once he exited the car,
9 you didn't hear the officer say anything?

10 **A** Once he got out of the car after the shot
11 was fired, he didn't instantly get out of the car
12 when we ran, it took him like a minute maybe, or
13 some seconds to get out of the car, that's how I was
14 able to get to where I was able to position myself.

15 I didn't hear the door open until
16 after Big Mike was passing me telling me to keep
17 running. I hear the door and now, I didn't look
18 back at the time, so I'm not really sure if it was
19 his door or the people's door whose car I'm hiding
20 behind, but I hear a door open and slam. And almost
21 seconds later, I see the officer walking past me, so
22 I kind of figure he was getting out of his car at
23 that time.

24 MS. ALIZADEH: Dorian, you said it took
25 almost a minute for him to get out of the car?

1 **A** I wouldn't want to --

2 MS. ALIZADEH: I'm not pinning you to
3 that.

4 **A** It is almost like it was a pause before he
5 got out of the car.

6 MS. ALIZADEH: Okay. Now, you said
7 earlier that he never radioed for help, is it
8 possible while he was in the car, that's what he was
9 doing?

10 **A** It is possible that little split second of
11 him not instantly getting out of the car he was
12 radioing for backup.

13 MS. ALIZADEH: You don't know why the
14 delay in getting out of the car or if he was calling
15 for help, you don't know?'

16 **Q** (By Ms. Whirley) And just to be clear,
17 between the time that you started, your day with Big
18 Mike at seven-ish and/or up to the time of the
19 shooting, 12-ish or so, you guys never did get a
20 chance to smoke the weed?

21 **A** We never got a chance to do anything. We
22 never got a chance to make it back to the house.

23 MS. ALIZADEH: Were you two ever apart
24 during that day, like where he could have been doing
25 something that you weren't there to witness?

5 **A** From the time I saw him, we was together
6 from seven all the way to him dying.

8 : . You
9 said several times that the police officer didn't
10 say stop or freeze or halt or whatever, but he did
11 say twice I'll shoot, I'll shoot you.

15 The first time he said
16 I'll shoot, his gun went off and the second time the
17 officer pulled his weapon out and said the second
18 time I'll shoot you. What did you think that meant,
19 did you not think that meant to stop?

21 I'll shoot you, when a
22 cop says, police officer.

25 : Okay.

1 **A** That means get out of the way, either get
2 out of the way or protect ourself because, you know,
3 if he really wanted to stop. They have a lot of
4 phrases that they teach the first day at the academy
5 halt, freeze.

6 I'm sure like you go through some
7 type of simulation to where any, you know, any
8 altercation they have they might already been
9 through a simulation or something like that in
10 training to where he knows how you are supposed to
11 handle a situation as opposed to just pulling his
12 gun on people who doesn't have guns drawn on him,
13 who don't have weapons drawn down on him.

14 I'm not saying anything at all, he's
15 not, he's yelling, but he's not making any
16 threatening remarks towards the officer, so there
17 was no need for him to draw his gun in the first
18 manner, and that's what it really became. Oh, let
19 me get away because now it is starting to get out of
20 hand either furthermore the argument. And that was
21 in itself and I see that you could of, I'm not going
22 to say what he should of did or could have did
23 because he's a police officer, what I do I'm a
24 civilian.

25 All I'm saying is the gun definitely

1 was, it was out of order. Could have been a taser,
2 anything that made someone stop. The taser make me
3 stop, anything less lethal than a gun. He could
4 have pulled out the billy club to show he was going
5 to use force if we didn't stop.

6 : Then
7 you see they were the police say I shoot, you don't
8 need to stop?

9 **A** If you're not doing anything wrong.
10 If you are running, you
11 continue running when the police say I shoot?

12 **A** We wasn't running at the time, we was just
13 standing there. If we had been running he said I'll
14 shoot, oh, yeah, I'll stop. I don't want to get
15 shot. We are standing still and someone draws a gun
16 on you.

17 : What did he say the
18 second time, I shoot?

19 **A** Second time was not running, we was still
20 standing at the car. He said it first, he said I'll
21 shoot, and when he said it the first time, he's just
22 aiming at us, he's not, you know, out of his car, we
23 are still standing right there. The second time he
24 begins to say it, but he doesn't even finish it when
25 the gun goes off, when his gun goes off.

5 MS. WHIRLEY: Why do you need a lawyer,
6 why do you think you need a lawyer?

15 I would love to have a representative
16 on the side of me that he takes my story and says it
17 in a way that you'll understand it in dialogue that
18 you will understand.

23 :

25 And I don't have money to

1 hire a lawyer if I need it.

2 **A** I definitely don't either. It is a
3 blessing to get to that age, I pray we all get to
4 that age.

5 MS. ALIZADEH: So Dorian, let me clarify
6 this to make sure. You are saying the officer fired
7 one shot while he was inside the vehicle?

8 **A** Correct.

9 MS. ALIZADEH: And his gun was still
10 inside the vehicle?

11 **A** Correct.

12 MS. ALIZADEH: And no part of Mike Brown's
13 body at that point was inside the vehicle?

14 **A** Correct.

15 MS. ALIZADEH: And that's the only shot
16 you heard at the car, correct, the only shot that
17 was fired at the car?

18 **A** Correct, yes, ma'am.

19 MS. ALIZADEH: And then as Mike Brown ran
20 away, the officer once he is going toward Mike
21 Brown, he fired one shot?

22 **A** Yes, ma'am.

23 MS. ALIZADEH: And you believe that that
24 hit Mike Brown at that point?

25 **A** Yes, ma'am.

1 MS. ALIZADEH: While Mike Brown is running
2 away?

3 A Yes. His back is facing me and the
4 officer, Big Mike is ahead of us now. So he's the
5 farthest one, the officer is behind him and I'm
6 behind the officer, but basically Big Mike's back is
7 facing both of us.

8 MS. ALIZADEH: Now, Mike is running, I
9 guess, at this point, right?

10 A Yes, ma'am.

11 MS. ALIZADEH: Can you just stand up for
12 me and show me what position Mike's body was in when
13 you believe the officer shot him?

14 A The second time?

15 MS. ALIZADEH: Yes, from behind as he was
16 running away.

17 A As he's running away, he's running with
18 his arms down. Once the second shot fired off, I
19 see his body do like a jerking movement, not to
20 where it looked like he got hit in his back, but I
21 knew, it maybe could have grazed him, but he
22 definitely made a jerking movement. He didn't take
23 a step after that, his next steps was turn around
24 after the second shot.

25 MS. ALIZADEH: Okay. So when he made that

1 jerking movement and you are assuming that he had
2 been hit by a bullet?

3 **A** The second time. He was already struck
4 the first time for sure with my eyes I saw blood
5 come from his shirt.

6 **Q** Right. I'm talking about when you say you
7 saw him do kind of a jerk?

8 **A** That would have been the second time he
9 was hit.

10 MS. ALIZADEH: Okay. When you say you saw
11 that happen, at that point his arms are not up,
12 raised up, correct?

13 **A** Not when his back is facing, none
14 whatsoever, no.

15 MS. ALIZADEH: Right, and then he stops?

16 **A** He stops and he turns around.

17 MS. ALIZADEH: And he turns around and his
18 arms are going up as he is turning around?

19 **A** Yes.

20 MS. ALIZADEH: Okay. And then the
21 officer, he doesn't proceed toward the officer?

22 **A** No, ma'am.

23 MS. WHIRLEY: Is he saying anything?

24 **A** At the time as soon as he turns around, he
25 didn't say anything. A split second later, he was

1 still angry because I know he could feel the shot.
2 He could feel the first shot if he was only shot one
3 time at that time, he definitely could feel that
4 shot. Shot him right in the area because his hand
5 couldn't really get up there. He was saying, I
6 don't have a gun, pop, pop, pop, pop, all the shots
7 came then.

8 MS. ALIZADEH: So from the time he turned
9 around, he did not proceed towards the officer?

10 **A** No, ma'am.

11 MS. ALIZADEH: You have said maybe half
12 step and then he went down?

13 **A** Half a step maybe, his foot was coming off
14 the ground. He was being riddled with more shots
15 and then caused him to tumble over.

16 MS. ALIZADEH: Let me ask you this. From
17 the time you think he might have been shot when you
18 saw the jerk, did he proceed to run any distance
19 after that?

20 **A** No, ma'am.

21 MS. ALIZADEH: He stopped immediately?

22 **A** He stopped immediately after that. After
23 that motion, pop, stopped, turned around.

24 MS. ALIZADEH: Is it possible that after
25 you saw him jerk like that, he continued to run

1 maybe another 20, 22 feet?

2 **A** Away from the officer?

3 MS. ALIZADEH: Yeah.

4 **A** No, after the second shot was fired, that
5 literally stopped him in his tracks and turned
6 around at that point.

7 MS. ALIZADEH: Then when you saw him turn
8 around, is it possible that he ran, not ran, at that
9 point he stopped running, right?

10 **A** Right.

11 MS. ALIZADEH: Is it possible that he
12 moved maybe 20, 22 feet toward the officer before he
13 fell?

14 **A** Not 20 to 22, not that far. Like I said,
15 he was barely on the sidewalk, he was barely on the
16 sidewalk to the parking lot. He was going towards
17 this building. I presume that's the way he was
18 running. He wasn't really all the way on the
19 driveway when the second shot went off, and he
20 turned around, and he was in the street.

21 He was taking a step towards the
22 officer to show him that he didn't have anything,
23 his hand was up, so he is showing the officer, I
24 don't have a weapon on me.

25 And as he's walking toward the

1 officer saying that in an angry manner, he was
2 saying it an angry manner, he was hurt, still
3 frustrated probably, so he's telling him, I don't
4 have a gun. I don't have -- before he can say, you
5 know, anything else, this man is riddled with more
6 shots until he tumbled other.

7 MS. ALIZADEH: He doesn't like run at the
8 officer?

9 A No, ma'am. At no point in time when he
10 turned around he made a rush towards the officer or
11 anything like he was going to tackle the officer or
12 anything like that. He was standing straight up.

13 MS. ALIZADEH: He maybe got like a step
14 you said before the gunshots?

15 A Before the several shots came. That was
16 the only time it came repeatedly, boom, boom, boom,
17 boom, boom, and he went down and that was it. He
18 wasn't moving any more.

19 MS. WHIRLEY: I don't know who was first.
20 : . When the
21 second shot was fired by Darren Wilson, where was he
22 related to his patrol car, was he right next to his
23 patrol car?

24 A The officer?

25 : Yes, on the second shot.

1 **A** Oh, no. The second shot, like I said,
2 once he got fully out of the patrol car, he never
3 turned back to it or got back in it. He came away
4 from the patrol car and like I said, feet and
5 distances are rough to me right now.

6 I definitely know that his patrol car
7 was in front of this driveway and in front of this
8 building, and when he shot the second shot he was at
9 the end of the building.

10 : . That being said,
11 going the same direction, they
12 found two bullet casings near the car. Do you have
13 any idea, any speculation why they find two bullet
14 casings at the car when you only heard one shot.

15 **A** I honestly do not know. He definitely
16 only shot one time inside the car, it wasn't
17 multiple shots. If they found, I mean, we don't
18 have forensics both shells match his gun. If they
19 did, I was lost after the first shot. That just
20 shows how much more shock I was in because I
21 definitely know he shot once, I wasn't aware of a
22 second shot at the car.

23 MS. WHIRLEY: Yes,
24 . So my question
25 again, so you were talking about doing the turning

1 motion when all the shots were fired, we'll see
2 where the wounds are, my thought was from the
3 turning, you were demonstrating the turning, I just
4 want to make sure. I don't know if you want to show
5 us, you are saying he is walking like this, you are
6 saying that second shot came on this side and then
7 that he turned?

8 **A** Yes.

9 : And the rest were on this
10 side?

11 **A** Well, he was running away, I didn't see
12 where the bullet struck him.

13 Okay.

14 **A** That's why I was trying to go back, but I
15 definitely saw the officer fire his gun while his
16 back was towards us, and both me and the officer, I
17 saw his body jerk. If he was struck, I don't know
18 if he was fully struck or he just grazed him, but
19 that's what stopped him in his tracks from running
20 away from the second shot.

21 : Thank you.

22 MS. WHIRLEY:

23 : . When you
24 came back after changing clothes and you saw people
25 were starting to come out at the scene, was anybody

1 in the street between the patrol car and where Big
2 Mike was laying in the street?

3 **A** Oh, yes, there was people crossing, no one
4 actually got close to his body, but people were
5 walking through the street, back and forth across
6 the side.

7 They would get on the sidewalk as
8 close they wanted to, but they wouldn't get in the
9 street by the body. They got pretty close to get
10 some real crazy pictures of his body.

11 MS. WHIRLEY: Was there anything stopping
12 them from getting up to his body before when it
13 first happened because you said there were no police
14 cars there initially?

15 **A** Nothing stopped anybody from the public
16 coming up to the dead body and just looking at it.
17 It was uncovered, his body was not covered at the
18 time, there was no police officers out there,
19 nobody, just the squad car. And he was not there,
20 there was no yellow tape. So people were just
21 coming out their doors, kids, you know, there is a
22 lot of kids out.

23 Just looking at the dead body, like
24 he is right here laying in front of us, that's how
25 people were able to walk up and look at his body,

1 and take their phones out, take pictures of his
2 body, was nobody telling them to stop.

3 At that time his family wasn't even
4 out there. It is just a bunch of random people
5 walking around coming out of that building, oh, it
6 is a dead body in our street. They are walking up
7 to it like it is a prank or something like that.

8 No, this is a real dead person, he's
9 not covered, his pants down are by his knees, you
10 could see the blood spilling from his top part, not
11 out of his head, but you can tell that it is blood
12 leaking because it is all coming from the top part.

13 I didn't even actually know he had
14 got shot in his face and head until the autopsy
15 report showed. I actually thought he just got shot
16 in his upper region and chest. When I seen a puddle
17 of blood coming from the top part of his body.

18 : Just to be clear, you did
19 see people between the car and this body in the
20 street?

21 **A** Correct.

22 MS. ALIZADEH: Dorian, you mentioned that
23 you didn't know until the autopsy report, what
24 autopsy report are you referring to?

25 **A** The private autopsy report that they

1 actually, there was only one that they spewed to the
2 public. It was the private autopsy where it said he
3 got shot in his face. It came out and went back in,
4 got shot in the top of his head. That's the only
5 one that I saw that they was releasing to the
6 public.

7 MS. ALIZADEH: Did you see an actual
8 report or you just saying what you saw because it
9 was on the news. I mean, they were speaking on the
10 news, did you actually see a report?

11 A Like the documentation of it, no, ma'am.

12 MS. ALIZADEH: So you are basing that on
13 what they said on the news?

14 A What the examiner said on the news, not
15 the media, the private examiner that was hired by
16 the family. And I'm sure his credentials follow him
17 wherever he goes. I know he is not random that's
18 doing an autopsy.

19 MS. ALIZADEH: No, and I'm not saying
20 that. I'm trying to figure out.

21 A Where I did I get those --

22 MS. ALIZADEH: I'm sorry, you know that
23 there was an autopsy done first?

24 A Yes.

25 MS. ALIZADEH: And then there was another?

1 **A** Second one.

2 MS. ALIZADEH: And a third?

3 **A** A third, right.

4 MS. ALIZADEH: I was trying to figure out
5 which one you were talking about?

6 **A** Correct, the family private autopsy.

7 MS. ALIZADEH: Okay. I'm sorry. Just one
8 more. When you made your statement to the FBI, was
9 that down at FBI or were you at the U.S. Attorneys
10 Office?

11 **A** I was down at my lawyer's.

12 MS. ALIZADEH: Oh, your lawyer's office,
13 that's right. Had you seen the autopsy report at
14 that time or did you know, I'm sorry, I know you
15 didn't see it. Had you learned the results of the
16 private autopsy at that point?

17 **A** Not from the private autopsy, but from
18 different witnesses account from where their
19 perspective was, their point of views, like the girl
20 on her third floor --

21 MS. ALIZADEH: Okay, we don't want to talk
22 about what other people saw.

23 **A** That's what I said.

24 MS. ALIZADEH: Because other people will
25 come in and say what they saw.

1 **A** Yeah, so.

2 MS. ALIZADEH: My question was, when you
3 talked to the FBI, we know that that was on the
4 13th, right?

5 **A** Correct, yes, ma'am.

6 MS. ALIZADEH: You hadn't seen, you didn't
7 know any results of any autopsy at that point, did
8 you?

9 **A** No, ma'am.

10 MS. ALIZADEH: Okay. I just want to
11 clarify that. I don't know when you learned that
12 stuff.

13 **A** Okay.

14 MS. ALIZADEH: All right.

15 MS. WHIRLEY: Another question over here?

16 : I have a question.

17 . You said you went home and you
18 changed clothes so you wouldn't be recognize?

19 **A** Yes.

20 : Did you have any blood on
21 your clothes

22 **A** No, ma'am.

23 : You were standing so
24 close to him?

25 **A** No, I didn't have, like blood didn't

1 splatter off of him so much as inside his shirt. I
2 seen it pop up on his shirt, he had a white shirt
3 on. So blood just trickled down his side.

4 MS. WHIRLEY: Anybody else? You Kathi?

5 MS. ALIZADEH: I just wanted to make sure
6 before we're done today, put your name and the date
7 of today's date on that map that you have been
8 drawing on, okay?

9 A Yes, ma'am.

10 MS. ALIZADEH: And then also one final
11 thing, Dorian, and I know that there are people that
12 say that they've seen things, some have come forward
13 and maybe some have not. And as we explained to you
14 before this started, we're trying to get to the
15 truth.

16 A Yes, ma'am.

17 MS. ALIZADEH: And so it is important if
18 there is someone out there that says they saw any
19 part of this, you know, we don't want the people
20 well, yeah, I talked to somebody who told me this.

21 A Right.

22 MS. ALIZADEH: But people who actually saw
23 this. Are you aware of anyone who claims that they
24 saw any part of this who has not talked to the
25 police or the FBI?

1 **A** I'm frankly surprised they have so many
2 witnesses to the actual event, prior to it happened,
3 I only saw one person that was out there when the
4 first shot went off all the way up to the last shot,
5 I only saw one person. I wasn't aware of anybody
6 and I only saw her because before the initial first
7 shot when the police stopped us, she was on her
8 balcony and I just happen to glance up and see her
9 and she stood there.

10 MS. ALIZADEH: Do you know who she is?

11 **A** Yes, her name is .

12 MS. ALIZADEH: Besides her, do you know
13 anybody who has said to you, man, that wasn't right,
14 I saw the whole thing. I'm not getting involved.
15 Is there anybody that you know of who claims to have
16 seen it, but is not going to come forward on their
17 own?

18 **A** Since the day all of this, of everything
19 that happened, I haven't spoken to anyone in
20 Canfield, per se. They really, I haven't seen, I
21 haven't been in that area.

22 It was a hard time for me getting my
23 things out of my apartment complex, so that's what
24 I'm dealing with now actually because they don't
25 want me consulting with nobody who may have heard

1 something from somebody else that want to tell me
2 something and stuff like that, I really don't know.

3 MS. ALIZADEH: The reason I ask you is
4 that at some point, I want to make sure that we've
5 heard, I don't want somebody coming forward down the
6 road and saying, hey, they never contacted me.

7 **A** Right.

8 MS. ALIZADEH: You know, if you know
9 somebody or later learn of somebody, would you let
10 us know so that we can try to talk to them?

11 **A** I pray that they get resolved before then,
12 but if someone ever came to me with evidence that
13 they was there and seeing something that is not
14 brought up already, then I would definitely relay
15 them to you all.

16 MS. ALIZADEH: Just also to clarify
17 because earlier you said you kind of knew some
18 neighbors and stuff, and you saw on the
19 balcony. Did you know her name before all of this
20 happen.

21 **A** I met her as She had recently just
22 moved there. I saw her moving in. I offered to
23 help them. I saw it was just two girls, I offered
24 to help them. She told me her name, she told me it
25 was I later found out her full name.

1 MS. ALIZADEH: So you had met her before
2 that date?

3 A Correct.

4 MS. WHIRLEY: Is there anything you want
5 to tell us that we just didn't think to ask that you
6 think is important, is information about this case?

7 A Yes. Regardless of everybody's opinion of
8 me, I know a lot of speculation of my past and
9 criminal record that I have or anything like that,
10 that day I felt like even though the store thing had
11 happened, I didn't feel like someone should have
12 lost their life.

13 I feel like the incident at the car
14 with both Mike Brown and Officer Darren Wilson could
15 have been resolved without deadly force.

16 We definitely wasn't posing a threat
17 to his life. I just want, I just pray that
18 everybody sees the evidence for what it really is.
19 Deadly force was really not necessary, everything
20 else, had he knew about the store incident, him
21 stopping us, all of that that's protocol, I get
22 that. Deadly force was never ever needed and I pray
23 that people really see that we didn't have any
24 weapons on us or anything like that.

25 He could be in jail right now.

1 MS. WHIRLEY: You mentioned something, you
2 know, the grand jurors may want to factor. You said
3 something about a criminal record?

4 A Yes, because I stay watching the news and
5 media outlets. I see they dug through years in my
6 past to see an incident that happened in Jefferson
7 City, but what they fail, they keep leaving out is I
8 was a freshman in college at this time, everybody
9 makes, you know, crazy little moves their freshman
10 year. I was just beginning, I was getting out, I
11 was breaking out of my kid years, you know, just
12 being on my own around new people, Atlanta people,
13 Washington people, people I never see on a daily
14 basis, I'm from St. Louis.

15 So to hold that against me and
16 Michael Brown on a day that has nothing to do with
17 it, I feel like it is very wrong, especially for
18 them not to dig two or three years prior and in
19 Darren Wilson's file and see if any complaints were
20 made against him. Basically all I keep seeing is
21 slander on my name.

22 Q (By Ms. Whirley) We don't want to slander
23 you, but we just want all the information you can
24 get. What is the nature of the thing in Jefferson
25 City, what happened?

1 **A** There was just basically me walking with a
2 group of kids that I knew, we were going to a YMCA
3 to play basketball. I didn't have membership there.
4 They actually had membership there. So we are
5 walking through some apartments, one of the guys,
6 you know, he grabbed a package and, you know, he
7 ripped it opened. As we are walking towards the
8 YMCA, I see a pool guy, he sees us, but he doesn't
9 see anything in our hand or anything like that, but
10 he sees us walking from out of the apartments going
11 towards the gym.

12 So I guess whoever's package it was,
13 they made the call saying someone had stole
14 something off their property or something like that.

15 And I guess he took it in his own
16 mind that I just saw these guys coming out of those
17 apartments. When they went to run the YMCA cameras
18 to see who had just recently walked in, I did not
19 pay to get in, even though I was supposed to. I
20 kind of just walked right on past, go down to the
21 gym, play basketball.

22 And when the police came and they ran
23 the camera back and they saw like he didn't pay or
24 this group right here, they came down, they grabbed
25 basically the last group.

1 MS. WHIRLEY: Did you get charged with
2 that?

3 A I did not get charged with it, I had to go
4 to court on two charges.

5 MS. WHIRLEY: What were the charges?

6 A I had a false report to an officer, I had
7 stealing charge that they were trying to see if I
8 was the one that had stole it. I was going to
9 court. At that time of me leaving court, I had been
10 fed up with being stopped by off campus police and
11 on campus police because of the stereotypical they
12 look at people from St. Louis. And being stopped
13 everyday, being late for class and having to remake
14 up work, I just said you know what, Jefferson City
15 school, Lincoln University was not for me at the
16 time.

17 So I left, and still having to come
18 back to court in Jefferson City, I've been getting a
19 lot done down here in St. Louis. I don't have a
20 charge for the City or County of St. Louis, but when
21 they run my name, they see Jefferson City. They
22 detain me sometimes, some police officers let me go.
23 A couple police officers they detain me. Jefferson
24 City, they never come and get me. The warrant is a
25 500 mile, my lawyer reached out to them, if you are

1 outside 500 miles.

2 MS. WHIRLEY: 50 miles.

3 **A** 50 miles, we are not coming to get you.

4 I'm sure the other police officers they see that,

5 but they always detain me and they hold me.

6 MS. WHIRLEY: You were never on probation

7 for that?

8 **A** When I got locked up, when I had got

9 locked up, I got to the Jefferson City probation

10 about the stealing, I guess I was in the middle of

11 asking the judge can I do my probation in St. Louis

12 because I was not from Jefferson City and in the

13 middle of that we kind of lost contact, lost

14 communication.

15 MS. WHIRLEY: It was probation, you had

16 resolved it through probation?

17 **A** Right.

18 MS. WHIRLEY: Was it a felony or

19 misdemeanor?

20 **A** It was a misdemeanor.

21 MS. WHIRLEY: Do you have an other

22 convictions or felonies or misdemeanors?

23 **A** No, ma'am.

24 MS. WHIRLEY: All right.

25 MS. ALIZADEH: I just want, you had

1 mentioned the stealing thing and then you said a
2 false police report?

3 **A** Yes.

4 MS. ALIZADEH: Is that the same incident
5 or was that a separate thing?

6 **A** That was the same incident with the
7 officer who actually had me, he put me in the car,
8 took me down to the station. I had both my school
9 campus ID and my state ID in possession of me. When
10 the officer asked me my name, I didn't say anything
11 so much as just handed him my identification. I was
12 mad at the time, again, I was a freshman in college,
13 I'm kind of angry with the police, so I don't really
14 want to say anything to them, but I know what he is
15 going to ask me for my identification.

16 So I hand him my school ID and both
17 my state ID at the same time. He is looking at both
18 of them, he's looking at me. I have a very
19 distinguished feature about me, I have one of my
20 eyes, I have a cataract, one of them is blue and the
21 other one is brown. It is like that on both my
22 picture ID, I have distinguish color on my eyes.

23 So I'm sure he can see that, in my
24 mind I know he can see it, I know he can tell that
25 this is me, who I am. He actually called campus

1 security from Lincoln University, they also came
2 down and verified that's him, you know, we seem him
3 walking around on campus. But because I never said
4 nothing to the officer, he took that as
5 disobedience.

6 And he was like, you are not going to
7 tell me anything, so I'm just going to write down
8 that you gave me a false report. Me being a
9 freshman and not really wanting to talk to him, I
10 just kind of shrug my shoulders not thinking too
11 much of it until it got to court and it was like
12 this is serious, but the judge, he threw that one
13 out of court. I never got charged for that or
14 anything.

15 MS. ALIZADEH: Okay.

16 MS. WHIRLEY: Anything else? Dorian, we
17 appreciate you coming.

18 (End of the hearing for September 10,
19 2014.)

20

21

22

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO

2

3

4

5 Grand Jury- Ferguson Police Shooting

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 9/10/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume V

Date: September 16, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 16, 2014

VOLUME V

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 16th day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING

2 MS. ALIZADEH: Good morning, everyone.

3 This is September 16th, 2014, it is about 8:35 a.m.

4 This is Kathi Alizadeh with the prosecutor's office,

5 Sheila Whirley is present, as well as all 12 grand

6 jurors, and the court reporter is present taking

7 down and recording what is being said.

8 Some housekeeping notes to start. I'm

9 going to pass out to you all, you all are going to

10 receive a copy of a statute. It is section 563.046,

11 and it is, it says law enforcement officers use of

12 force in making an arrest. And it is the law on

13 what is permissible, what force is permissible and

14 when in making an arrest by a police officer.

15 I also want to point out to you, I know

16 you have probably heard or know that there also is a

17 joint federal investigation that's going on at the

18 same time.

19 And several of our witnesses that you are

20 going to hear from are also being interviewed by FBI

21 agents or federal agents. And I want you to make

22 sure you understand the issues that are before you,

23 may be different than the issues in any federal

24 investigation.

25 Their investigation involves civil rights

1 violations. This investigation involves whether
2 there is criminal liability on the part of the
3 officer involved in the shooting.

4 So I can't tell you what the law is on the
5 civil rights issues, but don't be confused about,
6 you know, for example, what are the policies of the
7 police department necessarily doesn't have anything
8 to do with your decision. You certainly have the
9 right to know these things if you wish to know these
10 things, but keep in mind that there is a separate
11 and distinct investigation going on by the feds
12 involving civil rights violation or potential civil
13 rights violation.

14 The other thing is, I messed up. I'm not
15 perfect. Sheila will tell you that I'm not, but
16 we've been marking our exhibits and normally when I
17 have a trial I have all of my exhibits beforehand
18 and I mark them all beforehand and I try to be very
19 meticulous about my numbers. I have kind of been
20 marking these as I go. This has all been coming in
21 as we go, so I screwed up on the numbers. So I just
22 want to clarify for the record in case you are
23 keeping track of numbers.

24 Apparently I have two Grand Jury Exhibits
25 10.

1 So one is Detective photographs,
2 he's the crime scene detective that went to the
3 hospital and photographed Darren Wilson and the
4 other one is a disc that I played for you that had
5 Dorian Johnson's recorded statement.

6 I'm going to keep photograph as
7 being Number 10 and I am now going to make that disc
8 of statements, it is going to be Number 17.

9 And then apparently I have two Number 9s.
10 One Number 9, I don't know that I have used with you
11 all yet. I have marked it, and it is a set of
12 printed photographs that were taken by the morgue
13 personnel, not the autopsy photos that we saw during
14 Dr. testimony. These were separate
15 photos that were taken by the employees at the
16 Medical Examiner's Office in the morgue that are
17 different than the autopsy photos. And those are
18 going to remain Number 9.

19 The other Number 9 I have was a disc that
20 had the news clips on it that we showed where Dorian
21 Johnson had been interviewed or made certain
22 statements on television programs. And so that disc
23 is now going to be Number 16.

24 Unless you all see another issue or
25 problem, I think right now we have 1 through 17.

Page 8

1 You might not have seen all of those, but as far as
2 I know I don't have any duplicates other than that.

3 So I'll try to be a little more organized
4 in numbering of the exhibits.

5 Does anybody see any other issues with
6 duplicate numbers?

7 Okay. And then as we told you at the
8 beginning of every day, we are just going to kind of
9 give you a preview of what we are going to do. And
10 so first we're going to listen to a recorded
11 statement. The person being interviewed is a
12 sergeant with the Ferguson Police Department, his
13 name is He was the sergeant on duty
14 on the date of the shooting and he was Darren
15 Wilson's direct supervisor.

16 You will hear his statement. It is about
17 an hour long. And then following his statement,
18 Sergeant will be here to testify.

19 After that, we will present the testimony
20 of Detective , who is a St. Louis County
21 police detective, regarding an interview that he did
22 of Darren Wilson.

23 And then we are going to present the
24 testimony of

25

1 And she is an FBI agent and she also
2 did an interview of Darren Wilson.

3 Then we will also present a recorded
4 interview of Darren Wilson for you to listen, that's
5 about 30 minutes.

6 And then finally, I anticipate that the
7 afternoon will have Darren Wilson testifying for you
8 this afternoon.

9 The morning is basically going to be
10 statements that he has made during this
11 investigation from various people and then he will
12 be here to testify and answer your questions in the
13 afternoon, all right?

14 So with that being said, the next piece of
15 evidence is a disc that I have marked as Grand Jury
16 Number 18.

17 (Deposition Exhibit Number 18
18 marked for identification.)

19 MS. ALIZADEH: One of the things that I
20 will tell you that these discs that contain
21 statements of various individuals, I mean, you will
22 hear me use these discs repeatedly because one disc
23 might have 12 witnesses statements on it. I will
24 make sure I preface before we begin to play it whose
25 statement it is.

1 When you put the disc in the computer and
2 open up the file, it lists the names of everybody
3 who has made a statement on that disc. They are
4 pretty recognizable if you would have any need to
5 listen to a particular statement, it would be easy
6 to do that.

7 But there are a number of witness
8 statements on each of these discs, that's the way we
9 received them.

10 Also, we do not have a transcript of this
11 first statement. I've listened to it and it is
12 fairly clear. I don't think it should be an issue,
13 but at any time you all can't hear it or want us to
14 go back a couple of seconds or 30 seconds or a
15 minute if you miss something, that's easy enough to
16 do, all right?

17 We are going to play for you Grand Juror
18 Number 18 and it is the recorded statement of
19 Sergeant

20 (Statement is being played.)

21 MS. ALIZADEH: And as always --

22 And, again, this was Disc Number 18 that
23 you heard a recorded statement of It
24 will be available for you to listen to again at this
25 time during your investigation.

8 I thought they said the
9 19th.

12 The date, I think it was
13 the 19th.

15 MS. ALIZADEH: We certainly can put that
16 in and play the very beginning of it again just to
17 clarify the date.

19 : August 19th.

20 : Okay. They got it in their
21 notes.

23 MS. WHIRLEY: Certainly can ask Sergeant
24 he will be there.

25 MS. ALIZADEH: At any time you can listen

1 to any parts of these.

2 (Recess)

3

4 of lawful age, having been first duly sworn to

5 testify the truth, the whole truth, and

6 nothing but the truth in the case aforesaid,

7 deposes and says in reply to oral

8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Would you state your name and spell it for
12 the court reporter, please?

13 A My name is

14 Q Where are you employed?

15 A City of Ferguson Police Department.

16 Q How long have you been a police officer?

17 A 38 years.

18 Q Have all of these 38 years been with the
19 Ferguson Police Department?

20 A Yes, ma'am.

21 Q Where did you get your training to become
22 a police officer?

23 A I attended the greater St. Louis Police
24 Academy in 1976.

25 Q And do you, are you a certified police

1 officer?

2 **A** Yes, ma'am, I am.

3 **Q** And do you have to undergo regular
4 training and updates to keep that certification?

5 **A** Yes, I do.

6 **Q** And currently, what is your rank with the
7 Ferguson Police Department?

8 **A** I'm sergeant of police.

9 **Q** How long have you been a sergeant?

10 **A** December 2002, no, December 2001.

11 **Q** What are your duties and responsibilities
12 as a sergeant with the Ferguson Police Department?

13 **A** Currently I'm a squad supervisor.

14 **Q** Were those duties similar in August of
15 this year?

16 **A** Yes, ma'am.

17 **Q** 2014?

18 **A** Yes, ma'am.

19 **Q** Was Darren Wilson one of the officers that
20 you supervised?

21 **A** Yes, ma'am, he is.

22 **Q** Now, just in the interest of full
23 disclosure, you and I had a conversation yesterday
24 about your testimony today, correct?

25 **A** That is correct.

1 **Q** You've not prepared a report, an incident
2 report in relation to this shooting, have you?

3 **A** No, ma'am, I have not.

4 **Q** So did I have you come in, and you and I
5 talked about what you knew, what you saw, what you
6 might be able to testify about, correct?

7 **A** That is correct.

8 **Q** And previously you were interviewed by a
9 county detective as well as an FBI agent, an
10 attorney from the Department of Justice, and gave a
11 tape recorded statement; is that right?

12 **A** Yes, ma'am.

13 **Q** Now, I didn't play that statement for you
14 yesterday, did I?

15 **A** No, ma'am.

16 **Q** And since you gave that statement, have
17 you ever heard that recorded statement again?

18 **A** No, ma'am.

19 **Q** And do you think that the events of
20 August 9th, 2014, are still clear in your mind?

21 **A** Yes, ma'am.

22 **Q** So that day we've heard, we know a little
23 bit about the shift and how many officers were
24 working that day, Darren Wilson was working on your
25 squad that day; is that right?

1 **A** That is correct.

2 **Q** And his shift would have been from 6:00
3 a.m. to 6:00 p.m.?

4 **A** Actually 6:30 a.m. to 6:30 p.m.

5 **Q** Is that the entire squad has that same
6 shift; is that right?

7 **A** That is correct.

8 **Q** And we know that you received a call at
9 some point to go to the area of the Canfield Green
10 Apartments; is that right?

11 **A** Yes, ma'am.

12 **Q** And at the time that you received that
13 call, you were on duty; is that right?

14 **A** Yes, ma'am.

15 **Q** And you were actually at a call at that
16 time, correct?

17 **A** Yes, ma'am.

18 **Q** Did you know what the nature of why it was
19 that you were being asked to respond to that scene?

20 **A** No, ma'am.

21 **Q** Is there any kind of code that your police
22 department uses to indicate that there's some kind
23 of critical incident that may have occurred?

24 **A** We have a J code, J-1 would be immediate
25 response.

1 **Q** Now, is Ferguson Police Department
2 dispatched by their own dispatchers?

3 **A** Yes, ma'am, we have our own dispatching
4 staff.

5 **Q** I want you to make sure you keep your
6 voice up so everybody can hear you because with the
7 fans sometimes it is kind of hard. That mike is
8 recording, it is not necessarily amplifying your
9 voice, okay?

10 **A** Understood.

11 **Q** So you don't go through county's dispatch,
12 you have your own dispatching system, correct?

13 **A** Correct.

14 **Q** And are you aware that on your radios you
15 can get county dispatch channels?

16 **A** We have several various channels on our in
17 car radios and on our walkie-talkies.

18 **Q** As you are dressed today, you have a
19 uniform on, is that how you would have been dressed
20 that day?

21 **A** I was in short sleeves and no tie, but
22 yes, ma'am.

23 **Q** And I see that you have a mike that is
24 clipped to your epaulet on the shoulder of your
25 uniform shirt?

1 **A** Yes, ma'am.

2 **Q** Is that how you carry that all the time?

3 **A** Yes, ma'am.

4 **Q** And is there, is that mike attached then
5 to a portable or mobile walkie-talkie?

6 **A** Yes, it is.

7 **Q** And does that radio on your belt have the
8 same channels or can it get the same channels that
9 your police vehicles can get?

10 **A** That is correct.

11 **Q** And so when you're on duty, is there a
12 particular channel that you just stay on so that you
13 can hear the radio traffic and what's going on in
14 Ferguson?

15 **A** We have a primary channel and we are
16 usually on that during our work shift.

17 **Q** What's the primary channel?

18 **A** The frequency?

19 **Q** Is there a number like?

20 **A** It is Channel 1.

21 **Q** Okay. Let me ask you this. When there
22 are officers out in the City of Ferguson patrolling
23 and an officer uses his radio on Channel 1 and says
24 something regarding a call or just anything, hey,
25 I'm going out of service, I am going to go get

1 dinner, does everybody that's carrying a
2 walkie-talkie hear that then?

3 **A** Not necessarily.

4 **Q** Do you know why that is?

5 **A** Well, the walkie-talkies are only 5 watt
6 transmission power. If they are out in the far
7 sector or far enough away from a receiver, not
8 everybody will hear it. Dispatch will hear it
9 because the receivers will transfer that message to
10 them, but not necessarily broadcast it out through
11 the entire area.

12 **Q** Okay. Now, you now know as you sit here
13 today that there was an incident that occurred at
14 the Ferguson Market shortly before this shooting
15 incident involving Officer Wilson, you now know
16 about that, correct?

17 **A** Yes, I do.

18 **Q** That day when you were in service and on
19 duty, did you hear any radio calls involving a
20 larceny in progress or that there was officers
21 responding to the Ferguson Market?

22 **A** No, ma'am.

23 **Q** And is that, do you think that's because
24 wherever, if there was a call made, that that was
25 just something that you were out of range to

1 actually have heard?

2 **A** It could have been because I was tied up
3 with another situation that I was trying to deal
4 with.

5 **Q** And so is it, and we've all kind of seen
6 this, I think, as you are walking around, you can
7 have the volume turned up on your mobile
8 walkie-talkie so that you hear what's being
9 transmitted, correct?

10 **A** That is correct.

11 **Q** Are there times when you might be
12 interacting with somebody or in a situation where
13 you turn that volume down so that that noise doesn't
14 interrupt what you are doing?

15 **A** Yes, ma'am. Usually when I'm on the
16 telephone or I'm trying to get control of a
17 situation, I may turn the volume down so that they
18 can hear just me speaking.

19 **Q** Okay. But at any rate, you didn't hear
20 the call that came out if the call came out that
21 there was something going on or taken place at the
22 Ferguson Market, is that fair to say?

23 **A** Correct.

24 **Q** And then while you were on this call, you
25 did receive a call to respond to the Canfield Green

1 Apartment complex, correct?

2 A Yes, ma'am.

3 Q And was there any mention, did that call
4 come to you from an officer or did that come from
5 dispatch?

6 A That came from dispatch.

7 Q And prior to getting that call, had you
8 heard any transmissions by Officer Wilson?

9 A No, ma'am.

10 Q And so when you got that call, was there a
11 code with that call that meant respond immediately?

12 A I was told that I was needed at the
13 intersection of Canfield and Copper Creek
14 immediately.

15 Q Immediately?

16 A Uh-huh.

17 Q And so did you then finish up what you
18 were doing or did you leave immediately and respond?

19 A I turned the scene over to the first
20 responding officer and I left immediately.

21 Q So there was, the scene you were at at
22 that time, there was another police officer also
23 working that scene?

24 A Yes, ma'am.

25 Q And so you left then immediately and

1 responded to the Canfield Apartment complex?

2 **A** Yes, ma'am.

3 **Q** And about how long, how far away were you,
4 like how many minutes did it take you to get there?

5 **A** It took me probably about two, two and a
6 half minutes. I mean, travel time, not travel time,
7 but travel distance was probably three quarters of a
8 mile.

9 **Q** Okay. So you were really close?

10 **A** Yes, ma'am.

11 **Q** And when you got to that location, you've
12 been patrolling the street of Ferguson for 38 years,
13 is that fair to say?

14 **A** Yes, ma'am.

15 **Q** Very familiar with all the streets and how
16 to get around?

17 **A** Yes, ma'am.

18 **Q** When you arrived at that location, did you
19 come in off of West Florissant down Canfield or did
20 you come in like the back way through the
21 Northwinds?

22 **A** Northwinds Apartment.

23 **Q** Did you come in the back way?

24 **A** No, I came in from West Florissant on
25 Canfield.

1 **Q** So when you were going down Canfield, at
2 that point you are going east on Canfield?

3 **A** Yes.

4 **Q** I know Canfield kind of winds, isn't
5 necessarily a straight shot, you are heading in the
6 general vicinity of east?

7 **A** Yes, ma'am.

8 **Q** Were you in a marked police vehicle?

9 **A** Yes, ma'am, I was.

10 **Q** Did you go to the scene with emergency
11 lights and sirens on?

12 **A** I don't recall. I believe the traffic was
13 relatively sparse at that time, I don't believe it
14 was needed.

15 **Q** Okay. So when you arrived at the scene,
16 did you see Mr. Darren Wilson's vehicle?

17 **A** Yes, ma'am, I did.

18 **Q** Did you notice any other vehicles, whether
19 it be police officer vehicles or other just civilian
20 vehicles?

21 **A** I saw two other police vehicles.

22 **Q** All right. I guess for, as far as the
23 police vehicles in Ferguson, we know that Officer
24 Wilson had a Tahoe?

25 **A** Yes, ma'am.

1 **Q** And did you also have a Tahoe?

2 **A** Yes, ma'am.

3 **Q** Are all the police vehicles in Ferguson
4 Tahoes?

5 **A** Primarily the entire fleet are Tahoes, but
6 we also have a secondary fleet of Crown Victorias.

7 **Q** So the two police vehicles that you saw
8 there, besides Officer Wilson, which we've seen
9 pictures of, were those also marked Tahoes?

10 **A** Yes, ma'am.

11 **Q** So when you got there, you notice Officer
12 Wilson's vehicle, which direction was it facing in
13 the street?

14 **A** It was kind of catty-corner to the, or
15 angular to the traffic lane, but it was pointing
16 more in a westerly direction.

17 **Q** Towards West Florissant?

18 **A** Yes, ma'am.

19 **Q** And were the lights on on his vehicle at
20 all?

21 **A** No, ma'am.

22 **Q** Siren in his vehicle?

23 **A** No, ma'am.

24 **Q** What about the other two Durangos, (sic)
25 can you describe where those were, were they on

1 Canfield?

2 **A** Yes, ma'am, they both were on Canfield.

3 Both of them were further east than Officer Wilson's
4 location.

5 **Q** And when you arrived at that location, did
6 you see a body?

7 **A** Yes, ma'am.

8 **Q** And was that, where was that body or where
9 were those two police vehicles in relation to the
10 body?

11 **A** One police vehicle was beyond the location
12 of the body parked across the traffic lane to
13 prevent any vehicle from coming that direction and
14 the second car was parked off to the right side of
15 the roadway.

16 **Q** So the vehicle that was, I guess,
17 perpendicular to the street, that would have been
18 farther east of the body; is that right?

19 **A** Yes, ma'am.

20 **Q** And the entire time from the time you got
21 there until the scene was cleared, did you ever
22 observe Officer Wilson's vehicle move or be moved,
23 other than when it was towed away?

24 **A** No, ma'am.

25 **Q** When you arrived there, do you recall was

1 the door to his vehicle, and I'm talking about
2 Darren Wilson's vehicle, was any of the doors open?

3 **A** No, ma'am.

4 **Q** Did you see Darren Wilson?

5 **A** Yes, ma'am, I did.

6 **Q** Where was he?

7 **A** He was behind, he was on the driver's seat
8 of the vehicle.

9 **Q** Of his vehicle?

10 **A** Yes, ma'am.

11 **Q** What about the other officers whose
12 vehicles were at the scene, did you see where they
13 were?

14 **A** I believe they were in a position to
15 protect the area where the body was located.

16 **Q** Now at this time, and I know you don't
17 know when everybody else got there, we know that two
18 officers, obviously, responded prior to your
19 arrival; is that right?

20 **A** Yes, ma'am.

21 **Q** Were those two officers, did you see them
22 interact with Darren Wilson or did you see them
23 talking to him at all?

24 **A** No, ma'am.

25 **Q** And did you, at that point have any crime

1 scene tape gone up?

2 **A** No, ma'am, not at that time.

3 **Q** And at that point, were there any cones in
4 the street or around the area?

5 **A** One of the officers had placed a few cones
6 around to indicate location of possible evidence,
7 but not all the cones had been placed out yet.

8 **Q** Okay. And I asked you if you noticed were
9 there any civilian vehicles, I know it is an
10 apartment complex and there is parking lots, but I'm
11 talking about in the street itself. Were there any
12 civilian vehicles that were stopped in the street
13 when you arrived?

14 **A** No, ma'am.

15 **Q** Did you notice any pedestrians, civilians
16 that were on foot in the area?

17 **A** There were several pedestrians about the
18 area.

19 **Q** When you say several, when you first
20 arrived, give me an idea how many you think, an
21 estimate how many you would say at the scene?

22 **A** I'd say 10 to 15.

23 **Q** Okay. Now, we've heard that there was
24 obviously a larger crowd that gathered during the
25 day and that there was some unstableness in the

1 crowd, but at this point, were those 10 to 15
2 people, were they interfering at all, were they
3 creating a disturbance?

4 **A** They were making some noise regarding who
5 the body was and it was at that point in time that I
6 grabbed some crime scene tape out of my police
7 vehicle, gave it to the two officers that were
8 already there and told them to start setting up a
9 perimeter to keep people back.

10 **Q** And so at this point it is fair to say
11 that you didn't know whose body was in the street,
12 correct?

13 **A** That is correct.

14 **Q** And none of the other officers at this
15 point had identified who was in the street, correct?

16 **A** To the best of my knowledge, that's
17 correct.

18 **Q** And then other people that were gathering
19 in the area, people were wondering who it was
20 because maybe it was someone they knew or a loved
21 one of their's, correct?

22 **A** Yes, ma'am.

23 **Q** So there was some agitation or stress
24 involved with people that were there, they were
25 concerned about who that was?

1 **A** Yes, ma'am.

2 **Q** When you arrived, was the body of Michael
3 Brown covered?

4 **A** No, ma'am.

5 **Q** And so when you first arrived, were there
6 any medical personnel, EMS?

7 **A** I believe they showed up shortly after I
8 did.

9 **Q** And did the fire department also show up?

10 **A** Yes, ma'am.

11 **Q** And is that typical that when EMS is
12 called, a firetruck or a rescue vehicle will also go
13 to the call?

14 **A** It actually depends on the call. If it is
15 a more critical call, such as a life threat, a heart
16 attack, difficulty breathing, yes, they would
17 respond with the EMS personnel.

18 **Q** So it is not unusual that on this type of
19 call that the firetruck came too?

20 **A** Not at all, no, ma'am.

21 **Q** There was no fire or anything of that
22 nature, correct?

23 **A** Correct.

24 **Q** Okay. Did those officers then begin to
25 put up the crime scene tape to create the perimeter

1 around the crime scene?

2 **A** The two police officers did, no other fire
3 personnel or ambulance personnel.

4 **Q** Now, at this point is Darren Wilson still
5 in the vehicle?

6 **A** Yes, ma'am.

7 **Q** Did he get out of the car when you got
8 there?

9 **A** The only time he got out of the car is
10 when I told him to get into my vehicle and leave the
11 scene.

12 **Q** Okay. So he stayed in his own car until
13 you told him to take your car and go back to
14 Ferguson Police Department?

15 **A** That is correct.

16 **Q** So going back now, we kind of got the
17 scene what it looked like when you first got there,
18 what's the first thing you did when you drove down
19 the street and saw Darren Wilson's car facing you in
20 the street the way it was?

21 **A** I pulled off onto a driveway apron, right
22 off the street, parked my car and then I walked over
23 to speak with Officer Wilson.

24 **Q** So contacting Officer Wilson was the first
25 thing you did?

1 **A** Yes, ma'am.

2 **Q** But from where you were, could you see
3 that there was a body in the street?

4 **A** Yes, ma'am.

5 **Q** And what did you say to Officer Wilson?

6 **A** I initially asked him what had happened.

7 **Q** Now, you and I talked yesterday about your
8 recollection of Officer Wilson's statement. And we
9 talked about the fact that sometimes when you are
10 recounting a statement, you kind of like use your
11 own words to paraphrase?

12 **A** Correct.

13 **Q** We also talked about that police officers
14 have what we call like cop talk, where you use
15 phrases and words that are typical in police lingo
16 or vernacular, wouldn't that be fair to say?

17 **A** Oh, yes, ma'am.

18 **Q** And remember and recall that yesterday
19 when you and I talked about this, it is important
20 for today that you as best you can use Darren
21 Wilson's words, don't try to paraphrase, don't try
22 to put your spin on things. And I know I don't mean
23 that you would do that intentionally, but if he
24 didn't say that it was, you know, forceful or if he
25 didn't use the words, try not to use your own words,

1 okay?

2 **A** I understand.

3 **Q** And so when you walked up, the best you
4 can recall your words were, what happened?

5 **A** That's what I asked him, yes, ma'am.

6 **Q** All right. And as best you recall, what's
7 the first thing he said to you?

8 **A** He said I had to shoot him.

9 I asked him why?

10 He said he had been walking in the
11 street, I told him to get off the sidewalk, or get
12 on the sidewalk.

13 I said okay.

14 He said well, they told me to fuck
15 off. I slowed my car down, or he slowed his car
16 down and I told him, hey, all you got to do is get
17 out of the street and get on the sidewalk.

18 **Q** Okay. Now, let me stop you. You're
19 saying I told them, so you are talking as Officer
20 Wilson and that's good.

21 **A** That is what he told me.

22 **Q** That's how I want you to do this. So
23 speak as best you can the way Officer Wilson spoke
24 as if you were Officer Wilson?

25 **A** Okay. And he said he stopped his vehicle

1 and he said the individual laying on the street came
2 up to the side of his car and started hitting on him
3 through the window.

4 I said hitting you?

5 He goes, yeah, he reached in, he hit me on
6 the side of my face several times, and grabbed at my
7 shirt, grabbed at my hands and arms.

8 He said I was trying to get out of the
9 vehicle and he wouldn't let me out, he kept pushing
10 the door closed.

11 The individual reached in and was trying
12 to grab at his pistol, his pistol came out of his
13 holster. He told me he had control of the weapon,
14 but it was being pointed at him. He had the gun in
15 his hand, but the muzzle of the weapon had been
16 turned where his hand was actually turned toward
17 him.

18 And he said he was still getting hit
19 with one hand at times and there was a struggle over
20 the gun. He said the weapon was, he didn't get
21 control of the weapon, but he was able to turn the
22 weapon away from himself and the firearm discharged.
23 He said the gun went off.

24 Q Is that how he described it, the gun went
25 off?

1 **A** The gun went off.

2 **Q** Or did he say I fired a shot?

3 **A** No, he said the gun went off.

4 **Q** Okay.

5 **A** He said at that point the individual
6 backed up away from the car and Darren thought he
7 actually got shot, he said I think I shot him in the
8 stomach. And I looked at the side of the car door,
9 and there was no exit on the door, it was just a
10 dimple in the sheet metal.

11 I said what happened then?

12 He said he started running, I got out
13 of the car to chase after him. He said he got down
14 about 30, 40 feet from where the car was parked and
15 for some reason the individual stopped and turned
16 toward him.

17 I said okay.

18 He said, at that point he said
19 something to the effect of, you're too much of a
20 pussy to shoot me and turned, he had faced him and
21 started to charge at Officer Wilson.

22 **Q** Did Officer Wilson use those words that he
23 started to charge?

24 **A** Yes, along with, said he had had an angry
25 look in his face or in his eyes and he says I know

1 this man was bigger than me, I wasn't going to be
2 able to fight him.

3 **Q** What did he say happened next?

4 **A** He said he shot him.

5 **Q** I asked him how many times?

6 **A** He says I think four.

7 **Q** Now, were you recording his statement?

8 **A** No, ma'am.

9 **Q** Were you taking notes as he was giving you
10 his statement?

11 **A** No, ma'am, I did not.

12 **Q** After his statement, did you go back to
13 your department and write down notes to help you
14 recall the statement?

15 **A** No, ma'am, I did not.

16 **Q** So this is from your memory of August 9th
17 as far as what Darren Wilson told you and what you
18 saw, correct?

19 **A** That is correct.

20 **Q** And Sergeant have you been involved
21 in investigations of police officer involved
22 shootings?

23 **A** Yes, ma'am.

24 **Q** Have you investigated those incidents?

25 **A** Yes, ma'am.

1 **Q** Have you also been the subject of an
2 investigation in a police officer shooting?

3 **A** Yes, ma'am.

4 **Q** So you've discharged your weapon at
5 someone in your career?

6 **A** Yes, I have.

7 **Q** And, in fact, the incident that we're
8 talking about was the courthouse shooting involving
9 ; is that right?

10 **A** That is correct.

11 **Q** Were you one of the officers that shot
12 ?

13 **A** Yes, ma'am.

14 **Q** Following that shooting, I don't want to
15 get into the details of that, but were you asked by
16 other investigators how many times you discharged
17 your weapon that day?

18 **A** Yes, ma'am.

19 **Q** And what was your answer?

20 **A** Three times.

21 **Q** And so you thought you had fired three
22 times, correct?

23 **A** Correct.

24 **Q** Did you later after having downloaded your
25 weapon or have your weapon examined, did you later

1 discover how many times you actually did fire that
2 day?

3 **A** Yes, ma'am.

4 **Q** How many times?

5 **A** Four times.

6 **Q** So on that day, you believed you fired
7 your weapon three times and you discovered actually
8 you fired it four times?

9 **A** Yes, ma'am.

10 **Q** And as you sit here today, do you still in
11 your mind recall three shots?

12 **A** I still recall three shots.

13 **Q** And in your experience investigating
14 officer involved shooting, is that unusual that the
15 officer involved in the shooting does not accurately
16 recount the number of shots that he fired?

17 **A** That is correct.

18 **Q** And I know you're not an expert and I'm
19 not going to ask you about the mind of someone when
20 they're going through that scenario, but you've
21 actually been there, correct?

22 **A** That is correct.

23 **Q** You have a unique perspective that
24 probably none of the other witnesses who are going
25 to testify in this investigation have. When you are

1 involved in that type of critical scene, what is
2 your focus and what's your training tell you to
3 focus on?

4 **A** You focus on your target. I'm sorry, not
5 target, but you focus on whose angry at you, whose
6 coming at you or whose trying to harm you.

7 **Q** So would it be fair to say that you focus
8 on the threat?

9 **A** Yes, ma'am.

10 **Q** And is it unusual or typical, I guess,
11 that you kind of lose focus of other things that
12 might be going on around you?

13 **A** No, it is not unusual. You get kind of
14 like tunnel vision. You only see, like you said,
15 the threat.

16 **Q** All right. And so let me ask you this.
17 When Darren Wilson told you about, for example, he
18 said that there were two men walking in the street
19 and he told them to get on the sidewalk, did he tell
20 you whatever became or happened to that other
21 individual?

22 **A** No, ma'am.

23 **Q** Did you see, we now know Michael Brown was
24 shot dead in the street, did you see the other
25 individual at the scene who might have been the

1 individual that Officer Wilson saw walking with
2 Michael Brown?

3 **A** No, ma'am.

4 **Q** Now, understanding how important this
5 initial statement might be, is there a reason why
6 you did not record his statement?

7 **A** Number one, I did not have a recorder.
8 Number two, I didn't take notes because at that
9 point in time I had multiple things going through my
10 mind besides what Darren was telling me.

11 **Q** You've already said that before arriving
12 at the scene you didn't even know that this was a
13 shooting, would that be fair to say?

14 **A** Correct.

15 **Q** You didn't hear other radio traffic from
16 other officers saying that there had been a
17 shooting?

18 **A** No, ma'am.

19 **Q** So describe for the jurors how Darren
20 Wilson appeared to you, his demeanor, first of all?

21 **A** He appeared in a state of shock. He was
22 staring at the dashboard of his vehicle initially.
23 It was only after maybe a couple of questions that
24 he finally looked at me. I could see the side of
25 his face, especially around his mouth starting to

1 puff up and swell. Also the same thing along the
2 side of his left eye, see a mouse starting to grow.

3 His uniform shirt was disheveled,
4 kind of pulled out of his waistband.

5 **Q** Did you notice any blood on him?

6 **A** No, ma'am, I did not notice any blood on
7 him.

8 **Q** Did you ask him if he was shot or injured?

9 **A** Yes, I did.

10 **Q** What did he say?

11 **A** He said the only thing that he knew of was
12 his face from being hit several times.

13 **Q** And you didn't see anything on him to
14 indicate that he was bleeding?

15 **A** No, ma'am.

16 **Q** And so after you, at this point I'm kind
17 of circling back now.

18 **A** That's okay.

19 **Q** He's told you that he pursued Michael
20 Brown and Michael Brown stopped and turned in his
21 direction and charged him. I'm just kind of
22 catching up. So I know it was in a little more
23 detail and then he shot him and Michael Brown went
24 down on the street?

25 **A** Correct.

1 **Q** What did Darren Wilson say he did then or
2 did he say anything?

3 **A** He didn't indicate anything other than he
4 called it into the dispatch.

5 **Q** All right. Now, when you were there, did
6 you see anyone place a sheet over the body of
7 Michael Brown?

8 **A** Yes, ma'am, one of the paramedics
9 initially put one sheet over Brown.

10 **Q** Did you assist in that at all?

11 **A** Not at that time, no, ma'am.

12 **Q** Did that sheet completely cover the body
13 of Michael Brown?

14 **A** No, ma'am, it did not.

15 **Q** Did you assist in getting other sheets to
16 try?

17 **A** Yes, I asked a paramedic if he had another
18 sheet so I could fully cover Mr. Brown up, and
19 actually he handed me two.

20 **Q** Did you observe the paramedics approach
21 the body and attend to the body of Mr. Brown?

22 **A** I saw one approach the body, bent down and
23 I guess checked for life signs. He got up maybe 10,
24 15 seconds and just walked away.

25 **Q** Do you know what a strip is?

1 **A** Yes, ma'am.

2 **Q** What is a strip?

3 **A** It is a cardiac monitor like you see on TV
4 that indicates heart rhythm or no rhythm at all.

5 **Q** And you've seen paramedics use a strip
6 before on someone that may still be alive?

7 **A** Yes, ma'am.

8 **Q** Or check for life signs?

9 **A** That is correct.

10 **Q** Did he do that in this case?

11 **A** They did not.

12 **Q** And other than that paramedic who had
13 checked for life signs presumably, did you see
14 anyone else, either law enforcement or any other
15 civilians get close to the body?

16 **A** There was a, I believe it was a copper
17 projectile about 3 feet from his foot, his right
18 foot and somebody walked over there and put a marker
19 to make sure nobody kicked it or disturbed its
20 location.

21 **Q** Okay. So other than that, you didn't see
22 anyone move the body, roll him over, reconfigure the
23 way he was laying?

24 **A** No, ma'am.

25 **Q** And eventually, and you said in your

1 statement that you were at the scene until the scene
2 was done, which would have been after 5:00?

3 **A** It was closer to 6:15, 6:30, yes, ma'am.

4 **Q** And now you are aware then that the body
5 of Michael Brown lay in the street under that sheet
6 for several hours on that day; is that right?

7 **A** Yes, ma'am.

8 **Q** Is that, do you know the reason for that?

9 **A** After I made notification to command
10 staff, I was recontacted and advised that St. Louis
11 County would be handling the investigation and the
12 crime scene and I had to await their arrival. Once
13 they arrived, the crime scene was relinquished to
14 them.

15 **Q** And then any decision about what would
16 happen with the body, that wasn't your decision or
17 anything you had to do with, is that fair to say?

18 **A** That is correct.

19 **Q** Were you the most senior ranking Ferguson
20 police officer at the scene that day?

21 **A** Uh, I had two lieutenants show up later on
22 shortly after, maybe around 1:00 or so.

23 **Q** Now, you testified that you made
24 notification, who is the first person you called?

25 **A** Chief of Police.

1 **Q** Did you speak with him or leave a message?

2 **A** I had to leave a message on his cell
3 phone.

4 **Q** Who is the next person you called?

5 **A** Lieutenant Colonel

6 **Q** Did you speak with him or did you leave a
7 message?

8 **A** Left a message for him.

9 **Q** Whose the next person you called?

10 **A** Captain

11 **Q** Did you speak with him or leave a message?

12 **A** Left a message.

13 **Q** Everybody, it is Saturday afternoon,
14 correct?

15 **A** Correct.

16 **Q** And so then who is the next person you
17 called?

18 **A** Captain

19 **Q** Did you speak with him or leave a message.

20 **A** I spoke with him.

21 **Q** And after speaking with him and telling
22 him what the situation was, did you make any other
23 notifications after that?

24 **A** I contacted Lieutenant
25 and I believe that was the last contact I made.

1 **Q** All right. Now, you've already said that
2 at some point you told Darren Wilson to get into
3 your vehicle and go up to the Ferguson Police
4 Department?

5 **A** Yes, ma'am.

6 **Q** And what was the reason, are you aware
7 that an officer involved shooting, typically the
8 officer remains on scene until investigators come
9 and walk through the scene with him?

10 **A** Yes, ma'am.

11 **Q** Why didn't you have him remain at the
12 scene?

13 **A** The crowd was growing rather rapidly.
14 They were very agitated and for the safety of the
15 officers on the scene and for Officer Wilson, I had
16 him leave and go to the police department.

17 **Q** So you had him get in your vehicle and go
18 to the police department?

19 **A** Yes, ma'am. I left his vehicle where it
20 was, where I found it and told him to take my car
21 and go back to the station and wait for a
22 supervisor.

23 **Q** And after he got out of his car, did
24 anyone, did you enter his vehicle?

25 **A** No, ma'am.

1 **Q** Did you look inside the vehicle?

2 **A** Yes, ma'am.

3 **Q** And why were you looking inside the
4 vehicle?

5 **A** Just to see what I could see. If there
6 was possible evidence or anything like that.

7 **Q** Did you notice glass inside the vehicle?

8 **A** Yes, I did.

9 **Q** Did you notice any bullet holes inside the
10 vehicle?

11 **A** I saw a bullet into the door panel of the
12 driver's side door, yes, ma'am.

13 **Q** Did you see any shell casings inside the
14 vehicle?

15 **A** No, ma'am, I did not.

16 **Q** Any blood inside the vehicle?

17 **A** No, ma'am, I did not.

18 **Q** Now, to be clear, you're not actually a
19 crime, you're role is not to document the scene and,
20 you know, you knew other officers were going to be
21 processing that vehicle, didn't you?

22 **A** Correct.

23 **Q** In fact, I think in your statement, but
24 you do as a part of your job place cones or other
25 markers around pieces of evidence if you see them,

1 correct?

2 **A** Yes, when I got the crime scene tape out,
3 I had obtained some traffic cones from another
4 responding officer's vehicle, I marked a few items
5 that I could.

6 **Q** And you knew that another officer then was
7 going to document those items, correct?

8 **A** That is correct.

9 **Q** After Darren Wilson left the scene, did
10 you see him again at all that day?

11 **A** No, ma'am, I did not.

12 **Q** Now, we've heard that you said in your
13 statement that you had contacted Darren Wilson after
14 this time, after this date just to say hello and how
15 you doing; is that right?

16 **A** Yes, ma'am.

17 **Q** Have you and he ever since that day had a
18 detailed conversation about what happened?

19 **A** After his interview and my interview with
20 Justice and FBI and U.S. Attorney and St. Louis
21 County, he asked me if he could tell me everything
22 that happened. I told him, yeah.

23 **Q** So was this in person or on the phone?

24 **A** On the telephone.

25 **Q** And do you recall, you said it was after

1 the FBI talked to you?

2 **A** Correct.

3 **Q** And did you only talk to the authorities
4 investigators one time?

5 **A** Yes, ma'am.

6 **Q** And then you said to your knowledge, he
7 had already talked to the investigators; is that
8 right?

9 **A** I asked him if he had been interviewed by
10 them yet, and he said he had.

11 **Q** And so he told you his version or the
12 story of what happened?

13 **A** Yes, ma'am.

14 **Q** Now, is there anything about this second
15 version, I don't mean to use the word version like
16 it is different or implying that it is different,
17 his second time telling you what happened?

18 **A** There was some more things that he added.

19 **Q** Details that he added?

20 **A** Yes, ma'am.

21 **Q** Was there anything inconsistent with what
22 he had told you previously?

23 **A** No, ma'am.

24 **Q** Now, just to summarize, that day on the
25 scene he told you that he fired or that the weapon

1 went off?

2 **A** Correct.

3 **Q** One time while he was seated in the
4 vehicle?

5 **A** Correct.

6 **Q** And he didn't describe shooting his gun
7 while he was running after Michael Brown?

8 **A** He did not say he shot at Michael Brown
9 while he was running at him.

10 **Q** And then he describes after Michael Brown
11 turned around, a series of shots that he fired at
12 Mr. Brown?

13 **A** Correct.

14 **Q** And you said he said maybe I can't
15 remember if you said four or five?

16 **A** He said he thought he was shot, discharged
17 four rounds.

18 **Q** Okay. Now, when you had a subsequent
19 conversation with him, did any part of that change,
20 did he tell you any more details about the number of
21 shots?

22 **A** No, he said he had learned that he had
23 fired more than four shots. I didn't specifically
24 ask him a number, but he said he was told that he
25 fired more than he thought.

1 **Q** Okay. So you didn't talk with him about
2 how many shots were in the vehicle, how many shots
3 were out of the vehicle, whether there was a pause
4 and then more shots or anything like that?

5 **A** That is correct.

6 **Q** Were there any details in this second
7 conversation with him that are or changed the
8 perspective that you have about what happened?

9 **A** No, ma'am.

10 **Q** Is there anything, so you had an
11 additional conversation with him about what
12 happened?

13 After that, did you have any other
14 conversation with him about what happened?

15 **A** No, ma'am, not about what happened, but I
16 have had other conversations with Officer Wilson.

17 **Q** Okay. And Officer Wilson is still on
18 administrative leave; is that correct?

19 **A** That's correct.

20 MS. ALIZADEH: Does anybody have any
21 questions?

22 MS. WHIRLEY: I have a few, this is Sheila
23 Whirley.

24 **Q** (By Ms. Whirley) Have you ever appeared
25 before this grand jury before?

1 **A** Multiple times.

2 **Q** This particular grand jury that is sitting
3 here today to your knowledge?

4 **A** No, ma'am, no.

5 **Q** You have not?

6 **A** Not before this grand jury, no, ma'am.

7 **Q** All right. Regarding Canfield Green
8 Apartments, you have been in the community for over
9 38 years. Did you know the relationship that the
10 police had with that community?

11 **A** I have responded to numerous calls, I've
12 assisted numerous calls over there.

13 **Q** Was it known what the relationship was
14 between the community and the police?

15 **A** We, as far as my squad and myself is
16 concerned, every time we responded over there, we
17 responded for whatever the call is, we handle the
18 call and we left.

19 **Q** Was it a relationship that was friendly or
20 did the residence --

21 **A** Business relationship.

22 **Q** Business.

23 **A** A business relationship. I mean, some of
24 the officers knew tenants and whatnot from previous
25 encounters.

1 **Q** Okay. So there was no understanding that
2 the residents just hated the police, it wasn't like
3 that?

4 **A** No, ma'am, no.

5 **Q** So when Officer Wilson, well, first of all
6 you said you did not hear him ask, announce on the
7 radio that shots were fired?

8 **A** No, ma'am.

9 **Q** At any point?

10 **A** No, ma'am, I did not.

11 **Q** You did not know that a shooting had even
12 occurred until you were told to go there?

13 **A** Until I arrived on the scene is when I
14 first learned there were shots discharged by an
15 officer.

16 **Q** How did you get the call to go to the
17 scene, what were you told?

18 **A** I was told I was needed at the
19 intersection of Canfield and Copper Creek as soon as
20 possible or immediately.

21 **Q** Nobody said what for?

22 **A** No, ma'am.

23 **Q** Okay. Did Wilson ever tell you that,
24 because you said you have talked to him a couple of
25 times since this has occurred?

1 **A** Uh-huh.

2 **Q** And in more detail recently, your last
3 talking was more in detail, correct?

4 **A** My last conversation with Darren was about
5 ten days ago maybe.

6 **Q** He was a little bit more detailed over the
7 phone during that conversation?

8 **A** During the conversation that I had with
9 Darren was probably five or six days after the
10 incident.

11 **Q** Okay.

12 **A** That's when he was more, a little bit more
13 detailed.

14 **Q** More detailed. Did he talk about anything
15 about the stealing that occurred at Ferguson Market
16 that he was stopping these two to investigate that?

17 **A** He said he did not have that call, that
18 call I later found out was given to Officer
19

20 **Q** Did he know about it, did he talk about
21 knowing about the stealing?

22 **A** He did not know anything about the
23 stealing call.

24 **Q** He told you he did not know anything about
25 the stealing?

1 **A** He did not know anything. He was out on
2 another call in the apartment complex adjacent to
3 Canfield Green.

4 **Q** Okay. And so when he's stopping these two
5 it is strictly about the sidewalk, it has nothing to
6 do with him investigating the stealing of
7 Cigarillos; is that correct?

8 **A** That is correct.

9 **Q** Did he indicate that he was angered at all
10 when he was told to fuck off?

11 **A** Well, no police officer likes being told
12 that. I don't think he was angered as much as he
13 was just taken aback by it for no reason whatsoever.

14 **Q** Is that like a sign of disrespect, I would
15 feel disrespected if somebody told me to fuck off?

16 **A** You know, respect toward the police
17 nowadays is not like it used to be. Most of the
18 time it is under their breath or just barely within
19 earshot, but evidently at this point in time it was
20 told quite directly at him.

21 **Q** Okay. Did Wilson indicate, Officer Wilson
22 indicate that when he chased Michael Brown, that
23 assistance had been called for at that point?

24 **A** He did not indicate to me, no, ma'am.

25 **Q** Did you have any understanding or any

1 knowledge about how it occurred regarding him
2 chasing after Michael Brown whether or not
3 assistance was on its way or anything like that?

4 **A** No, ma'am, I don't know.

5 **Q** Okay. Now, have you ever known Officer
6 Wilson to discharge his weapon?

7 **A** Not to my knowledge, other than on the
8 practice range or the firing range at the police
9 department, that's the only time I know he's ever
10 discharged a weapon.

11 **Q** Have you ever known him to get into a
12 physical altercation with a suspect?

13 **A** Only when the suspect had initiated the
14 resistance.

15 **Q** You do know of a particular incident where
16 that has occurred?

17 **A** Yes, ma'am.

18 **Q** What happened in that situation?

19 **A** Officer Wilson was able to gain control of
20 the individual and put him in handcuffs before
21 assistance arrived.

22 **Q** Was he alone?

23 **A** Yes, ma'am.

24 **Q** Do you know what transpired why there was
25 even a physical altercation?

1 **A** It was a suspicious vehicle call, occupied
2 suspicious vehicle. And when he walked up to the
3 car, he could smell an odor what he associated with
4 marijuana and he told the driver to get out of the
5 car, at which time he did. When he was trying to
6 take him into custody is when the resistance
7 occurred.

8 **Q** That's the only occasion you are aware of?

9 **A** He's had minor ones with other officers,
10 exactly who, how it started, you know, I know of one
11 where an individual resisted the arrest with Officer
12 Wilson and another one of my officers and the
13 subject ended up having to be tasered in order to
14 comply with the officers.

15 **Q** Did Officer Wilson use a taser?

16 **A** No, ma'am, he did not carry one.

17 **Q** It was known that he did not carry a
18 taser?

19 **A** That is correct.

20 **Q** It wasn't required that he carry a taser?

21 **A** No.

22 **Q** What about mace, did you know of an
23 incident where he maced an individual?

24 **A** Never.

25 MS. WHIRLEY: Anybody else have any

1 questions? Go ahead.

2 : My

3 question is, did Officer Wilson, did he state
4 specifically that it was Michael Brown that made
5 those derogatory or offensive comments to him or did
6 he indicate if it was Dorian Johnson?

7 **A** He did not indicate to me who made the
8 comments, ma'am.

9 I see.

10 I've got a
11 couple questions. Did Officer Wilson indicate at
12 all that he said anything to Michael Brown as he was
13 chasing after him?

14 **A** He yelled at him to stop or halt, but
15 nothing more than that.

16 : Are those the words he
17 used stop, halt?

18 **A** I don't know, I believe he just told him
19 to stop.

20 : Okay. Did he indicate at
21 any point when he, right after he had first contact
22 with him and told him, asked him to get out of the
23 street, that at any point he had to reverse his car
24 back towards them?

25 **A** I believe he did go backwards, reverse his

1 automobile for a short distance, then stopped.

2 Asked them again to get out of the street.

3 : Okay.

4 MS. ALIZADEH: Sergeant I just want
5 to clarify. I know you know things about what
6 happened, I want to make sure that we're clear on
7 this. Are you saying that you know that that
8 happened because you've since learned that, or are
9 you saying that Officer Wilson that day told you
10 that he reversed his vehicle?

11 A Officer Wilson did not tell me that day
12 that he had to do that.

13 MS. ALIZADEH: Okay.

14 A I've learned that through a later
15 conversation.

16 Q (By Ms. Alizadeh) So when we talk about
17 things that he says he did, I want to make sure it
18 is clear to everybody, you know, to clarify whether
19 or not it is something that he knows happened
20 because of subsequent investigation or if it is
21 something that Officer Wilson said to you.

22 I also want to clarify something else
23 and I'm sorry to interrupt, but it is along the same
24 lines. You testified that when Sheila asked you
25 some questions, Miss Whirley, that Officer Wilson

1 did not know about the stealing that was going on or
2 had just occurred at the Ferguson Market.

3 Now, my question to you is this, are
4 you saying that because he told you he didn't know
5 about it or you saying that because he didn't
6 mention it to you when you were talking to him?

7 **A** He did not mention it to me again. I
8 learned about it at a later time.

9 **Q** Has he ever told you, yeah, I didn't know
10 anything about what happened up at the Ferguson
11 Market?

12 **A** Yes, he has told me that in subsequent
13 conversations.

14 **Q** He told you he didn't know about there
15 being a stealing at the Ferguson Market?

16 **A** Correct.

17 **Q** Okay.

18 : Just one last follow-up,
19 Did Officer Wilson at any point say
20 anything or infer at any time that maybe he thought
21 that Michael Brown was under some type of influence
22 of something?

23 **A** No, sir, he did not.

24 : . My
25 question goes back to Officer Darren Wilson's first

1 call to dispatch, which initiated a call to you.
2 You know, I understand from watching the news when
3 someone calls 911, the recording is timestamped and
4 there is an audio recording. In this instance or in
5 a regular instance, when an officer calls dispatch,
6 is there any sort of timestamp or recording, or
7 secondary recording so we would know exactly what
8 that call would be or when that call took place?

9 **A** Yes, all of our incoming calls, including
10 radio traffic, is recorded digitally. That would be
11 available to the investigators through our
12 communications supervisor.

13 : Are you aware of what that
14 original call would have been when he called?

15 **A** His original call?

16 : Uh-huh.

17 **A** I have since learned what it was, is that
18 what you want to hear?

19 : Sure.

20 **A** It was a sick case on Glenark was the
21 street. Again, next apartment complex over is
22 Northwinds Apartments and Glenark is small, like
23 eight apartments on that street. He responded to a
24 sick case at that location.

25 : . Again, my

1 apologies, I might not have made myself clear.

2 After the shooting of Michael Brown, was
3 that call when he dispatched that first call, was
4 that again recorded that you would have known what
5 the call would have been for him to call dispatch
6 and say XYZ happened?

7 **A** Yeah, I believe the answer to that
8 question would be yes. When he called it into
9 dispatch, he would have probably told them what was
10 going on and what happened.

11 MS. ALIZADEH: I'm sorry, just so you all
12 know, we have radio calls that we'll be playing for
13 you at some point in this investigation.

14 MS. WHIRLEY: Let me follow-up on that
15 real quick.

16 **Q** (By Ms. Whirley) Do you have any knowledge
17 that there was a radio call that has been recorded
18 and seized that where Darren Wilson is saying shots
19 fired, asking for assistance before he gets out of
20 the car or around the time this is happening?

21 **A** No, ma'am.

22 **Q** There is no recording that you know of
23 that exist?

24 **A** I know there is one exist.

25 **Q** You do?

1 **A** Yes.

2 **Q** Okay. Do you know where we might get it?

3 **A** The communication supervisor at Ferguson
4 Police Department can provide it to you.

5 **Q** Okay, all right. Thank you.

6 MS. ALIZADEH: Sergeant just to
7 clarify, have you ever heard the radio calls, have
8 you ever listened to them?

9 **A** No, ma'am.

10 **Q** (By Ms. Alizadeh) So it is important that
11 you testify about your own personal knowledge and
12 not what maybe somebody has told you that you
13 believe. Would it be fair to say that you don't
14 know what those calls consisted of because you have
15 never heard them, right?

16 **A** I don't know what the calls consist of,
17 that is correct.

18 **Q** And maybe somebody told you that there is
19 a call, but you have never heard that yourself?

20 **A** No, ma'am.

21 **Q** Whatever those calls would be, they would
22 have been recorded and burned on a disc for purpose
23 of this investigation, could that have occurred?

24 **A** Yes.

25 MS. ALIZADEH: Okay.

1 MS. WHIRLEY: .

2 : At the
3 beginning when you were speaking, you said an
4 incident report was not filed?

5 A I'm sorry?

6 An incident report was
7 not filed?

8 A I did not complete any report regarding
9 this incident because St. Louis County was handling
10 the entire case.

11 In your recorded
12 statement, I believe I heard you talk about a Use of
13 Force Report?

14 A Yes, ma'am.

15 That's different?

16 A That is something different, yes, ma'am.

17 : Okay. At the beginning
18 of your statement here you talked about a code, is
19 that J-1?

20 A There's radio code for immediate
21 assistance.

22 Okay.

23 A That's J-1.

24 : Okay. When you get
25 those, you don't if an officer that's down, a

1 civilian that's down or something in progress. You
2 just know you are needed somewhere right away?

3 **A** Correct.

4 : You didn't use your
5 lights or your siren?

6 **A** No, ma'am. Like I said, the road traffic,
7 I had pretty much of a clear lane to get there.

8 Okay. And do all the
9 officers have mikes on their uniform or the radios
10 in the car?

11 **A** We all have radios in the car.

12 Okay

13 **A** Majority of the officers wear their mikes
14 up high so that they can hear it and respond
15 relatively quickly.

16 : And you say that Officer
17 Wilson was in his car with the door shut when you
18 arrived?

19 **A** That is correct.

20 : Okay. This is the first
21 time we heard about too much of a pussy to shoot me.
22 In your recorded statement, we didn't hear that.
23 Did you learn of that after your recorded statement
24 or is that just something that you are recalling
25 now?

1 **A** I recalled that since my recorded
2 statement.

3 : Okay.

4 **A** But I believe my recorded statement was
5 taken three or four days after the event.

6 : Okay.

7 **A** I was working 12 plus hours a day.

8 I understand. Is it
9 still, you still stay with the fact that Michael
10 Brown had his hands up and was charging?

11 **A** That's what Darren told me he was charging
12 at me.

13 This question is not
14 meant as any disrespect, but your recorded statement
15 you said that, um, you have to ask stupid questions
16 like how this could be prevented?

17 **A** I'm sorry?

18 : In your recorded
19 statement you said that you are required to ask
20 officers stupid questions like how could this
21 incident be prevented?

22 **A** That's on the injury report.

23 : You feel that's a stupid
24 question because you feel your officers don't have
25 any other choice?

1 **A** Correct.

2 When you are in that kind
3 of situation?

4 **A** When you are physically attacked
5 unprovoked, I believe how could he prevent this is a
6 stupid question.

7 : Okay, I'm done.

8 MS. WHIRLEY:

9 : . Several
10 questions.

11 **A** Yes, ma'am.

12 My first question is, when
13 he was alone, when he left the scene of the crime,
14 Officer Wilson, why was he left alone, why didn't
15 another officer escort him back to the police
16 department?

17 **A** There was another police officer on light
18 duty at the police department who could sit with
19 him.

20 : Say that again?

21 **A** There was another officer who,
22 station
23 bound. So there was an officer there who could sit
24 with him until a supervisor got there.

25 : My question is, why wasn't

1 he escorted by another PO considering that even
2 though he left the scene of the crime, that someone
3 could have noticed him and followed him, but yet he
4 wouldn't of had any backup or protection, he still
5 would have been left alone?

6 **A** I had, let's see, Darren made, Darren made
7 my sixth officer for the day and that includes
8 myself.

9 I already had three other officers
10 and myself at the scene, I had another officer still
11 out on a call. So I only had one officer that was
12 left on the street. I honestly, truthfully, I
13 didn't have the manpower to send somebody with him.

14 : Okay.

15 **A** But yes, you are correct, somebody could
16 have followed him. But also on our radio we have
17 Country Club Hills and Calverton Park. If there
18 would have been a problem, there would have been
19 other officers in the area from those two agencies
20 that could have responded.

21 : Okay. My next question
22 was or is, I seen pictures of the car, Officer
23 Wilson's car. I only seen a little shattered glass
24 that was on his driver's side seat?

25 **A** Uh-huh.

1 : Did he ever mention that
2 the glass was half cracked, half down, or all the
3 way down?

4 **A** He never told me what the window position
5 was, ma'am.

6 : Okay. My last question
7 is, after the incident, the crime was over and you
8 had time to go back to your office, did you ever
9 think to read Officer Wilson's history prior to
10 coming to your department or when he came up under
11 your leadership to understand his previous history?

12 **A** Anything that happened prior to his
13 employment should have been covered by the officer
14 who did his background investigation.

15 Now, I don't know who did his
16 background investigation preemployment. I did speak
17 with his supervisor prior to him coming to my squad
18 and ask what kind of officer he was. And I believe
19 I was presented with a few training certificates
20 that he had obtained while he was on the other
21 squad, but there were no corrective measures or any
22 disciplinary notes or anything such as that in what
23 I was given.

24 MS. WHIRLEY:

25 : How many

1 officer involved shootings occurred in Ferguson say
2 in the last ten years?

3 **A** Last ten years?

4 : Yeah?

5 **A** I believe one, maybe two.

6 : So they're a rare
7 occurrence and not an every day --

8 **A** They are very rare occurrence, sir.

9 : Okay. Thank you.

10 : Is it
11 standard procedure basically for only one officer to
12 be on patrol at any given time by themselves or do you
13 do double duty where there is two officers so you
14 have a ready backup in case of a situation that
15 inflames?

16 **A** On a perfect day I would have seven
17 officers out there.

18 : Uh-huh.

19 **A** I have four assigned sectors, which would
20 be three cover cars to assist plus myself.

21 Uh-huh.

22 **A** So basically we would have two officers
23 respond to most every call depending on what the
24 call is naturally.

25 Yes, ma'am.

1 : . I just need
2 clarification. Did Officer Wilson have blood on his
3 hands?

4 **A** I did not see any blood.

5 : Okay. In the written, in
6 the recorded statement we learned that he washed his
7 hands because there was blood on them and he was
8 checking for injury or the spread of infection?

9 **A** Whose recorded statement?

10 : Your recorded statement.

11 **A** It had to be something I learned after
12 that day.

13 : All right, thank you.

14 : . Also to
15 clarify. I want to make sure when you told Officer
16 Darren Wilson to get in your vehicle and go back to
17 the Ferguson Police Department, at that time he was
18 still currently wearing his uniform he had on at the
19 time of the incident and his gun was with him when
20 he went back to Ferguson?

21 **A** His sidearm, yes, he carried his side arm
22 back to Ferguson holstered.

23 : And at that point, I
24 guess, you were at the scene, you wouldn't have
25 known what happened to that gun or who would have

1 processed it or his clothes or anything because you
2 were at the scene?

3 **A** At that point in time, no, sir, I would
4 not know.

5 : Okay.

6 MS. ALIZADEH: Any other questions?

7 MS. WHIRLEY: I just have one. Whose
8 decision was it to call county in to investigate?

9 **A** It was the chief of police's decision.

10 **Q** (By Ms. Whirley) This is pretty standard
11 when there is a shooting, you say you have been
12 involved in a few shootings, do you generally have
13 another department investigate it or do you
14 investigate it yourselves?

15 **A** One of the previous, or the one, I should
16 say the two that I investigated, we investigated
17 them. This one, well, the first two were only, they
18 were not mortal wounds, they weren't fatalities.

19 I believe the chief made that
20 decision because of, it would be better to have an
21 outside agency such as county or state police to do
22 the investigation to show that we were not trying to
23 hide or cover up anything.

24 MS. WHIRLEY: Okay.

25 **Q** (By Ms. Alizadeh) Sergeant I know

1 you've said to me at least before, I can't remember
2 if you testified today that you don't recall what
3 time you got up to the scene, the time it was?

4 **A** Correct.

5 **Q** But assuming that we know that the
6 shooting occurred somewhere like a quarter after
7 noon, give or take a few minutes, but I'm just
8 trying to use that as a reference, how long was it
9 before you saw county officers responding up at the
10 scene?

11 **A** Uh, I believe the first one arrived on the
12 scene anywhere from an hour to an hour 15.

13 **Q** So were you privy to the decision to call
14 county into the investigation, were you talking with
15 the superiors when that decision was made?

16 **A** No, ma'am.

17 **Q** So whoever made that decision, you don't
18 know when that decision was made?

19 **A** That is correct.

20 **Q** But you were at the scene for about an
21 hour to an hour and a half you said?

22 **A** Hour 15, yeah.

23 **Q** Before you saw county arrive?

24 **A** Correct.

25 MS. WHIRLEY: I have one last question.

1 In your statement to, I guess it was Officer
2 who did you give a statement to that was
3 recorded?

4 **A** Detective

5 MS. WHIRLEY: Okay.

6 **A** And, I believe, Detective

7 MS. WHIRLEY: Okay. I believe you said in
8 that statement that Officer Wilson told you that
9 Michael Brown took off running and then he stopped
10 and raised his arms and charged him?

11 **A** Yes, ma'am.

12 MS. WHIRLEY: Did he indicate to you how
13 he raised his arms, how Michael Brown raised his
14 arms?

15 **A** May I stand up?

16 MS. WHIRLEY: Sure.

17 **A** It was like this, like he was going to
18 charge at him. (indicating)

19 MS. WHIRLEY: Okay. So he raised his arm
20 in a charging motion?

21 **A** Correct.

22 MS. WHIRLEY: Did he say at that time he
23 shot him?

24 **A** He told me when he took the step forward.

25 MS. WHIRLEY: He shot him.

2 MS. WHIRLEY: Okay. So at the time when
3 he had his hands raised and he was charging at him,
4 he shot, but it wasn't at that time he didn't have
5 his hands like going for a weapon.

6 **A** I don't remember, I don't recall.

7 MS. WHIRLEY: Okay. All right.

8 **A** Yes, ma'am.

9 . Did
10 Officer Wilson ever say he saw any blood coming from
11 the victim?

12 **A** No, ma'am. Yes, sir.

13 : . When
14 Officer Wilson discharged his weapon, did he say how
15 close they were in proximity, how close they were?

16 **A** No, sir, he did not.

17 : . You
18 mentioned before that protocol that all officers
19 would go to the FTO, the field training. And in
20 that, do the officers are they ever taught in a
21 situation, maybe similar to this, to shoot to injure
22 instead of shooting to kill?

23 **A** You shoot to neutralize the threat.

24 MS. ALIZADEH: Any more questions?

25 Finally, Sergeant the last thing I

1 want to ask you, is there anything that you think
2 this grand jury should know about this incident or
3 that you know that maybe we didn't ask you. I don't
4 want anybody walking away from here saying well,
5 they never asked me that or anything like that. Is
6 there anything that you think would be important for
7 this grand jury to know that you haven't told them
8 yet?

9 **A** I've worked with Officer Wilson for two
10 and a half years. He's been under my supervision
11 that long.

12 Darren is a very easy going
13 individual, always has a smile on his face. Doesn't
14 go trying to start trouble or look for trouble, does
15 a good job.

16 I have very little supervisory hours
17 dedicated to Darren Wilson. He knows his job very
18 well and he does it very well.

19 My opinion, put in this
20 circumstances, I don't know what I would have done.
21 I probably would have done the same thing.

22 So, I mean, Darren did not just all
23 of the sudden go from trying to chase this guy down
24 and take him into custody to deciding just to shoot
25 him because. So, I mean, Darren is a good officer.

1 MS. ALIZADEH: Anybody have anything else
2 that they want to him?

3 All right, thank you Sergeant
4 (Completion of Sergeant testimony.)

5
6 of lawful age, having been first duly sworn to
7 testify the truth, the whole truth, and
8 nothing but the truth in the case aforesaid,
9 deposes and says in reply to oral
10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. WHIRLEY:

13 Q Detective, spell your name for the court
14 reporter, please?

15 A

16

17 Q All right. Detective you are a
18 police officer with St. Louis County Police
19 Department; is that correct?

20 A That is correct.

21 Q How long have you been a police officer?

22 A Approximately eight years.

23 Q And you are currently a detective, so how
24 long have you been a detective?

25 A Two and a half years as a detective.

1 **Q** Have you always been with St. Louis County
2 Police Department?

3 **A** Yes.

4 **Q** And you are a certified police officer?

5 **A** Yes.

6 **Q** What does that mean?

7 **A** That means that I've accomplished the
8 training required by the State of Missouri to be a
9 commissioned police officer.

10 **Q** You must have ongoing training?

11 **A** Correct.

12 **Q** And you have the power of arrest in the
13 State of Missouri?

14 **A** I do.

15 **Q** Okay. Now, you know why we are here?

16 **A** I do.

17 **Q** Okay. So tell us how you became involved
18 in this investigation?

19 **A** Prior to this incident that we're here
20 today on, I was called in to work to assist with an
21 investigation that occurred, it was an attempted
22 robbery that occurred at St. Anthony's Hospital on
23 August 9th, 2014.

24 **Q** Okay. Go ahead.

25 **A** While I was there, we were finishing up,

1 and my sergeant, Sergeant received a
2 telephone call and was requesting our unit to
3 respond to the City of Ferguson and assist with an
4 officer involved shooting.

5 Q At the time did you know that there was a
6 dead person involved or it was just a shooting?

7 A What I knew that it was just an officer
8 involved shooting.

9 Q You didn't know who the officer was?

10 A I did not.

11 Q Before I go further, you've testified in
12 front of this grand jury before; is that correct?

13 A Yes, I have.

14 Q Okay. Unrelated to this particular
15 incident though?

16 A Correct.

17 Q This is first time you have testified
18 regarding the Michael Brown shooting?

19 A Yes, ma'am.

20 Q All right. And you have met with Kathi
21 Alizadeh and myself before; is that correct?

22 A That's correct.

23 Q Regarding this incident?

24 A Yes.

25 Q Because you are working this incident?

1 **A** Correct.

2 **Q** Have you developed or written a police
3 report yet?

4 **A** No.

5 **Q** Okay. So you just taking notes as you go
6 or what's going on with that?

7 **A** Yes, basically we take notes as we go. We
8 transfer that to a memorandum to the case detective.

9 **Q** Okay. And that's how you keep track of
10 what's occurring here?

11 **A** Yes.

12 **Q** And what was your role as a detective in
13 this case?

14 **A** Initially I responded to the scene, and
15 the way it works with the information we had at the
16 time, all the detectives assigned to my unit
17 responded to the scene. I believe I was the first
18 car, the first one of the St. Louis County police
19 detectives to arrive, and I made contact with
20 Sergeant who is a county police
21 sergeant, St. Louis County police sergeant, assigned
22 to North County Precinct. He was there within the
23 crime scene, that's the first person I contacted.

24 **Q** You said the crime scene, we talking about
25 Canfield Green Apartments?

1 **A** Yes, within the crime scene tape.

2 **Q** Where the body was laying?

3 **A** Yes.

4 **Q** And the police vehicle was positioned?

5 **A** Yes.

6 **Q** All right. And about what time did you
7 arrive there?

8 **A** I believe the arrival time was
9 approximately 1:30.

10 **Q** For you?

11 **A** For me.

12 **Q** And you were the first county officer on
13 the scene?

14 **A** Yes, I was shortly trailed by the rest of
15 the detective bureau by minutes.

16 MS. ALIZADEH: Let me clarify, you weren't
17 the first county officer at the scene, but the first
18 detective?

19 **A** Yes, first county police detective
20 assigned to my unit that would be responsible for
21 initiating the investigation.

22 **Q** (By Ms. Whirley) Okay. But there were
23 other county officers on the scene when you got
24 there?

25 **A** Yes, that's correct.

1 **Q** Do you recall when you would have gotten a
2 call to respond there?

3 **A** I believe the time was about 12:40, 12:43,
4 in that area, is when Sergeant received the
5 call. As it was, we were all standing together when
6 he received that call and then after he got done
7 with the phone call, he immediately dispatched us to
8 the area.

9 **Q** Now, is it unusual for St. Louis County to
10 investigate a shooting that occurred in another
11 municipality?

12 **A** No.

13 **Q** Is it pretty standard?

14 **A** It is standard. If we are requested to
15 respond and assume the responsibility of the
16 investigation, we will do so.

17 **Q** All right.

18 **A** If requested to by that department.

19 **Q** And that's what happened in this case, you
20 were requested?

21 **A** Yes, ma'am.

22 **Q** All right. Let's go back to what your
23 particular duties were regarding this investigation.

24 **A** Sure. When I arrived I contacted Sergeant
25 and essentially what we do is try to get as

1 much knowledge as we have at the time.

2 He had advised me that the medical
3 examiner had not been notified yet and that's when I
4 requested them to do so.

5 Typically the way that it works with
6 our police department is the personnel from the
7 division of patrol, which would be the uniform
8 police officers are responsible for making that
9 notification.

10 So once I found out that that wasn't
11 done, I immediately made that request.

12 Q So when you arrived, the medical examiner
13 had not been notified?

14 A To my knowledge, no. Sergeant
15 informed me that they had not been.

16 Q How about EMS, the emergency personnel?

17 A I was unaware if they had responded yet at
18 the time. My main concern was making sure the
19 medical examiner was dispatched.

20 Q Because when you arrived, it was
21 determined that Michael Brown was dead?

22 A Yes. So if subject is deceased, then the
23 next step would be to contact the medical examiner.

24 Q Describe the scene when you arrived, you
25 said it was 1:30-ish or so?

1 **A** Yes.

2 **Q** Describe the scene for us?

3 **A** As I arrived, I came down West Florissant
4 and then turned, it would be east on Canfield Road.
5 The entire street was lined with cars, both civilian
6 cars and other police cars from St. Louis County. I
7 believe there was a Ferguson car there and multiple
8 other jurisdictions, to where I was unable to even
9 make it to the actual crime scene. I had to park
10 some distance away, I don't know the exact distance,
11 but some distance away and walk up to the crime
12 scene.

13 Which is a little atypical than what
14 we're used to. Typically we drive right up to the
15 crime scene tape, park outside of it and then we can
16 enter the crime scene there.

17 There were multiple people, I can't
18 quantify how many, but people were walking towards
19 that area as I was walking up as well, and that's
20 when I entered the crime scene.

21 **Q** Could you hear people talking? I don't
22 want to assume, was there a crowd, are you telling
23 us, a crowd of people?

24 **A** There were, I would say small pockets of
25 people around the entire crime scene. When you ask

1 about if I could hear anything that was being said,
2 I just wasn't paying attention to it.

3 Q Okay. Did you see Darren Wilson at the
4 scene?

5 A I didn't know who Darren Wilson was at the
6 time, I learned later he wasn't there.

7 Q He was not at the scene?

8 A Correct.

9 Q Was it your job to make any contact with
10 him?

11 A Eventually it was. Essentially what
12 happens in an investigation of any kind, is that the
13 detectives will basically come together and a case
14 detective will be assigned.

15 In this case detective
16 was the case officer.

17 Q What does that mean, case officer?

18 A He'd be essentially the person that would
19 orchestrate and dole out assignments and be
20 responsible for the investigation as a whole. He
21 would be the one that would be writing the report
22 and like I said, making the assignments for other
23 detectives to do.

24 Q So you were assisting in the
25 investigation, he was the case agent or officer?

1 **A** Correct, that's correct.

2 **Q** All right. So you said it was going to be
3 your job to make contact with Officer Wilson?

4 **A** Yes. I was directed by Detective
5 to.

6 **Q** Detective ?

7 **A** Detective .

8 **Q**
9 works with St. Louis County?

10 **A** Yes.

11 **Q** Darren Wilson who is the
12 officer involved in the shooting?

13 **A** Yes, Officer Darren Wilson.

14 **Q** Okay.

15

16 **A** Yes, ma'am.

17 **Q** So you did, Detective told you
18 to make contact with Darren Wilson?

19 **A** Yes, he informed me that police officer
20 Darren Wilson was currently at the Ferguson Police
21 Department and then instructed me to respond there
22 and conduct a cursory interview with Officer Darren
23 Wilson.

24 **Q** Tell us what is a cursory interview?

25 **A** Essentially what a cursory interview is it

1 is an interview that is, it is detailed enough to
2 where I and the other detectives would understand
3 the sequence of events that occurred.

4 It is to tell us and inform us where
5 evidence might be located within the crime scene and
6 we use that as an investigative tool.

7 **Q** Do you tape cursory interviews?

8 **A** No.

9 **Q** Why not?

10 **A** It is just common practice that we do not.
11 It is basically an interview where I would approach
12 the individual, and it is done so even not just a
13 police officer involved shooting, we do them on
14 almost every investigation. Just to understand what
15 that person saw and what happened to better assist
16 us within the scene.

17 So that's kind of the reason we do
18 that.

19 **Q** Okay. Was it your responsibility to seize
20 any evidence at the scene?

21 **A** No. I was at the scene for maybe ten
22 minutes and then I was dispatched to Ferguson Police
23 Department.

24 **Q** Because you needed to talk to Darren
25 Wilson?

1 **A** Correct.

2 **Q** So do you go to Ferguson on your own?

3 **A** I do.

4 **Q** By yourself you go to Ferguson, what
5 happens then?

6 **A** Then I enter the Ferguson Police
7 Department. You enter on the street level and then
8 I went upstairs to their common area. I did knock
9 on the door, allowed entry by Lieutenant Colonel
10 who is a lieutenant colonel with the
11 Ferguson Police Department. And he escorted me back
12 to the Ferguson Police Department detective bureau,
13 which is a room about half the size of this.

14 **Q** Was anyone in that room?

15 **A** Yes, there was Lieutenant Colonel

16 I was then introduced by him to police
17 officer Darren Wilson, an attorney and
18 Detective

19 **Q** Do you know what their roles were we know
20 Darren Wilson why you were there to talk to him, do
21 you know what the other folks were there for?

22 **A** I assume that had just been working that
23 day, I never even asked. It didn't seem important
24 at the time.

25 **Q** It wasn't relevant to your investigation

1 what these other people were doing?

2 **A** Correct.

3 **Q** Did you talk to Darren Wilson in front of
4 these other people?

5 **A** I made basically just an introduction to
6 Darren Wilson. When I saw him, he was wearing full
7 uniform which consisted of a Ferguson Police
8 Department button down shirt and then dark blue
9 slacks. He then directed my attention to his duty
10 belt, which was off at the time sitting on the
11 floor.

12 **Q** I'm going to come back to the duty belt.
13 I want to know you did talk to Darren briefly?

14 **A** Very briefly, not about the actual
15 incident at that time.

16 **Q** At that time, so all the people were
17 allowed to remain or were there with you these other
18 people that you mentioned?

19 **A** They were.

20 **Q** In the same room?

21 **A** Yes.

22 **Q** So where was the duty belt?

23 **A** It was on the floor next to a desk right
24 next to where Darren Wilson was standing.

25 **Q** Did he have on a weapon?

1 **A** At the time, no.

2 **Q** At that time?

3 **A** No.

4 **Q** Did you see the weapon?

5 **A** I saw, he had informed me that after he
6 responded to the police station, he had packaged his
7 weapon and then he directed my attention to an
8 evidence envelope, which appeared to be sealed, it
9 was on the desk of Detective

10 **Q** You didn't inspect that envelope though?

11 **A** No, I did not.

12 **Q** So do you know whether there was even a
13 gun in the envelope?

14 **A** At that time I did not.

15 **Q** But at some time did you find out there
16 was?

17 **A** I did.

18 **Q** So he told you he packaged it?

19 **A** Yes.

20 **Q** And did you ask him why he packaged it or
21 did you discuss that at all?

22 **A** No.

23 **Q** Okay. Did he volunteer why he packaged
24 it?

25 **A** No.

1 **Q** Is that uncommon? Have you ever been
2 involved in an officer involved shooting before?

3 **A** I have not been involved in one, but I
4 have investigated multiple.

5 **Q** Okay. That was a better way to answer, I
6 didn't ask the question right. Because you've never
7 shot anyone, is what you are telling us?

8 **A** That's correct.

9 **Q** But you have been involved investigating
10 those shootings?

11 **A** Yes.

12 **Q** Is it customary for the person who was
13 involved, the officer that is involved in the
14 shooting to handle and package their own gun as
15 evidence?

16 **A** Well, with the St. Louis County Police
17 Department it is something that's not done, however,
18 we were called to investigate another police
19 department's incident. So at that time we were
20 unaware of any policies or procedures they have in
21 place that when we get there basically we have to
22 find out, I guess, and explore the possibility that
23 maybe that's part of their policy.

24 **Q** Did you explore that?

25 **A** At that time, no, I did not.

1 **Q** At any time?

2 **A** No, I did not.

3 **Q** So you don't know what their policy is?

4 **A** Correct, I do not. I just knew that
5 police officer Darren Wilson had told me that he had
6 packaged the weapon and it was currently in that
7 bag. Now, at that point in time I never checked to
8 verify that, it was done later.

9 **Q** Okay. In an investigation such as this,
10 ideally what should happen with the officer's gun?

11 **A** The way that, I can only speak to the way
12 St. Louis County would handle it.

13 **Q** Sure.

14 **A** Is that that officer would continue to
15 have his weapon in his holster until a detective
16 from the Crimes Against Person Unit, which is my
17 unit, a supervisor and a crime scene unit detective
18 would conduct what we call a download of the weapon.
19 And that's an inspection of the weapon to determine
20 how many rounds are left inside of the weapon.

21 So what would happen is we would ask
22 the officer to remove his weapon from his holster,
23 the magazine would be ejected, we would count the
24 number of rounds in the magazine, if there are any.
25 Then we would ask him to move the slide to the rear,

1 which would eject a round if it was chambered, and
2 what that means is there would be a round of
3 ammunition in the barrel of the weapon.

4 **Q** Okay.

5 **A** And then that would be photographed as
6 those steps were taking place.

7 **Q** Would the gun be returned to the officer?

8 **A** No, the weapon would then be seized by our
9 crime scene unit detective.

10 **Q** Until the investigation?

11 **A** Typically what would happen is that it
12 would go directly to our firearm lab. They do a
13 test fire, inspect the weapon and then at that point
14 it would be returned to the police officer.

15 **Q** Okay. So you're at the Ferguson station,
16 you see a weapon, the officer is dressed in his
17 uniform?

18 **A** Uh-huh.

19 **Q** Did you see any blood on the officer?

20 **A** At that time, no, I did not.

21 **Q** Did you see any injuries on the officer?

22 **A** I did.

23 **Q** What did you see?

24 **A** I could see there was reddening to the
25 left and right side of his jaw and it appeared that

1 the right side was slightly swelled, like the cheek
2 area, those are the two injuries that I saw
3 initially.

4 Q Did he talk to you about any injuries?

5 A No, that's just what I observed when I met
6 him.

7 Q Just to clarify, I don't know if I've
8 asked you this before, did you know Officer Darren
9 Wilson before this incident?

10 A No, I did not.

11 Q So that was your first time you had
12 encountered him?

13 A Yes.

14 Q Was at the Ferguson Police Department?

15 A Correct.

16 Q There was a decision made that he should
17 go to the hospital; is that correct?

18 A That's correct.

19 Q How did that come about, if you know?

20 A To my knowledge that was a decision made
21 by Lieutenant Colonel

22 Q When you arrived in Ferguson, were they
23 discussing that he was going to go to the hospital
24 or did that come up while you were there?

25 A From what it appeared, it was a

1 conversation that was taking place before and then
2 continued as I arrived.

3 So I heard basically the tail end
4 that Officer Darren Wilson would go to the hospital
5 and get treated.

6 **Q** And what did that mean as far as your
7 investigation was concerned?

8 **A** The way I would handle it with anybody,
9 victim, witness, suspect, anybody that we would talk
10 to is that if they are requesting medical treatment,
11 we would do that first, that's more important than
12 any statement we are going to get. And we can
13 continue the statement at the hospital, which
14 happens regularly. That we would follow them to the
15 hospital, meet them at the hospital and then get the
16 statement there while they're receiving treatment.
17 We would never hinder anybody from getting medical
18 treatment if they sought it.

19 **Q** So you had ended up going to hospital?

20 **A** I did.

21 **Q** What hospital was that?

22 **A** Christian Northwest Hospital located on
23 Graham Road in Florissant, Missouri.

24 **Q** You didn't ride along with the officer,
25 did you?

1 **A** No.

2 **Q** Did he drive himself or do you know?

3 **A** He rode with Lieutenant Colonel

4 those three individuals were in the
5 car at that time and I drove separate.

6 **Q** You all arrived at the hospital?

7 **A** Yes.

8 **Q** He's, I imagine, treated?

9 **A** Yes. If I can just back up one step.

10 **Q** Sure.

11 **A** Before we had departed, the Ferguson
12 Police Department, Officer Wilson did remove his
13 uniform shirt and draped it over a chair, which that
14 was essentially in Detective right
15 next to his desk. So that's kind of where the three
16 items that I would consider evidentiary value were
17 located and they were in his custody.

18 **Q** Did someone ask him to remove his shirt?

19 **A** What's that? I don't know if it was done
20 or not, however, he did remove his shirt and he
21 draped it over a chair.

22 **Q** The three items you are talking about are
23 the shirt, the belt?

24 **A** And the weapon.

25 **Q** And the weapon, okay.

1 **A** Yes.

2 **Q** Anything else before we go back to the
3 hospital?

4 **A** No, ma'am, sorry to go back.

5 **Q** No, I'm glad you did that because this is
6 important. So you tell us if I miss something, for
7 sure let us know.

8 **A** Sure.

9 **Q** So you got to the hospital, what happened
10 then?

11 **A** We were escorted to a trauma room and
12 while I was driving there I had contacted Detective
13 and he's with our crime scene unit, I
14 requested him to respond to Christian Northwest
15 Hospital, meet me there to photograph the injuries
16 of police officer Darren Wilson.

17 **Q** Did Officer meet you there?

18 **A** He did. When we arrived, like I said, we
19 were escorted to a trauma room. Initially within
20 the trauma room was myself, police officer Darren
21 Wilson, attorney Lieutenant Colonel
22 and Detective . Detective
23 asked Officer Wilson if it was okay for him
24 to photograph him. He agreed and he took several
25 photographs of the apparent injuries to his face,

1 neck and the back of his neck.

2 Q So Officer Wilson was cooperative with
3 your investigation?

4 A Yes.

5 Q I meant to ask you going back and going to
6 come right back to the hospital, when you first
7 encountered him, what was his demeanor?

8 A He was calm, collected. I didn't see that
9 there was any type of debilitating injury to where
10 it would prevent any type of interview, like a head
11 injury or something like that. He seemed to be
12 talking, making logical sense and talking like that.

13 So there was no concern that he had
14 some major head injury, I guess, from my own opinion
15 or appearance.

16 Q He never complained about his head being
17 injured?

18 A Not to the point where he would have not
19 been able to be interviewed.

20 Q Did he tell you he had a head injury?

21 A No.

22 Q When you go to the hospital, is his
23 demeanor about the same as it was at the station?

24 A Yes.

25 Q And he allows Officer to take

1 pictures of him?

2 **A** Correct.

3 **Q** And how does your interview begin with
4 him, your cursory interview?

5 **A** Essentially after Detective
6 concluded his investigation of taking the photos, I
7 asked Detective and Lieutenant Colonel
8 to step out of the room as they were to not
9 be present during the cursory interview.

10 **Q** What about his attorney?

11 **A** He remained in the room.

12 **Q** All right. And why did you ask the other
13 two to step out?

14 **A** We would, for one, privacy and two, on any
15 interview, it would be a one-on-one interview with
16 myself and any potential victim, witness or suspect.

17 **Q** And again, this interview was not
18 videotaped or audiotaped for that matter?

19 **A** That's correct.

20 **Q** So go ahead.

21 **A** Uh, I initially asked Officer Darren
22 Wilson if he would allow me to interview him. He
23 agreed.

24 During every police officer involved
25 shooting that we investigate, I ask a series of

1 almost standard questions that begin my interview.

2 Those questions are, were you on duty today?

3 He indicated he was.

4 What was your call sign if you were
5 to call out on the radio? His call sign was Frank
6 21 that day.

7 What sector he was assigned to.
8 Sector 1.

9 What is the beginning and end times
10 for his scheduled shift. He indicated he began a
11 shift at 6:30 in the morning and was scheduled to
12 end his shift at 6:30 at night.

13 What he was wearing. He indicated he
14 was wearing the uniform he currently had on and the
15 rest of it what he left at the station. And what
16 vehicle he was assigned that day. He said he was
17 assigned vehicle 108, which he describes as a fully
18 marked Ferguson patrol vehicle.

19 **Q** And is it your understanding that that
20 vehicle is actually a truck?

21 **A** Yes, it was a Chevy Tahoe.

22 **Q** How did you get into what happened did you
23 ask him what happened?

24 **A** Yes.

25 **Q** Tell us about that?

1 **A** Basically during the cursory interview, I
2 asked a very open ended question and allow that
3 person to just talk. Tell me, from basically start
4 to finish, what happened. And the only time I will
5 really interrupt if I need a clarifying question or
6 something I didn't understand it, I need time
7 catching up writing down what he's saying.

8 I just essentially asked Officer
9 Darren Wilson to describe what happened and where he
10 was at prior to the incident up through the
11 incident.

12 He tells me that he was leaving an
13 unrelated sick case call and was driving, it would
14 be west on Canfield Road. As he's driving he hears
15 a call that was not assigned to him for a stealing
16 in progress at 9101 West Florissant Avenue, and he
17 provides us with that address and the nature of the
18 call was a stealing.

19 He said that the call comments
20 indicated the suspect description was a black male
21 wearing a black shirt and brown shorts, and that an
22 additional call comment indicated that taken during
23 the stealing were Cigarillos.

24 **Q** Go ahead.

25 **A** I'm sorry. He continues and says he's

1 driving west down, continues west down Canfield Road
2 and he sees two subjects approaching from the area
3 of West Florissant and Canfield walking in the
4 center of the street.

5 I then ask Officer Darren Wilson to
6 describe the two subjects.

7 He describes one subject as a black
8 male, dark complexion, approximately 5 foot 5, with
9 short dreadlock style hair wearing a black T-shirt.
10 He describes the second male as a black male, medium
11 complexion, approximately 6 foot 3, approximately
12 270 pounds, clean shaven, wearing a red baseball
13 style cap, a gray shirt, khaki shorts and yellow
14 socks.

15 Officer Wilson then tells me that as
16 he's traveling west down Canfield Road, he stops his
17 patrol vehicle and allows the two subjects to
18 approach. So basically they're walking towards the
19 front of his patrol vehicle.

20 **Q** Did he indicate whether they were walking
21 single file or side by side or anything?

22 **A** He never did and I didn't ask. He just
23 says they were walking down the center of the
24 street.

25 **Q** Okay.

1 **A** He says at this time his driver's window
2 is down, fully down. The, he allows the subjects to
3 approach and then says to the two subjects. "Hey,
4 why don't you guys walk on the sidewalk." And
5 that's what he quoted, that's the quote that he
6 said.

7 **Q** Did he say anything about whether he
8 thought this was a confrontation or it was an angry
9 exchange or did he not refer at all?

10 **A** He didn't elaborate, he just said that I
11 stated.

12 **Q** Okay, go ahead.

13 **A** He says right after he makes that
14 statement, the shorter male says, "we're almost to
15 our destination." And then it's quickly followed by
16 the larger male stating, "the fuck with what you
17 have to say", and he quotes that. And then they
18 continue to walk past his vehicle, which would be
19 east on Canfield.

20 **Q** At that point does he say that he
21 investigates these two for stealing Cigarillos, does
22 he mention anything to them about the theft?

23 **A** He doesn't say anything like that to me.

24 **Q** Okay. Go ahead.

25 **A** Officer Wilson, Officer Darren Wilson then

1 tells me that he got on his radio and says that he's
2 going to be conducting, notifies his dispatcher he
3 is conducting a pedestrian check and he requests an
4 assist car.

5 He then places his vehicle in reverse
6 and backs up towards the subjects. He places his
7 car in park, I'm sorry. As he attempts to exit his
8 vehicle he says, "hey, come here." That's a quote
9 that he used, "hey, come here."

10 As he's opening his door he feels the
11 door get slammed shut and then realizes the larger
12 of the two subjects pushed his driver's door closed.

13 He then tells the large subject to
14 get back and to move, and attempts to open the door
15 a second time. The door is then forced shut again,
16 and he describes that the larger subject is standing
17 at his driver's door with both hands on the door
18 frame of the vehicle like where the window would
19 come up is how he describes it.

20 And then Officer Wilson orders the
21 subject, or the subject to get back again. And
22 those are his words, get back and move is what the
23 two words that he's using.

24 Officer Wilson then tells me that the
25 subject then enters through the opened driver's door

1 window with his upper body. And he details it is
2 his upper body and both of his arms.

3 The subject, according to Officer
4 Darren Wilson, begins striking him in the chin,
5 face, shoulders and chest. As he described it is
6 the subject was swinging wildly.

7 During this time Officer Wilson's
8 trying to deflect the punches with his left hand
9 while giving the subject commands to get back and
10 move and stop.

11 After that, Officer Wilson, he
12 continues and states that subject then reaches
13 backwards with his left hand, and basically removes
14 his left hand and arm from the vehicle and hands
15 something to the other subject and says, "here, take
16 this," is what Officer Wilson says that he hears the
17 larger subject say.

18 He did not, nor did I ask, describe
19 what he thought was handed off, but he said that he
20 handed something.

21 He continues that immediately after
22 the subject says, "here, take this." He then
23 quickly moves his left arm and hand back into the
24 vehicle and then punches Officer Darren Wilson in
25 the right side of the face.

1 Officer Wilson then tells me that
2 this instantly stunned him and he starts basically
3 backing away and leaning back. Officer Wilson tells
4 me he continues with his left hand and forearm to
5 try to deflect the punches that he's being hit with
6 and then he starts going, as he puts it, through the
7 progression on his belt.

8 He thinks about grabbing his mace,
9 which is situated on his duty belt, however, he is
10 in a seated position and he can't retrieve it and it
11 is on the right side of his belt.

12 He then considers using an asp baton.
13 What an asp baton is, is a retractable baton that's
14 standard issue for law enforcement. He says that he
15 believed that due to the confined space from within
16 the patrol vehicle, that it would be an ineffective
17 tool.

18 And at this point I believe I asked
19 Officer Darren Wilson if he thought he could escape
20 any other way? And he says no.

21 He describes the interior of the
22 patrol vehicle or the Tahoe as having a computer and
23 a radio and a shotgun in the center console, which
24 prevented him from being able to climb over or get
25 out of the passenger side of the vehicle.

1 I asked Officer Darren Wilson to
2 continue. He stated that he then used his left
3 forearm, again, to try to create space between
4 himself and the subject, and then he retrieves his
5 department issued firearm from his holster, which is
6 situated on the right side of his belt.

7 Q Did he say, or do you know, he said the
8 mace is situated on the right side of his belt and
9 the gun is situated on the right side of the belt,
10 correct?

11 A The mace was on the left side.

12 Q I thought you said the right side.

13 A The mace was on the left side, his
14 department issued firearm is on his right side.

15 Q Okay, thank you. You can go on.

16 A He then removes his department issued
17 firearm from his holster and begins to raise it and
18 as he's raising it he yells, he said he yelled, stop
19 or I'll shoot.

20 Officer Wilson then tells me the
21 subject then grabs with his hand the top of the
22 slide of the firearm. And he says that his hand is
23 large enough to encompass the top of the slide. The
24 majority of the hand grips and the trigger guard,
25 and that's with Darren Wilson, he says his hand is

1 on it, Darren Wilson's hand is on the weapon.

2 The subject then responded with,
3 "you're too much of a pussy to shoot me." And that
4 was a quote from Darren Wilson.

5 Q Did he give you any of his opinions or
6 thoughts about what was going on when he says, "you
7 are too much of a pussy to shoot me," or did he just
8 kind of tell you what happened?

9 A Just told me what happened.

10 Q Okay.

11 A The subject makes that statement. And
12 then immediately following that statement, the
13 subject then forces the firearm in a downward angle
14 and Officer Darren Wilson tells me he can feel the
15 barrel of his own firearm pressed against his left
16 hip as he is in the seated position.

17 Officer Wilson then continued stating
18 that once he felt the barrel of the weapon pushed
19 into his hip, he was able to shift his lower half to
20 the right and basically get the barrel of the
21 firearm to now be pointed at the seat and off of his
22 hip.

23 He then with his left hand, with his
24 right hand on the gun, on the handgrips of the gun,
25 and he takes his left hand and puts it on the side

1 of the frame of the weapon. And then is able to
2 push it away from him to where the weapon is now
3 pointed at the driver's door.

4 He says that he then pulls the
5 trigger and nothing happens, the gun misfires.

6 He continues by stating that he
7 believed that due to the subjects hands being on the
8 top of the slide and on the trigger, I'm sorry, on
9 the hammer, that's what caused the gun to misfire.

10 Officer Wilson continues and states
11 that he then pulled the trigger again, at which time
12 one round of ammunition was fired.

13 Immediately following that, he sees a
14 large explosion of glass and then looks down and
15 sees what he believed was blood on his hands. He
16 said at that point he didn't know if he was injured
17 or the subject was injured, just knew that he saw
18 blood.

19 Officer Wilson continued that the
20 subject hands were still on the gun and he pulled
21 the trigger two more times and it misfired both
22 times.

23 The subject then reentered the
24 vehicle and assaulted Officer Darren Wilson by
25 punching him several more times in the face and then

1 stopped the assault and ran eastbound on Canfield
2 Road away from the vehicle.

3 **Q** So one shot you said was fired inside,
4 while he was sitting inside the vehicle?

5 **A** Yes.

6 **Q** Okay. And he considered, he realized he
7 could not escape, I'm not saying he should escape,
8 he considered that he could go to the left side or
9 passenger side, he was blocked by the shotgun or?

10 **A** Yes, he describes that there's a computer,
11 a large center console with a radio and like the
12 controls to the light bar and siren, and then a
13 shotgun. And there's just no means of escape
14 through the passenger side of the car.

15 **Q** But he said he did consider that?

16 **A** Yes.

17 **Q** Did he get over to the other side?

18 **A** He said he was unable to.

19 **Q** He was what?

20 **A** He was unable to.

21 **Q** But he considered that is what you said he
22 said?

23 **A** Yes.

24 **Q** Okay. All right. So go ahead, so now the
25 suspect is running east?

1 **A** Yes. He says that the subject is then
2 running east on Canfield, and Officer Darren Wilson
3 then exits his vehicle and upon doing so, he says he
4 radioed to his dispatcher that shots were fired, and
5 he continued to exit the vehicle.

6 He says he observed the subject
7 running east on Canfield at which time he pursued on
8 foot.

9 He says after, or during this chase,
10 he's giving the subject loud, verbal commands as he
11 puts it, to stop and to get on the ground.

12 Officer Wilson then tells me that the
13 subject then stops and turns around. He estimated
14 the distance was approximately 30 feet from him.

15 So at that time Officer Wilson
16 stopped in the street and then began to order the
17 subject to stop and get on the ground.

18 He continues and tells me that as he
19 turns around, the subject has, as he quotes it, "an
20 intense and psychotic look on his face." The
21 subject then takes his right hand and moves it
22 towards his waistband on the right side.

23 Officer Wilson then says the subject
24 screams something inaudible, doesn't know what he
25 said, but just screams something and begins to

1 charge him. And that's Officer Wilson's word was
2 charge.

3 As the subject is moving towards him,
4 he is giving him, continually giving him commands to
5 stop. As he is backpedaling to try to, as he says,
6 try to maintain the distance between the two.

7 He then continues and states that he
8 knew if the subject were to reach him, that he
9 would, and he quotes, "he would be done." Meaning
10 that Officer Wilson would be done. He knew, he
11 immediately stated he knew he was overpowered and
12 assaulted already one time in the vehicle.

13 Officer Wilson continued and stated
14 as the subject got within 15 feet of him, he
15 discharged five rounds of ammunition. He said that
16 this had no effect and the subject continued towards
17 him.

18 **Q** Did he indicate whether, did he, he may
19 not have, indicate whether or not any of the five
20 rounds entered the body of Michael Brown?

21 **A** He did not know, nor did I ask. He just
22 said that the subject continued to come towards him.

23 **Q** Did he indicate to you how, when the
24 subject turned around, I think you said that he put
25 his arms some kind of way and charged him?

1 **A** He says that --

2 **Q** Can you demonstrate that for us?

3 **A** I'm sorry?

4 **Q** Did he show you how?

5 **A** Officer Wilson kind of spoke with his
6 hands and he does demonstrate that the subject --

7 **Q** Can you stand up and show us, please?

8 **A** Yes. When the subject turns around, his
9 right and goes to his waistband. Now, he did not
10 say in his waistband or he just says to his
11 waistband.

12 And like we kind of covered earlier,
13 the cursory interview is not to get, it is more so
14 for the physical evidence to assist the
15 investigators on the scene.

16 So any clarifying questions would
17 have been done during an audiotaped interview,
18 which occurred later on.

19 **Q** Okay. Let me show you, but he put his
20 right hand near his waistband?

21 **A** Towards his waistband.

22 **Q** Nothing specific about his left hand?

23 **A** Doesn't say anything about it.

24 **Q** Okay, all right. He lets off, I think you
25 said, five more shots?

1 **A** Yes, he says that the first shots were
2 five, he believes it was approximately five rounds
3 of ammunition and the subject continued towards him.

4 He then discharged two additional,
5 approximately two additional rounds of ammunition,
6 and he said those had no effect and the subject
7 continued towards him.

8 He then states that the subject
9 started to lean forward and to Officer Darren Wilson
10 appeared that the subject was attempting to tackle
11 him, and that's his word was tackle. At which time
12 he discharged one additional round of ammunition.

13 Officer Wilson stated he then used
14 his radio and notified his dispatcher, and I believe
15 his quote was, "send me every car you've got and the
16 supervisor."

17 **Q** Did he indicate that he knew where that
18 last round landed?

19 **A** He said he believed it hit him in his
20 head.

21 **Q** Have you ever heard any of the radio
22 transmissions?

23 **A** Afterwards, yes, I have.

24 **Q** All right. It was part of your
25 investigation to listen?

1 **A** I listened to bits and pieces, but as far
2 as a continual listening to every piece of radio
3 traffic, no, that was not my responsibility.

4 **Q** What part of the radio traffic were you
5 interested in listening to?

6 **A** I believe it was just random bits to see
7 what all that we had. So from at the very beginning
8 would be him being dispatched to the sick case
9 through the end of when St. Louis County basically
10 departed the scene.

11 There was no specific pieces of radio
12 traffic that I was either interested in or
13 documented.

14 **Q** But you listened to the radio traffic from
15 the sick case to when St. Louis County came on the
16 scene?

17 **A** Not completely through.

18 **Q** Okay.

19 **A** I don't know if I said that right, but
20 just to see where it started and where it ended.

21 **Q** I see.

22 **A** I didn't listen to anything in between.

23 **Q** Okay. Did he ever, I think you said that
24 when he saw his right hand go to his waist, did he
25 say he thought he had a weapon?

Page 114

1 **A** I'm sorry?

2 Q Did he say that he thought that Michael
3 Brown had a weapon?

4 **A** He didn't know.

5 Q He didn't know?

6 **A** He did not know.

7 Q That was his concern?

8 **A** Yes.

9 Q When he put his hand to his waist?

10 **A** Yes.

11 Q He did say that?

12 **A** He said due to the assault and not knowing
13 that he was concerned.

14 Q Okay. Does he ever mention anything about
15 some Cigarillos?

16 **A** Are you speaking of Officer Darren Wilson?

17 0 Yes.

18 **A** The only thing he mentions about
19 Cigarillos was during his recollection of the
20 initial call, comments for the stealing in progress
21 at 9101 West Florissant. It was never addressed
22 after that or brought up.

23 MS. WHIRLEY: Questions?

24 : . When you
25 mentioned the struggle inside the vehicle with the

1 officer and Michael Brown, did Michael Brown have
2 anything in his hands, did he mention he had
3 anything in his hands at the time?

4 **A** He says when, the way he describes it is
5 when he reaches back and says, "here, take this."
6 That he hands something off to the other individual,
7 but he doesn't know what it was. So he just says,
8 he left it at something.

9 : Did you
10 state that after the first shot went off in the car
11 when he was trying to gain control of his weapon,
12 that it misfired two more times?

13 **A** The total number that he can approximate
14 is three. The first time he pulled the trigger he
15 said that it misfired. The second time he pulled
16 the trigger it fired and then he said he tried two
17 additional times and they misfired.

18 : Okay, thank you.

19 The first
20 misfire he said was because Michael's hand was on
21 the gun, what about the second and third one, was
22 there still that contact going on?

23 **A** He says that that's what he believed.
24 Now, I'm not a firearms expert nor was I there, but
25 he says that he believes that that's what caused the

1 misfire.

2 Throughout this he never says that
3 Michael, the subject, takes his hand off the weapon
4 until he continues the assault, the second assault
5 in the vehicle.

6 Just to follow-up, did you
7 have a sense for how long that altercation lasted?

8 **A** He approximated a minute from start to
9 finish.

10 : . When we
11 talk about misfire, can you kind of walk us through
12 that process what it looks like?

13 **A** Sure. So there's many reasons. And like
14 I said, I'm not a firearms expert, however, in my
15 job I do carry a firearm and know some things about
16 it is that a weapon can misfire for many different
17 reasons.

18 One of them being if there's anything
19 that is impeding the hammer of the firearm from
20 coming forward and striking the firing pin, that
21 will cause the weapon to misfire. So if you put
22 anything in there, a piece of rope, or as the case
23 may be, if a hand is pushed down on that hammer, it
24 won't let that hammer cycle and won't allow the
25 weapon to fire. Does that clarify it?

1 : Yeah,

2 So the bullet would remain in the gun, it
3 would not have impacted, it potentially would be
4 able to be shot again, there would no casing
5 discharged?

6 **A** Correct. So if the weapon misfires in
7 that form, the casing will not be discharged, the
8 round that is currently in the chamber will still be
9 a live round, it will still fire if the gun cycles
10 properly the next time.

11 Okay, thank you.

12 MS. ALIZADEH: I have a follow-up question
13 about that. And you're familiar with the Sig Sauer
14 weapon that this officer was carrying?

15 **A** I am.

16 **Q** (By Ms. Alizadeh) And this is a weapon
17 that when it fires properly, the empty cartridge is
18 ejected from the gun ejection port, right?

19 **A** Yes.

20 **Q** And that's on top of the weapon, at least
21 in the area where Officer Wilson said Michael Brown
22 had his hands, correct?

23 **A** That is correct.

24 **Q** Can you explain to the jurors what
25 stovepiping means?

1 **A** Stovepiping is a term used in firearms
2 where the round, a live round will be, it could be a
3 spent round also, casing is basically partially
4 ejected and is situated in a manner that looks like
5 the round is sitting vertical on the gun. If I'm
6 explaining this right, to where it would look like a
7 stovepipe coming out of an oven. And that basically
8 means that the casing was not fully extracted from
9 the chamber and the gun did not cycle properly.

10 **Q** And is it possible, again, we will have a
11 firearms expert testifying about this, has that ever
12 happened to you?

13 **A** At the range, yes. I mean, it is a
14 malfunction that is not common, but it does occur.

15 **Q** And so if there would be something
16 blocking that cartridge from flying out of that
17 ejection port, it could be stuck inside partially in
18 and out of the weapon, correct?

19 **A** Yes.

20 **Q** And if that were to occur, would you be
21 able to discharge another round with that
22 projectile, that cartridge still partially in that
23 ejection port?

24 **A** No. And also when that casing is
25 stovepiped, it allowed, the gun is out of battery,

1 which means it won't cycle again. So you would have
2 to clear the malfunction, and there's a drill that
3 they train us on of how you would have to clear the
4 stovepipe, the round.

5 I'm . This
6 is going back to the time that you arrived at the
7 Ferguson Police Department to speak with Officer
8 Wilson, Darren Wilson. And at the time you said he
9 showed you where his gun, where he says that his gun
10 was contained in his package.

11 **A** Uh-huh.

12 : Can you describe that
13 package for us?

14 **A** I can. It is a manila envelope, which is,
15 I'd probably say 9 by 13 size, and what it looked
16 like is I didn't see if it was sealed because the
17 way it was positioned on the table is that the flap,
18 I guess for it, was positioned down, if that makes
19 sense.

20 : Yeah, that is what I
21 wanted to know.

22 **A** Sure.

23 : I need clarification if it
24 was sealed or not. And from the time of the
25 incident until the time that Officer Darren Wilson

1 was transported to Christian Northwest to document
2 his injuries or whatever, can you give me some idea
3 about how much time had elapsed from that point to
4 the point that he arrived at the hospital?

5 **A** Well, the only thing I could speak of is
6 the time that we were notified at this point. I
7 don't exactly know what time the incident occurred
8 and what time he departed the scene, it wasn't part
9 of my responsibility or my interview at the time.

10 I know that we were notified at
11 12:43. I arrived at 1:30 on scene and I first
12 contacted Officer Darren Wilson at 2:00 p.m.

13 The conversation at Ferguson Police
14 Department lasted minutes, not long at all and then
15 he was transported to Christian Northwest Hospital.

16 MS. WHIRLEY: How long would you say, how
17 much time did you spend with him at Christian
18 Hospital.

19 **A** I probably say 30 minutes. Obviously it
20 took some time to get photos taken and then any time
21 that either a registration nurse, a physician's
22 assistant or nurse would enter the room, the
23 interview would basically just stop for privacy
24 reasons. That would be common practice even if it
25 was a normal investigation.

1 . So from
2 the time that you finally left him at the hospital
3 or whatever.

4 **A** Uh-huh.

5 : Do you know about what
6 time that was?

7 **A** I probably say I left probably between
8 2:45 and 3:00. From that point I returned back to
9 the Ferguson Police Department.

10 Yes, ma'am.

11 : During
12 the scene, the time that the officer was still
13 positioning his car, struggling with Mr. Brown, did
14 he ever indicate that he was trying to call for
15 help?

16 **A** I'm sorry?

17 : Did he ever say that he
18 was trying to call for help or backup?

19 **A** He did not. He said that initially even
20 before, as you put it the altercation took place, he
21 says that he requested, advised the dispatcher he
22 was conducting a pedestrian check and then he
23 requested an assist car at that point before the
24 confrontation at the vehicle ever took place.

25 : So when an officer in his

1 position will call for help, does he have a
2 microphone here or radio dispatch on his waist?

3 **A** In a later interview with Officer Wilson,
4 we found that he keeps the radio on his right side.

5 MS. ALIZADEH: You are pointing to your
6 left side?

7 **A** I'm sorry, it is on his left side, I
8 apologize. I'm sorry, on his, thank you, his left
9 side. And then there would be a radio inside of the
10 vehicle also.

11 : So still . He
12 gets out of the car and he tells him to halt, but he
13 says the victim kept running. So at that time he
14 still had not called for backup?

15 **A** He says that as he's exiting the vehicle
16 he announces shot fires and requested assistance at
17 that point. That would be once he is getting out of
18 the car.

19 He's --

20 **A** I'm sorry?

21 Did he fire once he got
22 out of the car or did he call and then fire?

23 **A** No, he, okay he, I'm trying to explain it
24 to where. So essential what happens is after, he
25 tells us that after the first shot that went off

1 while he was in the vehicle, the subject comes back
2 in and assaults him and then takes off running east
3 on Canfield away from the car.

4 : Uh-huh.

5 **A** Officer Wilson then tells us that he opens
6 his door and as he is exiting the vehicle, he gets
7 on his radio and announces, or notifies his
8 dispatcher of shots fired and requests an assist
9 car.

10 So at that point that would be his
11 second, as he puts it, second radio transmission
12 regarding this incident announcing where he
13 announced shots fired and requested assistance at
14 that point.

15 So what did he say would
16 be his reason to keep firing after he got out of the
17 car and calling for help?

18 **A** Okay, uh --

19 : If the suspect is running,
20 then what would be your initial reason to keep
21 shooting?

22 **A** As Darren Wilson describes it, the subject
23 turned around at that point. He doesn't tell us
24 that he fired any rounds from the time that he got
25 out of the car to the time that the subject turns

1 around. He just announces on the radio that shots
2 were fired.

3 And from being a police officer as
4 long as I have, that's the same thing as an officer
5 needs aid, requesting immediate assistance, if you
6 hear, you are a neighboring police officer and you
7 hear any police officer and yell shots fired, that
8 means that obviously something bad has happened.

9 : . I guess
10 at the point where Michael Brown turned around, did
11 Officer Darren Wilson, did he indicate he had any
12 injuries?

13 **A** He doesn't, he doesn't say. Are you
14 talking about Officer Wilson or the subject?

15 : The subject.

16 **A** He doesn't say nor do I ask. He just says
17 he turns around and then the hand goes to the right
18 side of his waistband. He never says that he saw
19 any injuries on the subject nor did, like I said,
20 nor did I ask.

21 : After the shot
22 was fired in the car, you said he saw blood on his
23 hand. Was Officer Wilson referring to his own hand
24 or Michael Brown's hand?

25 **A** He was referring to his own hands. So

1 that's when he says, he tells me that he didn't know
2 if he was injured, as far as he being Officer
3 Wilson, or the subject was injured. He didn't know,
4 he just saw the blood.

5 : . You said you've
6 investigated several officer shootings, is it
7 typical that prior to your arrival, that the officer
8 already has a lawyer there?

9 **A** It can happen. I mean, it does happen on
10 certain occasions and it would not impede us or
11 change anything with the way we proceed. I mean, we
12 would ask every police officer, just like we ask
13 every victim or every witness or every suspect, if
14 they would be interested in having a conversation or
15 if they would be okay with an interview.

16 And we just assume that the attorney
17 would and with what happened is, his attorney sat
18 there and didn't say a word.

19 : And this case there isn't
20 say, for instance, Ferguson Police Department, there
21 isn't a lawyer staffed in the building readily
22 available, it would have been just like anyone else,
23 it would have been called in on Saturday, I imagine?

24 **A** I'm sorry to interrupt you.

25 : No, no.

1 **A** I believe the attorney, is
2 an attorney for the FOP, which is the Federal.

3 MS. ALIZADEH: Fraternal?

4 **A** Fraternal Order of Police's attorney, I'm
5 sorry. Basically he is, I don't want to say
6 on-call, it is not the right word, but if a critical
7 incident happens, the police officer, if a member,
8 can call him any time.

9 : Thank you.

11 Stovepiping.

12 **A** Yes.

13 You said the casing is
14 not fully discharged from the weapon?

15 **A** Uh-huh.

16 : It kind of looks like a
17 stove, like a stovepipe on top of the gun?

18 **A** Uh-huh.

19 : It cannot be discharged
20 again until that's taken apart?

21 **A** The gun doesn't have to be taken apart.

22 Until the casing,
23 whatever, is taken off?

24 **A** Right, it would have to be, the
25 malfunction drill is, you have to remove the

1 magazine, lock the slide to the rear, which would
2 remove the stovepipe round and the round that was
3 somewhat forced into the chamber, or the barrel of
4 the gun. You would have to reinsert the magazine
5 and then put the slide forward and that would
6 chamber another round.

7 So it's a three or four step process
8 too, if a weapon does stovepipe, to clear that
9 malfunction.

10 If a gun was, if a weapon
11 was, a shot was fired inside the car that there
12 would be a spent casing inside the car or could it
13 exit the window?

14 **A** It could definitely eject through the
15 window.

16 The window that's in
17 front of you?

18 **A** Yes, it could have, in just my experience,
19 casings could end up in very odd places. It will
20 eject, and it could bounce off something, you know,
21 there is plenty of obstructions inside of a car, any
22 typical car a steering wheel, the dashboard, it
23 could end up anywhere.

24 Or moving body?

25 **A** A moving body, yeah. It could have been,

1 seen it before where it is caught in clothes and it
2 would fall out as a person is running away and it is
3 further away from the scene than what you would
4 expect. There's no predetermined place for a casing
5 to land when it is ejected.

6 . I'm just
7 trying to get idea of the logistics of the utility
8 belt.

9 **A** Okay.

10 : Okay. Now, you told us
11 the radio is kind of like on the left hip?

12 **A** Uh-huh.

13 : Is that basically where
14 everybody wears it?

15 **A** Uh-huh.

16 : Give me some idea where
17 the mace is, where the baton is in relationship to
18 the gun?

19 **A** Okay. On Darren Wilson's belt
20 specifically?

21 Uh-huh.

22 **A** It was, the mace on the left side, his
23 radio was on that side also.

24 : Uh-huh.

25 **A** There is a, it is more like a utility belt

Page 129

1 loop where you would either hang a flashlight or you
2 can put a spare set of handcuffs on it. And then on
3 the back side, I believe there was a set of
4 handcuffs and his duty holster on his duty belt was
5 on his right hip. On the right side, but in the
6 front are two additional, it is called a magazine
7 pouch and it carries two reserve magazines for your
8 pistol.

9 Anywhere for the mace or
10 whatever?

11 **A** The mace is right here.

12 : The mace is on the left?

13 **A** It is on the left.

14 : Okay.

15 **A** That's the situation, I guess, of his duty
16 belt.

17 : Okay, thank you.

18 : . Getting back
19 to the positioning of the shooting. When Michael
20 Brown turned around, Officer Darren Wilson said he
21 was approximately 30 foot between them?

22 **A** (Nods head.)

23 : As Michael Brown charged
24 towards him, he backed up to keep the distance.
25 Does he indicate that Michael Brown was closing

1 distance on him?

2 **A** He says that, and I don't want to make an
3 assumption, I'm just telling you what he says. The
4 distance started at 30 feet and then it was reduced
5 down to 15 feet.

6 MS. WHIRLEY: If there are no other
7 questions, you did actually do a recorded interview
8 with Michael Brown; is that correct? (sic)

9 **A** I did.

10 **Q** (By Ms. Whirley) And who was present
11 during that interview?

12 **A** It was myself, Detective
13 who was the case detective, police officer Darren
14 Wilson and his attorney

15 **Q** Any idea how long that interview was?

16 **A** I'd say roughly 30 minutes.

17 **Q** 30 minutes, okay. We're not going to ask
18 you to sit through the interview, I was just setting
19 it up because you are the person that actually did
20 that interview.

21 Any other questions?

22 MS. ALIZADEH: I do want to ask about that
23 interview as well. So that is recorded and we're
24 going to play that later.

25 The interview actually was primarily

1 conducted by wouldn't that be fair to
2 say?

3 **A** Yes.

4 MS. ALIZADEH: You were present and also
5 asked questions, but is the primary
6 speaker or the primary questioner I would say,
7 correct?

8 **A** Yes.

9 MS. ALIZADEH: And that was video or audio
10 recorded?

11 **A** Audio recorded.

12 MS. ALIZADEH: Now, you will sometimes
13 video record homicide suspects; is that correct?

14 **A** That's correct.

15 MS. ALIZADEH: And you an interview room,
16 several interview rooms over at your headquarters
17 that are equipped with video cameras and that are
18 for that purpose, interviewing suspects, correct?

19 **A** Yes.

20 MS. ALIZADEH: Why didn't you video record
21 his, and I don't know if it was your decision or
22 another officer's decision, do you know why he was
23 not put in an interview room and interviewed like
24 you would a suspect in a homicide?

25 **A** Our interview rooms are small, they're

1 kind of that way for a reason. They are 4 feet by
2 6 feet. And with just one interviewer and a person
3 being interviewed, is very tight.

4 So with two detectives, a person
5 being interviewed and their attorney, that room,
6 those rooms are just not conducive for that type,
7 the amount of people.

8 So the room that we chose to use is a
9 small conference room with a table and about six
10 chairs that are around it. So it was more
11 accommodating, we would use that option if we needed
12 it on any interview.

13 MS. ALIZADEH: And so there was an audio
14 recording made of that interview, correct?

15 **A** That was done at the St. Louis County
16 Police Headquarters within the office of the
17 Division of Criminal Investigation, which is where
18 our offices are.

19 MS. ALIZADEH: Also just to clarify, you
20 are now aware that the FBI is conducting an
21 independent investigation into civil rights
22 violations, correct?

23 **A** Yes.

24 MS. ALIZADEH: I'm not going to get into
25 the date that that began or anything like that, but

1 when you did your interview at the department
2 headquarters in the conference room, the one we are
3 going to listen to, was FBI conducting joint
4 interviews at that time?

5 **A** At that time, no.

6 MS. ALIZADEH: Okay. Now, after that
7 date, at some point during this lengthy
8 investigation, was there a decision made between
9 your superiors and people with, you know, the feds
10 that if at all possible, it would be better that you
11 all conduct joint interviews?

12 **A** Yes.

13 MS. ALIZADEH: But the feds were not
14 involved in the interview that Darren Wilson gave at
15 your headquarters in the conference room?

16 **A** Correct.

17 MS. ALIZADEH: Okay.

18 : . I just
19 want to clarify, that interview, the recorded
20 interview was with Officer Darren Wilson?

21 **A** Yes, Officer Darren Wilson and Detective

22

23 I may have misheard.

24 **A** No, that's okay.

25 MS. ALIZADEH: We haven't heard it yet,

1 just so you know.

2 MS. WHIRLEY: Put on the
3 record, clarify what you said.

4 I think Sheila may have
5 said did you do an interview with Michael Brown.

6 **A** Oh, I'm sorry.

7 MS. WHIRLEY: If I said that, that was, of
8 course, incorrect.

9 **A** Yes.

10 MS. WHIRLEY: You did an interview with
11 Darren Wilson?

12 **A** I'm sorry.

13 MS. WHIRLEY: So thank you,

14 MS. ALIZADEH: And that, of course, the
15 interview with Darren Wilson, conducted by county
16 police officers we will play for you later today.

17 Any other questions of this officer before
18 he is to leave?

19 : One last
20 question. After your initial interview, the cursory
21 interview, did you return back to the scene and
22 report or how does that work?

23 **A** What occurred is I returned, I left
24 Christian Northwest Hospital and returned to the
25 Ferguson Police Department initially. While I was

1 there, I waited maybe 10, 15 minutes for Officer
2 Wilson to return and Lieutenant Colonel to
3 return.

4 It was at that point when they did
5 return, we seized, when I say we, I'm referring to
6 Detective seized the uniform worn by
7 Darren Wilson during the incident. And that's at
8 which time his weapon was seized and it was in that
9 evidence envelope or that manila envelope that we
10 had talked about earlier. So that's when the weapon
11 and uniform were seized.

12 Following that, I did return to the
13 scene there on Canfield Green Apartment Complex.
14 The reason for that is, goes hand in hand with our
15 cursory interview. The way I explained it earlier
16 is that with the information that I obtained through
17 the cursory interview, I provide that to Detective
18 so that it will allow the members of the
19 police department at the scene to make sure we have
20 encompassed everything that might be involved.

21 So they have a statement that will
22 either, you know, if they need to look over here for
23 evidence or over there, they know based on the
24 cursory statement. We would do that with any
25 witness or anybody that could give us any

1 information, we'll use that to, influence is the
2 wrong word, make us look in the right spot, if you
3 understand what I'm saying, I'm sorry.

4 : .

5 **A** Yes.

6 : Do you feel that the way
7 the weapon was handled before it got to your St.
8 Louis County investigator, compromised the
9 investigation in any way?

10 **A** No, it is just different than what St.
11 Louis County would do. However, chain of custody
12 was maintained and that's really the only thing that
13 would be important to me as an investigator that it
14 went from Officer Darren Wilson, to Detective
15 to Detective those are
16 the chains that, obviously, I would be concerned
17 about. It appeared that it was maintained, so.

18 MS. ALIZADEH: And also looking at my
19 notes I neglected to ask, you've mentioned that you
20 investigated a number of police officer involved
21 shootings?

22 **A** Correct.

23 MS. ALIZADEH: And have you interviewed
24 the police officers involved in those shootings?

25 **A** On some of them.

1 MS. ALIZADEH: And in your experience, is
2 it unusual for the officer to not be able to
3 accurately recall how many or the sequence of shots
4 that were fired during the critical incident?

5 **A** Not at all, it is actually common.

6 MS. ALIZADEH: Okay. Nothing further.

7 **A** Thank you very much.

8 (End of the testimony of Officer
9)

10 (Recess)

11 MS. ALIZADEH: This is the 16th of
12 September, the time is approximately 1:16. This is
13 Kathi Alizadeh with the prosecutor's office.
14 Present are all 12 jury grand jurors, as well as the
15 court reporter, Sheila Whirley has stepped out.

16 To begin the afternoon session what I
17 would first like to do is to play an audio file that
18 is contained on Grand Jury Exhibit Number 17.
19 Remember, this is one of those I renumbered. I
20 think it used to be 9 or 10, but anyway, it is now
21 Grand Jury Number 17. I'm going to play a recording
22 of an interview of Darren Wilson and the interview I
23 have transcripts that I'm going to pass out.

24 Again, if you will to take one and put
25 your juror number in the corner. Before I actually

1 start this, this interview is the interview that
2 talked about that was recorded in a
3 conference room at the police headquarters.

4 And so as you can see from the transcript,
5 the main speakers are Detective and in the
6 transcript that is DET. and then when Darren
7 responds it is D. Wilson.

8
9 They both have the distinctive voices
10 and hopefully it won't be too confusing for you to
11 tell who is speaking.

12 Also during the interview you will hear
13 that they give Darren Wilson a map to write on and
14 then also a photo lineup that they ask him if he can
15 identify somebody.

16 So that happens later in the interview.
17 I'm going to let you guys look at those and I can
18 put them up on the screen if you like, but those are
19 what is being referenced when they are talking and
20 those are copies.

21 : .
22 Miss Kathi, is this Ferguson or St. Louis County
23 interviewing him?

24 MS. ALIZADEH: Detective is with
25 the County Police Department, and I think he

1 announces that in the beginning paragraph who is
2 with, who is present and who they're with.

3 And also, I'm going to tell you because we
4 have another witness that's here that we need to
5 meet with briefly, and Sheila and I both need to do
6 that, I'm going to start this and I'm going to walk
7 out. I would ask that you not deliberate or
8 anything while I'm gone because is still here
9 and he's going to just be present while this is
10 being played and then if we're not back in 30
11 minutes, which I can't imagine it is going to take
12 30 minutes, when we come back we'll stop it. If it
13 stops before, then we'll just, said he would
14 then just leave the room so he is not sitting here
15 alone with you all.

16 If by chance we're not
17 back when this ends, you know it will start over
18 from the beginning automatically, so you can just
19 click the pause or that square to stop it.

20 (This is the audio recording being played
21 at this time.)

22 MS. ALIZADEH: Is there any part of this
23 that you all want to hear again or hear it again in
24 its totality? And again, this is available for you
25 to listen and the transcripts are for you to keep in

1 your materials, all right.

2 So you ready for the next witness?

3 Can I take a quick

4 bathroom break?

5

6 of lawful age, having been first duly sworn to

7 testify the truth, the whole truth, and

8 nothing but the truth in the case aforesaid,

9 deposes and says in reply to oral

10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. ALIZADEH:

13 Q Could you state your name and spell it for
14 the court reporter?

15 A

16

17 Q And just in case I slip, you go by
18 is that right?

19 A I do, yes.

20 Q I'll try to remember to call you

21 Miss

22 A Yes.

23 Q All right. What do you do, Miss ?

24 A I'm an FBI agent.

25 Q How long have you been with the FBI?

1 **A** I've been with the FBI about three and a
2 half years.

3 **Q** And prior to your employment with the FBI,
4 were you otherwise employed in law enforcement?

5 **A** I was a civilian crime scene examiner for
6 Baltimore County Police Department.

7 **Q** Okay. So you were a civilian crime scene
8 examiner?

9 **A** Investigator.

10 **Q** So you weren't a commissioned police
11 officer?

12 **A** I was not.

13 **Q** So prior to becoming an FBI agent, you
14 were never a commissioned police officer?

15 **A** No, I was not.

16 **Q** So all of your law enforcement career has
17 been with the FBI, other than the civilian crime
18 scene investigator?

19 **A** Yes, ma'am.

20 **Q** So where are you officed?

21 **A** St. Louis, Missouri.

22 **Q** Is your office in the FBI headquarters
23 downtown in St. Louis City?

24 **A** Yes, ma'am.

25 **Q** And back in early August of this year,

1 were you asked to assist with an investigation
2 involving the shooting death of Michael Brown?

3 **A** I was.

4 **Q** And you're aware that the Department of
5 Justice is conducting an investigation into civil
6 rights violations that might have occurred involving
7 the shooting death of Michael Brown?

8 **A** Yes, ma'am.

9 **Q** Now, the FBI, that's a federal agency,
10 right?

11 **A** Yes.

12 **Q** You're a federal agent?

13 **A** Yes.

14 **Q** I'm not going to get into a law school
15 class about this, but typically you aren't typically
16 investigating murders and rapes and things that
17 maybe state level law enforcement officers
18 investigate, would that be fair to say?

19 **A** Yes.

20 **Q** And so what your role is or what you are
21 limited to is investigating violations of federal
22 laws, correct?

23 **A** Yes, ma'am.

24 **Q** And so is that primarily what your role is
25 in this case is to investigate violations of any

1 federal laws?

2 **A** Yes, ma'am.

3 **Q** So when were you first brought in on the
4 investigation of the shooting death of Michael
5 Brown?

6 **A** August 11th, 2014.

7 **Q** And have you continued to be involved in
8 this investigation since August 11th?

9 **A** Yes.

10 **Q** And have you, in the course of your
11 investigation, did you interview Darren Wilson?

12 **A** Yes.

13 **Q** Have you conducted numerous other
14 interviews of other witnesses?

15 **A** Yes.

16 **Q** Both lay people or civilians and law
17 enforcement?

18 **A** Yes.

19 **Q** And, in fact, is your investigation still
20 going on?

21 **A** It is.

22 **Q** And so what I'm going to ask you about
23 today is about your interview with Darren Wilson,
24 but we know you had other things to do with this
25 case. If we need to have you testify about other

1 aspects of your investigation, would you return to
2 the grand jury to give further testimony?

3 **A** I will.

4 **Q** All right. So just for today, I'm not
5 saying I'm limiting you in asking your questions,
6 but just for today the purpose I'm going to be
7 asking you questions is about your interview with
8 Darren Wilson, okay?

9 **A** Yes.

10 **Q** Now, on what day did you interview Darren
11 Wilson?

12 **A** August 28th, 2014.

13 **Q** Now, during the time of your involvement
14 with this investigation, was there a time when the
15 FBI agents involved and the attorneys are either
16 with the U.S. Attorney's office or Department of
17 Justice kind of agreed to work together with the
18 county investigators in conducting interviews
19 together?

20 **A** Yes.

21 **Q** Were you aware prior to your interview of
22 Darren Wilson, were you aware that he had already
23 been interviewed by county detectives about the
24 shooting death of Michael Brown?

25 **A** Yes.

1 **Q** And did you have a copy of that interview?

2 **A** Yes.

3 **Q** And had you listened to it prior to your
4 interview of Darren Wilson?

5 **A** Yes.

6 **Q** So now given that he's already given an
7 interview with the county detectives, why is it that
8 you decided to interview him again on the 28th?

9 **A** As we do separate investigations, my
10 investigation is a civil rights investigation. Part
11 of that and what I do in investigating civil rights
12 is violations under the color of law, which that's
13 why we're taking a look at this shooting, is to see
14 if Officer Wilson was in violation of his sworn
15 duties.

16 And because of that, he is a subject
17 of an investigation and very important and we are,
18 it is separate, excuse me, from a homicide
19 investigation, what the county is conducting, so we
20 felt it necessary to conduct a separate interview.

21 **Q** And at the time that Michael Brown, I'm
22 sorry, Darren Wilson was interviewed by the county
23 detectives, was that before you all started
24 conducting joint interviews?

25 **A** Yes, ma'am.

1 **Q** And the joint interviews, is it time
2 saving for detectives as well as less inconvenience
3 for witnesses and so forth?

4 **A** That main reason has to do with the fact
5 you want to limit statements given to avoid
6 inconsistency, because it is human nature.

7 **Q** And in any case, you wanted to ask
8 additional questions at some point involving your
9 investigation of Wilson?

10 **A** Yes.

11 **Q** I mean, Officer Wilson, Darren Wilson?

12 **A** Yes.

13 **Q** All right. And so did you or someone else
14 with the FBI contact Darren Wilson and/or his
15 attorney about having him come in to give a
16 statement?

17 **A** Yes.

18 **Q** Did they agree to do that?

19 **A** They did.

20 **Q** They appeared at your headquarters?

21 **A** Yes.

22 **Q** So who came to the interview, who was
23 present?

24 **A** Officer Darren Wilson, as well as his
25 attorney, and another attorney,

1 I believe.

2 Q

3 A as well as assistant United States
4 attorney, , Department of Justice trial
5 attorney and also present was another
6 special agent,

7 Q And so where did this interview take place
8 in your FBI headquarters?

9 A It took place, we have interview rooms in
10 the front, that's where it took place.

11 Q So was this a conference room looking at
12 area or, I mean, is everybody sitting around the
13 table?

14 A It is.

15 Q Okay. And did you record these, this
16 interview?

17 A We did not.

18 Q Why is it that you didn't record this
19 interview?

20 A It is not generally the FBI's policy to
21 record. It was made, the decision was made since he
22 already had a recorded statement as well, to not
23 record an additional statement.

24 Q During the interview, did you take notes
25 during the interview?

1 **A** I did.

2 **Q** Did you use those notes, do you use those
3 notes generally then to write a police report or
4 what you guys call 302s?

5 **A** Correct.

6 **Q** And 302 is just a number that is for that
7 type of a report that you write, for example, when
8 you are summarizing an interview, would that be fair
9 to say?

10 **A** Yes.

11 **Q** And so, again, in this scenario you are
12 questioning him because he is the subject of a
13 federal investigation into civil rights violations,
14 correct?

15 **A** Yes.

16 **Q** So when he arrived, was there any
17 discussion between you and his attorney or him about
18 there being any limitation on the questions that you
19 were going to ask him?

20 **A** No, there was no limitation.

21 **Q** Did you read him Miranda warnings?

22 **A** No, we did not.

23 **Q** And why not?

24 **A** He was not in custody.

25 **Q** So he came there voluntarily, he wasn't

1 arrested. Were you planning on placing him under
2 arrest after you were questioning him?

3 **A** No.

4 **Q** And his attorney was present during the
5 entire interview?

6 **A** Yes.

7 **Q** And was there ever a time when you had
8 breaks during the interview where he was left alone
9 in the room with his attorney?

10 **A** They had the option. I can't recall if
11 there were breaks or not.

12 **Q** About how long did your interview last?

13 **A** Approximately an hour.

14 **Q** And were there questions asked by you
15 during the interview?

16 **A** Yes.

17 **Q** Did the Department of Justice trial
18 attorney, , did she ask questions as
19 well?

20 **A** She did.

21 **Q** Did U.S. attorney or assistant U.S.
22 attorney , I think it is ,
23 correct?

24 **A** Yes, ma'am.

25 **Q** Did he ask questions as well?

1 **A** He did.

2 **Q** Did ask questions as well?

3 **A** She did.

4 **Q** And how would describe Darren Wilson's
5 demeanor during the time you interviewed him?

6 **A** Cooperative.

7 **Q** Did he appear nervous?

8 **A** No.

9 **Q** And so did you, was this the first time
10 you had ever met Darren Wilson?

11 **A** Yes, it was.

12 **Q** And you're aware that he is on
13 administrative leave; is that correct, or did you
14 know that?

15 **A** I didn't know it was administrative leave,
16 I just know he had not returned to work.

17 **Q** He didn't come in a policeman's uniform to
18 the interview, did he?

19 **A** No.

20 **Q** And so can you just and summarize for the
21 jurors, what you talked about or what you asked him
22 during the interview?

23 **A** We, we went over his career as a police
24 officer, just a brief rundown that he had been a
25 police officer in Jennings Missouri Police

1 Department for two years prior and had worked for
2 Ferguson since October 2011, Ferguson Police
3 Department.

4 And then we went into August 9th,
5 2014, where he was working a shift from 6:00 a.m. to
6 6:00 p.m. Around noon, just before noon he received
7 a call, a sick call he referred to it as. An infant
8 who had a fever. While he was at that call he heard
9 over the radio a call for a stealing in progress
10 where, is it okay if I refer to my notes?

11 Q Sure.

12 A Sorry, I don't mean to look down. He
13 heard it was at a market, he didn't hear which one
14 and he heard a description over the radio saying the
15 subjects were walking towards the QuikTrip, stole
16 Cigarillos and one subject was wearing a black
17 shirt.

18 Wilson cleared that sick call because
19 the mother and the infant were taken to the
20 hospital. He cleared the call and he was going
21 eastbound on Canfield. The sick call was in an
22 apartment complex, I believe it is called
23 Northwinds, and to get back to West Florissant, I'm
24 sorry, west on Canfield.

25 And as he's driving, he sees two

1 individuals in the middle of the road walking single
2 file and as he pulls up, he sees who he identifies
3 later at a later date as of the date of the
4 interview as Dorian Johnson and Michael Brown. He
5 didn't know them before.

6 **Q** When he was talking with you, he, at that
7 point knew that the deceased was Michael Brown and
8 that the other gentleman is Dorian Johnson, correct?

9 **A** Yes, ma'am.

10 **Q** But during your interview, did he refer to
11 them by name, those names then?

12 **A** He did.

13 **Q** But did you clarify with him that this
14 was, were these individuals he had ever heard of or
15 had any contact with previously?

16 **A** We did clarify and no, he did not. He did
17 not know who they were prior to this interaction.

18 **Q** Okay. So you say he sees these two
19 subjects who he now knows as Michael Brown and
20 Dorian Johnson, what happened next?

21 **A** Dorian was first, so he pulled up next to
22 him and asked him why don't you guys walk on the
23 sidewalk. He made the statement, it wasn't in a
24 confrontational way because he was more concerned
25 about going back to the station to have lunch, it

1 was about that time.

2 Dorian's response was, we're just
3 about to our destination, Dorian was not
4 confrontational either.

5 And Officer Wilson's response was
6 okay, but what's wrong with the sidewalk. And
7 Dorian kept, he continued to walk and Officer Wilson
8 said he did not pay attention to Michael Brown and
9 he was somewhat blocked. He has a big mirror, he
10 was driving a Tahoe, so the mirror is quite large
11 and Michael was blocked, he was just in that spot.

12 Because he was interacting with
13 Dorian Johnson, didn't notice Michael walking or any
14 demeanor and so when he says okay, but what's wrong
15 with the sidewalk, Michael says, "fuck what you have
16 to say."

17 I'm sorry, let me refer to my notes.
18 Officer Wilson's attention was then drawn to Michael
19 Brown and he noticed that Michael Brown's hands were
20 full of Cigarillos. He looks in his rear view
21 mirror and also saw that Dorian was wearing a black
22 T-shirt.

23 Thinking back on the call, Michael
24 Brown was wearing a gray T-shirt and the call was
25 they stole Cigarillos and one was wearing a black

1 shirt. So kind of putting two and two together or
2 thinking that these might be the two guys, he puts
3 the car into reverse.

4 Q Now, when you say putting two and two
5 together, is that what he was telling you that he
6 put two and two together or is that your
7 interpretation of it?

8 A He said he recalled the description that
9 came out over the radio. I think I'm using that, I
10 don't know what you would call that, but yes, he
11 said that.

12 Q As much as possible because, obviously,
13 you know, I don't want you to add to the statement
14 or even interpret something that you believe he
15 meant or said if he said it a certain way. So as
16 best you can, stick with what he told you. So he
17 said he recalled that earlier call about the
18 stealing Cigarillos?

19 A Yes, ma'am.

20 Q And then what did he say happened?

21 A He said he put the car, I'm sorry, he
22 called over the radio said I'm on Canfield with two,
23 send me another car, that's quoted.

24 He then put his vehicle into reverse
25 and angled the rear of the vehicle towards the

1 middle of the street as to block the two of them
2 from getting away, or walking any further.

3 He said, Officer Wilson said his plan
4 was to stall them until another officer got there.
5 He was not going to try to arrest or even question
6 either one of them because he was out numbered and
7 incredibly outsized by Michael Brown. In fact, he
8 quoted as saying, he would overpower me.

9 So before Wilson gets out of his car,
10 he tells Brown, come over here a minute. Wilson
11 attempted to open the door and Brown, Michael Brown,
12 shoved the car door back at him.

13 And Michael Brown said to him, "what
14 the fuck are you going to do about it."

15 Wilson, Police Officer Wilson
16 unsuccessfully tried to open the door again, Michael
17 Brown ducked his head in because he was taller than
18 the vehicle, ducked his head in down, came in
19 through the driver's side window swinging his arms,
20 he described him swinging his arms wildly at Wilson.

21 He said Brown's right hand connected
22 with the left side of his face. Wilson tried to get
23 Michael Brown off him and also block the blows that
24 were coming at him.

25 At some point Michael Brown turned

1 around and handed the Cigarillos that were in his
2 hand to Dorian Johnson and Brown came right back
3 around and hit Officer Wilson in the face with
4 Michael Brown's left hand.

5 Officer Wilson describes going
6 through what he described as a force triangle in his
7 mind, and that is the way he said they were trained.
8 He knew he could use one level of force higher than
9 was being applied to him, excuse me, than the threat
10 level to his safety.

11 **Q** And this force triangle is something that
12 he said he was trained about?

13 **A** Yes, ma'am.

14 **Q** And he described it to you?

15 **A** Yes, in just that way using one level
16 higher.

17 **Q** One level of force greater than the level
18 of force being used against you or applied against
19 him?

20 **A** Yes, ma'am.

21 **Q** Okay, go ahead.

22 **A** He said he couldn't reach his mace, he
23 also knew that in the academy he got sprayed with
24 mace and he doesn't handle it well. So even if it
25 doesn't hit him, he would not be, it would disable

1 him just as much as it would Michael Brown.

2 He did not carry a taser, so that
3 wasn't even an option.

4 He had his asp baton on his belt and
5 a mag flashlight in the passenger side. He said it
6 would have given up too much of his body, Michael
7 would of had to, could hit him more parts of his
8 body if he tried to reach for either of those. He
9 also couldn't deploy the asp baton inside the
10 vehicle because it is collapsable.

11 Wilson said he thought Brown could
12 beat him to death. He knew from his training
13 because for just that reason, he was allowed to use
14 deadly force.

15 He pulled out his gun and told Brown,
16 stop I'm going to shoot you. Brown's response was
17 and I quote, Officer Wilson quoting Brown, "you're
18 too much of a pussy to shoot."

19 Brown grabbed the gun and twisted it
20 down pointing at his left hip. And Officer Wilson
21 attempted to raise the gun with Michael's hand on it
22 and aimed, he described he aimed at the silhouette
23 of Michael Brown through the car because he could
24 not raise it. He couldn't pull the gun high enough
25 to go through the open window.

1 **Q** So at this point is he describing that
2 both he and Michael Brown have their hands on the
3 gun?

4 **A** Yes, ma'am.

5 **Q** Does he say, does he say which hand he had
6 on the gun, his own hand?

7 **A** His right hand.

8 **Q** And did he say, was he holding it by the
9 grips, the handle of the gun?

10 **A** Yes.

11 **Q** And then did he say what hand or hands
12 Michael Brown had on the gun?

13 **A** I don't believe I wrote which hand or
14 heard which hand.

15 **Q** Okay. So you don't recall if he said
16 which hand he had on the gun?

17 **A** I don't.

18 **Q** But does he describe that they both were
19 struggling over the gun at this point?

20 **A** Yes.

21 **Q** Does he describe where Michael Brown's
22 hand or hands are on the gun?

23 **A** He said, if he's holding the gun, he did
24 this motion where his hand was overtop holding,
25 Michael Brown's hand was over the gun, grabbing onto

1 Wilson's hand.

2 Q Okay. And you're not sure if Darren
3 Wilson told you which hand Michael Brown was using
4 at that point?

5 A I don't recall.

6 Q Okay. And so then what did he say, you
7 said he managed to level the barrel, which might be
8 the silhouette on the opposite side of the door, is
9 where Michael is standing, correct?

10 A Yes, ma'am.

11 Q Okay. And then what happened?

12 A Sorry, I'm just referring to my notes. He
13 pointed at Brown's body through the door, pulled the
14 trigger and nothing happened, the gun did not go
15 off.

16 Officer Wilson attempted to pull the
17 trigger again and nothing happened. Officer Wilson
18 pulled the trigger a third time and the gun fired
19 through the door, driver door panel. The window
20 being down, glass flew everywhere.

21 I'm sorry, Brown's right hand was on
22 the gun when it fired.

23 Q Okay.

24 A I don't recall and I don't know that even
25 Officer Wilson knows when exactly, but he noticed

1 that there was blood on his right hand and he
2 assumed that he had gotten cut when the glass flew
3 everywhere.

4 After the gun goes off, Brown stepped
5 back from the car. He described somewhat in shock
6 and Brown puts his hands together at his right hip,
7 he demonstrated. And Officer Wilson thought maybe
8 he was hit there, which is why he put his hand
9 there.

10 He said Brown then became enraged
11 where Officer Wilson describes his face looking like
12 a demon.

13 Officer Wilson was confused that
14 Brown wasn't then running away, knowing that
15 situation, assumed that that would be to get Brown
16 away from the door and to go because he had just
17 been shot, but Brown re-engaged.

18 And also at this point in time,
19 Officer Wilson did not know where Dorian Johnson
20 was. The last time he saw him was when he did the
21 Cigarillos handoff. At that's when the rest of that
22 time, the interaction, he never saw Dorian Johnson.

23 Q Does Officer Wilson describe that, so are
24 you saying that he says when he fired the weapon
25 into the door, he believed or thought that the

1 bullet pierced the outer skin of the car and got
2 Michael Brown, is that what you are talking about?

3 **A** Yes.

4 **Q** When you say that?

5 **A** Based off of his action, also he didn't
6 know where the bullet went, but he was aiming
7 through the door when Michael Brown is engaged in
8 the car, he pulled both of his hands down towards
9 his right hip and thought maybe that's where, if he
10 was hit, just based off that action not because he
11 saw a wound and not because he saw blood.

12 **Q** Okay. And so then, what happened you said
13 that he then described his face as looking like a
14 demon and he is confused as to why he wouldn't have
15 run away at that point. What happened then, what
16 did he say then?

17 **A** Both of the Brown's hands came back
18 through the window. Officer Wilson just showed us
19 his left arm up defensively trying to block Brown
20 from punching him.

21 Wilson put his, the gun up and pulled
22 the trigger again, the gun didn't fire. He
23 described what blind racking the gun, it is pulling
24 the slide back without looking. I don't know what
25 he, I don't know if he used his hands to rack it,

1 but he thought something had happened to the gun.

2 He didn't know if the gun, he
3 described it as stovepiping, which could be two
4 bullets trying to go in and then neither will fire.
5 He didn't know if he ejected a full cartridge, which
6 would be the projectile along with the casing or
7 just the spent casing was stuck in there, he didn't
8 know, he didn't look.

9 Q So he said he blind racked the gun, which
10 he described as being the slide back?

11 A Yes.

12 Q Okay.

13 A Blind racking, he wasn't looking at his
14 gun, his attention was to Mr. Brown.

15 Q All right. You need two hands to do that,
16 would that be fair to say?

17 A He didn't demonstrate with hands, I'm
18 demonstrating because that's how I'm trained. He
19 could have also gone ahead, if I wasn't here, I
20 could use this table, he could have used the
21 steering wheel.

22 Q So you didn't ask him --

23 A Did not.

24 Q He didn't demonstrate how he blind racked
25 the gun?

1 **A** Correct.

2 **Q** But his words were blind racked?

3 **A** Yes, ma'am.

4 **Q** Okay. So what does he say happens after
5 he blind racks the gun?

6 **A** He fired the gun again, he pulled the
7 trigger again, the gun fired and he saw, and he
8 wasn't looking where he was shooting he said, he saw
9 a cloud of dust in the dirt across the street and
10 assumed Michael Brown had not been hit because
11 that's where he assumed the projectile landed.

12 **Q** So did he tell you when before firing this
13 weapon now, the second shot, did he tell you was he
14 aiming in a particular place or was Michael Brown
15 still beside the vehicle?

16 **A** Yes, he was. He describes him, and again,
17 because I'm not sure what hand, he just shows him
18 blocking Michael Brown's blows with his left hand.

19 **Q** Okay.

20 **A** So after he fired that shot, that's when
21 Michael Brown again ran away. Upon which time
22 Officer Wilson called over the radio, shots fired,
23 send me more cars.

24 We asked because it is important
25 later whether or not he called over his, there is a

1 radio in the car and there's a radio that he has on
2 his person. So when you're inside a call car you
3 can hear and also transmit. He's not sure if he
4 said that with his car radio or with his handheld.

5 Q He remembers making a call and those
6 words, but doesn't know if it was the car radio or
7 his mobile walkie-talkie?

8 A Correct.

9 Q And then what happens?

10 A So Officer Wilson got out of the car to
11 chase Mr. Brown because, and he describes because
12 Michael Brown was a fleeing felon. And he was just
13 doing his job, those were his words.

14 He said Brown had just assaulted and
15 attempted to kill him with his own duty, with
16 Wilson's duty weapon.

17 Officer Wilson did not want Michael
18 Brown to cause injury or death to anyone else. He
19 knew Brown would assault another responding officer
20 or witness as Brown had just assaulted him.

21 And Officer Wilson wanted to know, he
22 wanted to give chase, he wanted to know where Brown
23 was going. And in an attempt to apprehend Michael
24 Brown once other officers got there.

25 Q So let me stop you here. So this part you

1 are testifying about he is basically explaining why
2 he thought he was justified in pursuing the subject,
3 correct?

4 **A** Yes, ma'am.

5 **Q** Was that in response to questions that you
6 asked him directly or were you just letting him
7 narrate this and this is information he just
8 provided in a narrative form?

9 **A** That was in direct response. It is
10 possible, and the way my notes are written, I go
11 back and write and try to chronological order. He
12 could of at first give us the rundown, said what he
13 did and then we would go back and say why.

14 In my notes I tried to put it in
15 chronological order. So he went and gave chase and
16 I put in my notes in that same spot why, when we
17 asked him why.

18 **Q** Okay. And that was his explanation you
19 already testified about. And then what did he say
20 after he explained why he pursued the subject?

21 **A** He explained that he expected Michael
22 Brown to run for a while. So when he got out of the
23 vehicle he did still have his gun in his hand, but
24 it was down at his side because it is easier for him
25 to run instead of having it pointed at Michael

1 Brown. And also because Michael was running away
2 from him, he did not feel he was an immediate threat
3 to keep his gun pointed on him.

4 Q Okay.

5 A As he was running after him, he told
6 Michael get on the ground, get on the ground. And
7 again, he said he thought Michael was going to run
8 for a while.

9 While he was running, Officer Wilson
10 noticed a line of three cars lined up behind him,
11 specifically he noticed a green Pontiac. He said he
12 did not fire any shots at Michael Brown as Michael
13 Brown was running away.

14 At some point, a short time after
15 Brown stopped and turned around to face Officer
16 Wilson. Officer Wilson will describe Brown as
17 grunting, he grunted, hopped and began toward
18 Officer Wilson.

19 When Brown hopped, he said he put his
20 right hand in his waistband. At the time Officer
21 Wilson didn't know whether or not he was armed. He
22 thought that perhaps Michael Brown was armed and
23 that's what he was going for.

24 He couldn't tell because Brown's
25 shirt had hung over his waistband. He said Brown's

1 left arm, left hand was clenched in a fist at his
2 side.

3 Wilson shouted stop, get on the
4 ground, and Wilson explained at this point during
5 the interview that Brown was just not listening to
6 any of his commands.

7 Wilson started shooting as Brown ran
8 towards him. Wilson shot more than once, but was
9 unsure how many times. And he realized he had
10 tunnel vision, so he shot more than one time and
11 realized that all he was looking at was that right
12 hand.

13 Wilson, I'm sorry, he said during
14 this string of thoughts, Michael Brown had jerked
15 back as if he had been shot, but Officer Wilson did
16 not know where Michael Brown was hit.

17 Q So he doesn't describe seeing, like what
18 we see on TV, pow, pow, immediately blood spurt and
19 you would see it on the shirt, he doesn't describe
20 seeing anything like that?

21 A No, he didn't.

22 Q Okay. Did he say anything other than, you
23 know, you said he has testified before he had made
24 that motion towards his waist like perhaps he shot
25 him through the door, did he say anything else about

1 him making, appearing to be shot anywhere else?

2 **A** No, he didn't.

3 **Q** Okay. You can go ahead.

4 **A** He said after Michael Brown kind of jerked
5 back, he said Michael stopped briefly, but then
6 started running towards him again. He described
7 Michael Brown's chest as being puffed up. Michael
8 Brown's hands were still in his waistband.

9 So Officer Wilson began to back up.
10 Brown was about eight feet away from Wilson when,
11 and Wilson thought to himself, if he gets me, I'm
12 dead.

13 Brown ran towards Wilson with his
14 head leaning down. Officer Wilson thought he only
15 shot one time, but it could have been more.

16 He saw the bullet hit Michael Brown
17 in the head and he saw Michael Brown fall to the
18 ground face first. He said Michael Brown fell with
19 such, because he had such momentum going forward,
20 that when he landed on his face, his feet came up
21 behind him.

22 Officer Wilson made a statement all
23 he had to do was stop and Officer Wilson would have
24 stopped shooting.

25 At no point did Michael Brown comply

1 with Officer Wilson's command or his order to
2 surrender and Michael Brown never had his hands up.

3 We had Officer Wilson draw just on a
4 white sheet of paper a simple depiction of the scene
5 and we are going to keep that with our case file.

6 After Michael Brown went to the
7 ground, he called over the radio on his handheld and
8 said, "I need a supervisor and everyone you've got."

9 While Officer Wilson was running
10 after Michael Brown, he was looking around for
11 people because he was concerned with, he didn't know
12 if Michael Brown had a gun, he was concerned that
13 other people might get shot in the crossfire.

14 Q Wait a minute. So he kind of backtracked
15 in his statement a little bit.

16 A Yes.

17 Q Now he's already got to the point where
18 he's shot him and a fatal injury has him on the
19 ground. So now he backtracks a little bit and says
20 when he was chasing him?

21 A When he was chasing and I'm sorry, I'm
22 explain that a little better. He knows there are a
23 lot of people around once Michael Brown was on the
24 ground. He said while he was chasing him, this is
25 all within a matter of seconds, he didn't notice

1 anybody else. Once Michael Brown went to down to
2 the ground, he saw a lot of people in the community,
3 an apartment complex around.

4 He said Officer was the first
5 one on the scene. And he had, Officer Wilson had
6 Officer secure the scene or block the
7 street.

8 Wilson called for an ambulance. The
9 next two arrivals were Ferguson Police Department
10 Officer and at the time because there was
11 really, West Florissant to get onto Canfield is the
12 only way to connect to a major roadway, both were
13 west of the scene. So Officer Wilson had Officer
14 move his vehicle to the east side so they
15 could block that, so they could secure the scene,
16 maintain some scene control.

17 **Q** To block vehicular traffic that might be
18 coming westbound on Canfield?

19 **A** Yes. Officer Wilson described feeling
20 unsafe standing next to Brown's body since he was
21 the shooter. He thought, the area is known for
22 violence, guns, gangs and drugs. They did not have
23 a good relationship with the police. He kind of
24 felt he really had a spotlight on him.

25 He walked towards his vehicle which

1 was still running. He opened the door and got the
2 keys and shut it off. the only thing he touched was
3 the exterior of the vehicle.

4 Q So he reached in to turn the car off?

5 A And grabbed the keys.

6 Q And take the keys out of the vehicle?

7 A Yes, ma'am.

8 Q And then he shut the door?

9 A Yes, ma'am.

10 Q He didn't get in the car?

11 A He did not.

12 Q All right.

13 A I don't know if other officers arrived,
14 I'm sorry, the Ferguson Sergeant responded.
15 Wilson told Sergeant that he had killed Brown.
16 He quoted himself as saying, "he grabbed my gun and
17 I shot him."

18 told him to go, told Wilson to
19 go sit in Wilson's car. And Wilson said, no,
20 because then everyone will know it was me because
21 everyone around him is working and he's not.

22 So Officer, I'm sorry, Sergeant
23 told him to go back to the station, to not take
24 Wilson's vehicle. Sergeant had to let him take
25 Sergeant vehicle.

1 And Wilson described that he thought
2 that it was strange that Sergeant wouldn't have
3 another Ferguson police officer go back with him
4 because he was just involved in a shooting, that
5 even minutes after the scene a lot of people showed
6 up. I think he described it the police officers
7 being outnumbered 300 to 1.

8 So he drove back to the station, he
9 noticed that his handheld radio was on channel 3
10 instead of channel 1. Channel 1 was the Ferguson
11 dispatch and channel 3 was St. Louis County Police
12 Department Dispatch. He wasn't even sure, while he
13 could hear St. Louis County, he wasn't sure if he
14 keyed up that they would hear him whatever he said.

15 He believes that the radio switch
16 during the struggle in the car, but he's not
17 positive, actually, because he's not usually on
18 channel 3, excuse me, not channel 3.

19 When Wilson got back to the station
20 he washed the blood off of his hands. His primary
21 concern was not of evidence, but as a biohazard or
22 what possible blood hazards it might attract.

23 So no one at the station photographed
24 Officer Wilson's hands because there was no one
25 there to photograph them.

1 Right after he washed his hands he
2 went to the roll call room, he made his gun safe,
3 which means he took out any bullet and packaged it
4 as evidence, that's how he described it to us.

5 He did not wait for somebody else to
6 bag that as evidence because he saw blood on the
7 gun, thought it was Brown's blood, wanted to
8 preserve the DNA. He didn't want to risk because he
9 believed that would prove that he had his hand on
10 the gun.

11 There was a Ferguson Police Officer
12
13 at the station when he arrived.

14 He told ,
15 he said to , I just shot someone. Officer
16 did not ask him any more questions.

17 He said Officer may have
18 seen him package his gun, but he wasn't positive.

19 He called, Wilson called his attorney
20 when he got to the station. Officer
21 Wilson knew that was the attorney to call
22 if he was ever involved in a shooting.

23 They had EMS, which there is a block
24 house right next door to the Ferguson Police
25 Department. They had EMS come over and perform an

1 assessment.

2 Ferguson Police Lieutenant

3 came to check on Wilson. Lieutenant did not

4 ask any questions about what happened and also

5 Ferguson Police Officer came into the roll call

6 room to give Wilson card that he had, but

7 he already made the phone call.

8 Wilson knew not to talk to anyone

9 until he spoke with an attorney and he did not

10 comment on what happened.

11 After the Attorney arrived,

12 St. Louis County Police Department Detective

13 and Lieutenant Colonel also came to

14 speak with Wilson.

15 Between and

16 Wilson, they noticed Wilson's face was red and

17 swollen, so they collectively decided they were

18 going to take him to the hospital. They took him to

19 Christian Northwest emergency room. Shortly before

20 they took him there, Wilson described Detective

21 started the interview at the station and

22 continued it after they got to the emergency room.

23 Officer Wilson described being

24 assaulted in the past as a police officer and said

25 it was not to the extent it had been with Brown. No

1 one had ever before attempted to take his firearm.

2 Officer Wilson had been trained to
3 use physical force when a physical threat was
4 present.

5 Michael Brown became an immediate
6 threat to Wilson's safety when Michael Brown came
7 into the car, when Michael Brown hit Officer Wilson.

8 Michael Brown went for Officer
9 Wilson's firearm and Michael Brown charged towards
10 Officer Wilson after Brown had already run away.

11 Michael Brown was a threat to the
12 safety of others as he ran away from Officer Wilson.

13 Q Now, what you're saying right now, this is
14 what Officer Wilson is telling you, correct?

15 A Yes, ma'am, correct.

16 Q This isn't your statement?

17 A No, it is not my statement. Correct, I
18 apologize for not clarifying that. Everything I was
19 saying was what was relayed to me by Mr. Wilson. In
20 no way, shape or form am I offering any opinion
21 whatsoever.

22 Q Okay. Is that pretty much the conclusion
23 of the statement?

24 A Yes. The last thing was it is the
25 sergeant's responsibility to write a use of force

1 report. It is Wilson's responsibility to write an
2 incident report, but as of August 28th, 2014,
3 Officer Wilson had not been back to the station, so
4 he has not had the opportunity to write an incident
5 report.

6 Q So he's basically told you that after the
7 shooting and contacting, having contact with
8 Sergeant he goes directly to the Ferguson
9 Police Department, can't talk to anybody about this
10 until possibly his attorney arrives and then
11 ?

12 A Yes, ma'am.

13 Q And he also tells you that no one had
14 possession of his gun from the time he left the
15 scene until he made it safe and packaged it in that
16 envelope?

17 A Yes, ma'am.

18 Q He also told you, did he also tell you, I
19 should use notes, did he tell you that he had
20 sustained any other injuries to the backs of his
21 hands or on his hands?

22 A He made a statement that he had no cuts.

23 Q Okay.

24 A So I don't know at what point he realized
25 that, but he believed the blood on his hands was

1 Michael Brown's.

2 Q Okay. Well, this is the 28th, this is too
3 far after the incident.

4 MS. ALIZADEH: Sheila, do you have any
5 additional?

6 MS. WHIRLEY: I do.

7 Q (By Ms. Whirley) So he, on August the 9th
8 this occurred and you didn't interview him until
9 August 28th?

10 A Correct.

11 Q However, he told you that he saw the
12 Cigarillos in Michael Brown's hand at some point?

13 A Yes, ma'am.

14 Q At what point was that?

15 A That was, initially when he made contact
16 with both Dorian Johnson and Michael Brown, his
17 attention was drawn to Dorian Johnson because Dorian
18 was first and also responded to his, hey, can you
19 guys use the sidewalk, or whatever verbiage he had
20 used.

21 When he said what's wrong with the
22 sidewalk, his attention was then turned towards
23 Michael Brown because Michael Brown responded to
24 him, "fuck what you have to say," or excuse me, I'm
25 sorry, yes, that's what he said. Once Michael Brown

1 said that, his attention was drawn, Officer Wilson's
2 attention was drawn to Michael Brown, at which time
3 he then saw the Cigarillos that Michael Brown was
4 holding.

5 Q All right. So he saw the Cigarillos
6 before any physical altercation, right?

7 A Yes, ma'am.

8 Q Did he say that when Michael Brown was
9 handing something over to Dorian Johnson, that he
10 knew he was handing him Cigarillos?

11 A I believe so, but I'm just going to check
12 my notes.

13 Q Okay.

14 A Yes, he specifically stated.

15 Q He specifically stated he knew he was
16 handing him Cigarillos?

17 A Yes, ma'am.

18 Q Okay. He said he intended to wait on an
19 assist car before approaching these two males?

20 A Before attempting to arrest.

21 Q Did he say why, I guess that changed,
22 because what happened to change that, did he say?

23 A Well, he was going to get out and try to
24 stall, try to have a conversation with them in a
25 sense, well, at least he was not going to ask them

1 about the robbery. I don't necessarily, forgive me,
2 I don't think he said arrest, he just said before he
3 even mentioned anything about the stealing in
4 progress, he was going to wait for other officers to
5 get there.

6 **Q** Okay. So did he, so he said he knew about
7 the stealing in progress because of the Cigarillos.
8 He was not going to mention the stealing in
9 progress, he was just going to stall them?

10 **A** Right.

11 **Q** Did he talk to you about what he went out
12 on his radio to say that he was doing a check with
13 two people, to send him a car?

14 **A** Yes.

15 **Q** Did he say that he told the dispatcher
16 hey, I've got two guys involved in this stealing at
17 this Ferguson Market and I see one with Cigarillos?

18 **A** Right, no, he did not say that. He
19 specially mentioned the fact he doesn't often asked
20 for assistance on calls, so when people hear him
21 over the radio saying, send me more cars, they know
22 he needs another car.

23 Why he didn't mention the stealing
24 would be my conjecture.

25 **Q** But let me say he didn't?

1 **A** Correct, he did not.

2 **Q** But the dispatcher knows if he calls for
3 assistance, they need to send assistance right away?

4 **A** Yes, ma'am.

5 **Q** And he did call for assistance?

6 **A** Yes, ma'am.

7 **Q** He didn't tell anybody the nature of the
8 call?

9 **A** Correct.

10 **Q** Okay. Now, you mention that he said when
11 Michael Brown was running away, was not an immediate
12 threat?

13 **A** To him.

14 **Q** To him. Did he say why he thought Michael
15 Brown would continue to run? I think that's what
16 you said that he knew he would continue to run?

17 **A** That was based on his training and
18 experience that he believed Michael Brown starting
19 to run away, and based off his training and
20 experience he believed Michael Brown was going to
21 continue running versus stop and turn around.

22 **Q** And did that factor into his thought
23 pattern, did he say? Did you understand what that
24 meant?

25 **A** In that limited perspective, yes. But

1 again, I also am trained in law enforcement, so I
2 understand. So to go further to explain why he may
3 have thought that would be putting my personal
4 understanding, not using, putting words into his
5 mouth.

6 Q Okay. And you certainly cannot speak for
7 that officer and we don't want you to.

8 A Correct, yes.

9 Q But tell me what you mean by your personal
10 experience as a law enforcement officer?

11 A Someone running who runs away, who as he
12 described it, attempted to assault him. And then
13 was not going to and had not yet complied, would
14 likely not, but you would still be prepared at this
15 point for whatever happens.

16 Q So when Michael Brown said something like,
17 "fuck what you say," or something, did he say that
18 that was a comment that required him to confront him
19 about it?

20 A No, he did not.

21 Q Okay. So when he backed up, did he say he
22 backed up?

23 A He reversed the vehicle.

24 Q That was strictly about confronting about
25 the Cigarillos?

1 **A** Yes, ma'am.

2 **Q** Did he say he ever said anything to them
3 about the Cigarillos?

4 **A** He did not.

5 **Q** Okay. Now, again, I wasn't clear, what
6 hand did he say Michael Brown put towards his
7 waistband?

8 **A** At what point, when he was at the vehicle
9 or when he had run away?

10 **Q** Okay. At what point did he say Michael
11 Brown put his hands towards his waistband? I'm
12 talking about Michael Brown's own waistband.

13 **A** Yes, ma'am, I am sorry, let me clarify why
14 I have a question.

15 **Q** Okay.

16 **A** Because he was, when they were at the
17 vehicle and Officer Wilson fired the first shot, he
18 describe Michael Brown, more of his hip, but I
19 apologize because I picture his waistband, he put
20 both of his hands towards his --

21 **Q** You talking about Michael Brown's
22 waistband?

23 **A** Yes, no, no, no, he said Michael Brown,
24 after he was hit put, Michael Brown's hand towards
25 Michael Brown's right hip. When they were

1 struggling for the gun, he twisted towards Officer
2 Wilson's left hip.

3 Q Okay.

4 A But I'm sorry, Michael Brown ran away,
5 stops, turns around, grunts, hops and stick his
6 right hand in his waistband.

7 Q Okay.

8 A That's as Officer Wilson described it.

9 Q Okay. So once Michael Brown goes down
10 after he's shot and he's prone on the ground,
11 correct?

12 A Yes, ma'am.

13 Q What did Officer Wilson say he did?

14 A What Officer Wilson did?

15 Q Uh-huh.

16 A He said at that point in time they were
17 approximately 8 feet apart. He said he never, he
18 didn't approach.

19 Q He didn't check for a pulse?

20 A He did not.

21 Q Or call an ambulance?

22 A No, he did not. He radioed, "send me a
23 supervisor and every car you got."

24 Q When he said he asked for a supervisor, he
25 said someone was lying either injured or dead on the

1 ground?

2 **A** He did not.

3 **Q** Now, you've had occasion to collect his
4 employee or personnel records; is that right?

5 **A** Yes, ma'am.

6 **Q** Have you had a chance to review them?

7 **A** Yes.

8 **Q** Is there anything of evidentiary value
9 when I ask that question about evidentiary value, I
10 mean anything that's significantly bad or good about
11 his records, or that might factor into this case?

12 **A** I did. I did read that Officer Wilson
13 received a letter of accommodation for handling a
14 call when he was an officer with Jennings Police
15 Department.

16 **Q** Anything else?

17 **A** There was, there were, he did have use of
18 force reports, but that's standard practice. I
19 didn't see anything out of the ordinary. There was
20 a complaint made against him and two other officers
21 describing that was ultimately found to be
22 unfounded, to describe Officer Wilson and two others
23 attacks, an African-American male who was just
24 walking down the street in the city and used racial
25 slurs towards him, beat him up so badly that he had

1 bleeding on his brain.

2 What was found to have actually
3 happened was this gentleman was breaking in and was
4 inside Officer Wilson's car. The three officers who
5 were off duty at the time went outside and tried to
6 detain him, he ran away.

7 When they chased him, I don't know
8 which one of them tackled him on the ground, he hit
9 his face on the way down.

10 This was an internal affairs
11 investigation, the investigation was completed and
12 they discussed with the hospital that the
13 individual, the person who was either the victim of
14 use of force or stealing a car, his injuries were
15 consistent with what the officers described and that
16 there was no bleeding of the brain.

17 The woman who made the complaint was
18 not an eyewitness, but the aunt of the individual.

19 **Q** The subject that was injured?

20 **A** Yes, ma'am.

21 **Q** Or that committed the crime?

22 MS. WHIRLEY: Anyone else, questions?

23 : Just one comment, sorry,

24 The one comment you said that really

25 caught my attention, I'd like kind of go with more

1 if we could, you mentioned that Darren in reference
2 to this neighborhood said it is an area known for
3 gangs, violence, guns and he didn't feel safe. And
4 I think that really, I don't know, is alarming to
5 hear. So how would you kind of say that fit into
6 the case or was there more depth to it when he said
7 that.

8 **A** It had to do with, I guess the atmosphere.
9 He described that when almost immediately after,
10 he's not sure when it happened, but once Michael
11 Brown was down on the ground, the residents were
12 outside. He said, and the crowd kept growing
13 increasingly hostile because he knows from being a
14 police officer in that area, people generally don't
15 like to see the police.

16 So based on the fact of what just
17 happened, he did not feel safe. Whether it means
18 by, it would be my conjecture and I can't do that.
19 . Is there
20 any part of Officer Wilson's testimony or statement
21 that you believe is in conflict with any of the
22 physical evidence you are aware of?

23 **A** I don't, I cannot make that judgment. My
24 sole purpose is simply to collect the facts. It is
25 up to the prosecuting attorneys and any future jury

1 to kind of make that determination.

2 MS. ALIZADEH: Can I ask you a question,
3 though, prior to you questioning Darren Wilson, to
4 your knowledge had he read any police reports
5 documenting the investigation?

6 **A** Not to my knowledge, no.

7 MS. ALIZADEH: Have any reports, first of
8 all if he has, I haven't gotten any reports, so I
9 don't know where anybody else would have them. To
10 your knowledge, he had no knowledge of the
11 investigation?

12 **A** Correct.

13 MS. ALIZADEH: And then regarding autopsy
14 reports, to your knowledge, Dr. who was
15 the medical examiner in this case, he had not read
16 that report; is that correct?

17 **A** No, he had not. If Officer Wilson knew
18 anything about the case, it is the same thing anyone
19 who heard in the news what was ever released to the
20 news is what he would know. Ferguson Police
21 Department is not doing an investigation, that was
22 turned immediately over, the homicide investigation
23 was turned immediately over to St. Louis County.

24 As far as civil rights is concerned,
25 FBI is notoriously tight lipped. So, no, we would

1 not give him any information.

2 MS. ALIZADEH: We can ask him when he
3 testifies what he may have learned or whatever or
4 what have. Are you aware that there is all kind of
5 rumors and talk about various things involving what
6 people believe happened in this case, correct?

7 A Yes.

8 Q And to your knowledge though, as far as
9 the physical evidence like where the shell casings
10 were or where blood was found or any of that type of
11 evidence, he wouldn't have privy to?

12 A No, he would not be privy to, other than
13 being actually on the scene, but no, no reports.

14 : . When
15 you first, when he said he got to the police
16 station, he washed his hands and he didn't have
17 anybody take pictures because there was nobody else
18 there. But then later he said that he saw

19 a police officer, so was
20 there. Was the only officer that was there?

21 A At that time, I think the way I
22 interpreted his statement to us is he gets to the
23 station, no one is there that he sees immediately.
24 I don't believe he went searching, he didn't say he
25 went searching, but he has blood on his hands. His

1 first thought is let me get this off.

2 So when he goes to the roll call
3 room, then he says Officer

4
5 And then they have whatever brief
6 conversation that he was involved in a shooting,
7 that's it.

8 : Your interview with him
9 was on 8/28?

10 **A** It was.

11 : The incident took place
12 on 8/9?

13 **A** It did.

14 : Was there a reason why
15 you took that long of a time between, I think that
16 you were in an interview with a witness the day
17 after or three days after it took place?

18 **A** Yes, ma'am.

19 : If it is about him.

20 **A** Correct.

21 I was just wondering why
22 the interviews were so --

23 **A** I know that.

24 : I'm just curious.

25 **A** No, the reason why because he had been

1 interviewed, because we had an audiotaped statement
2 and what was more important, we had witnesses out
3 there who had not been interviewed. We felt it was
4 most important to get those witnesses.

5 MS. WHIRLEY:

6 : Yes, . I want to
7 go back to when Michael Brown says, "fuck what you
8 have to say."

9 **A** Yes.

10 : Officer Wilson puts his
11 car in reverse?

12 **A** Yes, sir.

13 : Did he mention he said,
14 what did you say?

15 **A** He didn't specifically, that's not in my
16 notes. Are you asking if Officer Wilson asked what
17 did you say?

18 : Yes.

19 **A** No, I can't remember if I remember from
20 the interview or from hearing his statement. I
21 didn't specifically write it down and normally if I
22 don't specifically remember from that interview or
23 write it down, it doesn't mean it wasn't said, I
24 don't recall.

25 : Okay. You also mention, I

1 guess, the part where he was charging him, he had
2 his hands, can I stand up?

3 **A** Yes, sir.

4 : He had his hands on the
5 right side?

6 **A** Yes, he said right.

7 : And he started charging
8 him.

9 **A** Yes, sir.

10 : With his head down, is
11 that correct?

12 **A** When he said head down, I don't know, let
13 me refer to my notes to make expire I have it right.

14 : I'm just saying because I
15 guess he's listed like at 6'4", 6'5".

16 **A** Yes, sir.

17 : Seems that would be kind
18 of awkward for somebody to be charging you that way?

19 **A** It was, I can give me you my impression
20 that I don't think it was quite at that right angle
21 that you demonstrated from, just to describe for the
22 court reporter. He said head down. At what angle,
23 I'm not sure.

24 MS. WHIRLEY: Can you demonstrate the
25 angle, did he demonstrate the angle for you?

1 **A** Leaning forward, yes I don't --

2 MS. WHIRLEY: Can you stand up and show us
3 what he showed you?

4 **A** Just leaned over.

5 MS. ALIZADEH: Any other questions?

6 : . To
7 coincide with what he said, the question he asked,
8 is it possible that he could have got hit there and
9 bent over from pain?

10 **A** I can't answer that. I'm not a forensic
11 pathologist or a doctor, that would be more --

12 I did have a question.
13 When Officer Wilson, going back to the office.

14 **A** Yes, ma'am.

15 : The department office.
16 Did he say after he washed his hands why he did not
17 write a report?

18 **A** No, he didn't.

19 : Did he have, did you ask
20 the question?

21 **A** I didn't. I can only speak from generally
22 in those cases when an officer is involved in a
23 shooting, I know they tell us to not talk to anybody
24 until our attorney is present. So that could be a
25 huge factor. Is that his answer? I don't know, I

1 was just to answer generally.

2 MS. WHIRLEY: .

3 : I'm just hoping that I
4 have written this down correctly. But I believe you
5 had mentioned that Officer Wilson, Darren Wilson
6 said he went to his vehicle, which was still
7 running, reached in and shut off the car. That's
8 the first I heard of that.

9 **A** He pulled the keys out of the car.

10 : It was still running?

11 **A** Yes, that's the impression that I got that
12 the car is in park, I'm assuming because the car
13 would have been rolling away if he didn't at least
14 put it in park.

15 : Okay.

16 **A** He didn't specifically say that, he got
17 the keys out of the car.

18 : Okay.

19 **A** I thought it was still running.

20 : Okay.

21 **A** I thought that was what he had said.

22 : That was your
23 interpretation?

24 **A** No, I thought he said that.

25 Were those his words?

1 **A** I believe those were his words.

2 You believe those were his
3 words. And then he goes on to state, if I'm
4 understanding this correctly, that Sergeant is
5 that correct, ?

6 **A** Yes.

7 : Okay. Told him to get
8 back in his vehicle, is that my understanding?

9 **A** Yes.

10 In the vehicle in question
11 that was involved in this incident?

12 **A** That is what Sergeant told him, that
13 is not what Officer Wilson did.

14 : Okay.

15 **A** That's what Officer Wilson said Sergeant
16 told him.

17 : Okay. And he didn't do it
18 and then told him to take personal
19 patrol car and drive back to Ferguson. Is this in
20 with another officer in the vehicle with him or
21 another?

22 **A** By himself.

23 : By himself. I thought
24 there was another officer involved or something.

25 My understanding, like I said, when he got

1 to the Ferguson Police Department, he had blood on
2 his hands reported. He wasn't photographed, nobody
3 knows how much blood he had on his hands, anything
4 left in vehicle?

5 **A** That's a good question. I don't know. I
6 don't know that Sergeant vehicle was looked
7 at.

8 : Okay.

9 MS. WHIRLEY: Anything else? Kathi?

10 MS. ALIZADEH: I've got nothing else.
11 Again, you were active in other aspects of this
12 investigation and should we need to recall you on a
13 future date, would you be available to testify?

14 **A** I would.

15 MS. ALIZADEH: All right. Nothing
16 further.

17 (This is the end of
18 testimony.)

19 (Recess)

20 MS. ALIZADEH: This is Kathi Alizadeh. It
21 is about 3:20 on the 16th of September. We are
22 about to call our final witness, Darren Wilson. And
23 as usual, Sheila and I will be asking him questions
24 and you are free to ask questions either
25 interrupting or wait until the end, however you feel

1 is better for the flow of things.

2 He is here and prepared to answer
3 questions. I would tell you that any conversations
4 that he has had with his attorney, because you heard
5 him talk and we have heard testimony that he has had
6 an attorney during parts of this, anything that he
7 and his attorney have talked about are what we call
8 privileged communications. And so you can't ask him
9 about what did you tell your attorney or what did
10 your attorney say about that, all right.

11 Any other questions that you think are
12 relevant are fair game, but the communications
13 between anyone and their attorney are privileged and
14 we can't inquire about that, all right? All right.
15 That being said, I am going to let him walk in and
16 get sworn.

17 DARREN WILSON,
18 of lawful age, having been first duly sworn to
19 testify the truth, the whole truth, and
20 nothing but the truth in the case aforesaid,
21 deposes and says in reply to oral
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 BY MS. WHIRLEY:

25 Q So introduce yourself to the grand jurors,

1 tell us your name and spell your name for the court
2 reporter, please?

3 **A** My name is Darren Wilson. D-A-R-R-E-N,
4 last name W-I-L-S-O-N.

5 **Q** Have you appeared before this grand jury
6 before?

7 **A** No, I have not.

8 **Q** So you've never, nobody is familiar to you
9 here, correct?

10 **A** No, ma'am.

11 **Q** All right. You are currently on leave or
12 what's your status right now?

13 **A** I am on paid administrative leave.

14 **Q** Now, we have never met before, have we?

15 **A** No, ma'am.

16 **Q** And we did meet right before you came here
17 today, when you came here today and I talked to you
18 and your attorneys?

19 **A** Correct.

20 **Q** And you came here voluntarily?

21 **A** Correct.

22 **Q** And you were told that if you wanted to
23 consult with your attorneys you could?

24 **A** Correct.

25 **Q** Okay. And you want to be here and tell

1 the jurors what happened; is that correct?

2 **A** That's correct.

3 **Q** So August the 9th of 2014, you worked as a
4 police officer for the Ferguson Police Department?

5 **A** Correct.

6 **Q** That means you are a certified police
7 officer?

8 **A** Correct.

9 **Q** Had you completed all your training and
10 kept up with your continuing education as a
11 certified officer does?

12 **A** Yes, ma'am.

13 **Q** You have the power of arrest?

14 **A** Correct.

15 **Q** In the State of Missouri?

16 **A** Yes, ma'am.

17 **Q** What's your height?

18 **A** 6'4", just a shy under 6'4".

19 **Q** A little under 6'4"?

20 **A** Yes, ma'am.

21 **Q** And how much do you currently weigh?

22 **A** 210-ish.

23 **Q** That's been your weight for a while?

24 **A** Yeah, it fluctuates between 205, 212, 213,
25 something like that.

1 **Q** Of course everybody knows why we're here,
2 so let's just get to it.

3 **A** Okay.

4 **Q** Let's talk about your day on August the
5 9th. What shift did you work?

6 **A** Day shift.

7 **Q** And what shift would that be, what hours?

8 **A** 6:30 a.m. to 6:30 p.m.

9 **Q** Twelve hour shift?

10 **A** Correct.

11 **Q** Had you worked the day before?

12 **A** Yes, I had.

13 **Q** Same shift?

14 **A** Yes.

15 **Q** You weren't working like midnights the
16 night before?

17 **A** No, ma'am.

18 **Q** When you started your shift, did anything
19 happen that you consider very eventful? I mean,
20 earlier that day, prior to 10:00 let's say, 10:00
21 a.m.

22 **A** No, ma'am.

23 **Q** Had you answered any calls prior to 10:00
24 a.m.?

25 **A** I don't recall, I don't believe so, but I

1 don't recall, nothing stands out in my memory.

2 Q It was a pretty quiet day initially?

3 A Yes, ma'am.

4 Q Now, at some point you had a sick call, a
5 sick baby, I think?

6 A Yes, ma'am.

7 Q And that would have been 11-ish or so?

8 A I think it was around 11:30-ish, somewhere
9 in that vicinity.

10 Q That was near the Canfield Green
11 Apartments?

12 A Yes, ma'am, it was actually past them in
13 the adjoining apartment complex.

14 Q And what do they call those apartments?

15 A I believe that apartment is called
16 Northwinds.

17 Q Northwinds. Okay. And it is like east of
18 the Canfield Green, behind those apartments?

19 A Correct.

20 Q When you went on that call, did you have
21 assistance?

22 A No, I did not.

23 Q All right.

24 A Not police assistance.

25 Q No police assistance?

1 **A** No.

2 **Q** You handled that call by yourself?

3 **A** Yes, ma'am.

4 **Q** And did you have any confrontation with
5 anybody or was everything, was it a pretty as a
6 matter of fact call?

7 **A** It was a pretty laid-back call. It was
8 for a sick infant, I believe, only a couple months
9 old.

10 **Q** Okay.

11 **A** I believe she had a fever, I'm not
12 100 percent sure.

13 **Q** Let me ask this question, can everybody
14 hear him? Speak up. I usually stand in the back of
15 the room so we can have a conversation. As you can
16 tell, my voice really carries, so try to, you know,
17 speak up so everybody can hear you.

18 **A** Okay.

19 **Q** So the baby was an infant?

20 **A** Correct.

21 **Q** Was the baby not breathing, what was the
22 call, do you recall?

23 **A** I believe it was for a fever.

24 **Q** Fever you said, I'm sorry.

25 Ambulance arrived?

1 **A** Yes, ambulance arrived at the same time I
2 arrived.

3 **Q** Okay. Baby went to the hospital with its
4 mother?

5 **A** The mother and baby were transported.

6 **Q** After that, what did you do?

7 **A** I returned to my vehicle and then started
8 to leave the apartment complex.

9 **Q** Okay. Did you get any other calls between
10 the time of the sick baby call and your interaction
11 with Michael Brown and Dorian Johnson?

12 **A** While on the sick case call, a call came
13 out for a stealing in progress from the local market
14 on West Florissant, that the suspects traveling
15 towards QT. I didn't hear the entire call, I was on
16 my portable radio, which isn't exactly the best. I
17 did hear that a suspect was wearing a black shirt
18 and that a box of Cigarillos was stolen.

19 **Q** Okay. And was this your call or you just
20 heard the call?

21 **A** It was not my call, I heard the call.

22 **Q** Some other officers were dispatched to
23 that call?

24 **A** I believe two others were.

25 **Q** Was it a call that you were going to go to

1 also?

2 **A** No.

3 **Q** So you weren't really geared to handle
4 that call?

5 **A** No.

6 **Q** Tell us how you were dressed that day on
7 August the 9th?

8 **A** How I was dressed?

9 **Q** Yes.

10 **A** I was wearing my full department uniform,
11 light duty boots, dark navy blue pants, my issue
12 duty belt, with my uniform shirt and that was it.

13 **Q** All right. And so when you say, when you
14 are in uniform, you were not a detective?

15 **A** No, ma'am.

16 **Q** You weren't dressed the way you are
17 dressed here today?

18 **A** No, ma'am.

19 **Q** So your uniform is like a uniform police
20 officer and when you are walking around I can
21 clearly see oh, that's a police officer?

22 **A** Yes, ma'am, I believe it is french blue
23 uniform shirt, had patches for Ferguson on both
24 sides, badge, name tag.

25 **Q** Okay. And you were in what type of

1 vehicle?

2 **A** I was in a Chevy Tahoe police vehicle
3 fully marked with a light bar.

4 **Q** Fully marked, okay. Tell us, you were
5 mentioning your radio or what is this you spoke
6 about?

7 **A** Walkie is what we normally call it.

8 **Q** I'm sorry?

9 **A** Our walkie is what we normally call it.

10 **Q** Like a walkie-talkie or something?

11 **A** Yes, ma'am.

12 **Q** And it did work that day?

13 **A** Yes.

14 **Q** Okay. And it was on which shoulder?

15 **A** I wear it on my left shoulder.

16 **Q** Are you left or right-handed?

17 **A** I'm right-handed.

18 **Q** Okay. Tell us what else is on your duty
19 belt?

20 **A** I have my, I'll go in order. Magazine
21 pouches sit right here, my weapon is on my right
22 hip, I have an asp that sits kind of behind me and
23 kind of to the right and then a set of handcuffs,
24 another set of handcuffs, my OC spray or mace is on
25 this side and then my radio and that's it.

1 **Q** Okay. So your mace is on your left side
2 and your gun is on your right side?

3 **A** Correct.

4 **Q** What type of weapon did you carry?

5 **A** I carry Sig Sauer, a P229 .40 caliber.

6 **Q** How many cartridges or bullets would it
7 hold?

8 **A** It has 12 in the magazine and one goes in
9 the chamber, so a total of 13.

10 **Q** You had a couple spare magazines on your
11 belt?

12 **A** Correct.

13 **Q** That had 12 each?

14 **A** Correct.

15 **Q** Did you carry a taser?

16 **A** No.

17 **Q** Why not?

18 **A** I normally don't carry a taser. We only
19 have a select amount. Usually there is one
20 available, but I usually elect not to carry one. It
21 is not the most comfortable thing. They are very
22 large, I don't have a lot of room in the front for
23 it to be positioned.

24 **Q** Had you been trained on how to use a
25 taser?

1 **A** Yes, ma'am.

2 **Q** Have you ever used a taser before?

3 **A** I believe I have, but it wasn't one that I
4 carried. It was one that I used from someone else
5 on a scene. I can't remember the time or where I
6 used it.

7 **Q** You prefer not to have a taser?

8 **A** Correct.

9 **Q** So that day you had mace, you said, on
10 your left side?

11 **A** Correct.

12 **Q** All right. You are coming west, is it on
13 Canfield Drive?

14 **A** Yes, I started out on Glenark and then I
15 turn onto Bahama and then onto Glen Owen, and then I
16 turned on Windward, which actually turns into
17 Canfield Green and that's where I was going west on
18 that.

19 **Q** West on Canfield Drive?

20 **A** Yes, ma'am.

21 **Q** Okay. We are going to get a map here
22 shortly so you can kind of map it out for us.

23 So as you are going west on Canfield
24 Drive, what happens?

25 **A** As I was going west on Canfield, I

1 observed two men in the middle of the street, they
2 are walking along the double yellow line single file
3 order.

4 **Q** Okay. And you say something to them, did
5 they say something to you first?

6 **A** No, you want me to just go with the whole
7 thing?

8 **Q** Sure, go ahead, let's start there.

9 **A** I see them walking down the middle of the
10 street. And first thing that struck me was they're
11 walking in the middle of the street. I had already
12 seen a couple cars trying to pass, but they couldn't
13 have traffic normal because they were in the middle,
14 so one had to stop to let the car go around and then
15 another car would come. And the next thing I
16 noticed was the size of the individuals because
17 either the first one was really small or the second
18 one was really big.

19 And just for the conversation, I
20 didn't know this then, but the first one's name was
21 Dorian Johnson, the second one was Michael Brown.
22 That was discovered, I think, the following day is
23 when I learned the names. I had never seen them
24 before.

25 And then the next thing I notice was

1 that Brown had bright yellow socks on that had green
2 marijuana leaves as a pattern on them. They were
3 the taller socks that go halfway up your shin.

4 As I approached them, I stopped a
5 couple feet in front of Johnson as they are walking
6 towards me, I am going towards them. And I allowed
7 him to keep walking towards my window, which was
8 down. As Johnson came around my driver's side
9 mirror I said, "why don't you guys walk on the
10 sidewalk." He kept walking, as he is walking he
11 said, "we are almost to our destination."

12 Q Do you think he used those words
13 destination, we are almost to our destination?

14 A Yes, ma'am. He said we are almost to our
15 destination and he pointed this direction over my
16 vehicle. So like in a northeasternly (sic)
17 direction. And as he did that, he kept walking and
18 Brown was starting to come around the mirror and as
19 he came around the mirror I said, "well, what's
20 wrong with the sidewalk." Brown then replied, um,
21 it has vulgar language.

22 Q You can say it, say it.

23 A Brown then replied, "fuck what you have to
24 say." And when he said that, it drew my attention
25 totally to Brown. It was a very unusual and not

1 expected response from a simple request.

2 When I start looking at Brown, first
3 thing I notice is in his right hand, his hand is
4 full of Cigarillos. And that's when it clicked for
5 me because I now saw the Cigarillos, I looked in my
6 mirror, I did a doublecheck that Johnson was wearing
7 a black shirt, these are the two from the stealing.

8 And they kept walking, as I said,
9 they never once stopped, never got on the sidewalk,
10 they stayed in the middle of the road.

11 So I got on my radio and Frank 21 is
12 my call sign that day, I said Frank 21 I'm on
13 Canfield with two, send me another car.

14 I then placed my car in reverse and
15 backed up and I backed up just past them and then
16 angled my vehicle, the back of my vehicle to kind of
17 cut them off kind to keep them somewhat contained.

18 As I did that, I go to open the door
19 and I say, hey, come here for a minute to Brown. As
20 I'm opening the door he turns, faces me, looks at me
21 and says, "what the fuck are you going to do about
22 it", and shuts my door, slammed it shut. I haven't
23 even got it open enough to get my leg out, it was
24 only a few inches.

25 I then looked at him and told him to

1 get back and he was just staring at me, almost like
2 to intimidate me or to overpower me. The intense
3 face he had was just not what I expected from any of
4 this.

5 I then opened my door again and used
6 my door to push him backwards, and while I'm doing
7 that I tell him to, "get the fuck back", and then I
8 use my door to push him.

9 Q You tell him to, "get the fuck back"?

10 A Yes.

11 Q Okay.

12 A He then grabs my door again and shuts my
13 door. At that time is when I saw him coming into my
14 vehicle. His head was higher than the top of my
15 car. And I see him ducking and as he is ducking,
16 his hands are up and he is coming in my vehicle.

17 I had shielded myself in this type of
18 manner and kind of looked away, so I don't remember
19 seeing him come at me, but I was hit right here in
20 the side of the face with a fist. I don't think it
21 was a full-on swing, I think it was a full-on swing,
22 but not a full shot. I think my arm deflected some
23 of it, but there was still a significant amount of
24 contact that was made to my face.

25 Q Now, he was hitting you with what hand?

1 **A** I believe it was his right, just judging
2 by how we were situated.

3 **Q** Right.

4 **A** But like I said, I had turned away, had my
5 eyes, I was shielding myself.

6 **Q** Where did you see the Cigarillos at?

7 **A** They were in his right hand.

8 **Q** Okay. Were there any broken Cigarillos or
9 anything in your car later?

10 **A** No, I don't remember seeing anything on
11 the ground or anything.

12 **Q** Okay.

13 **A** After he hit me then, it stopped for a
14 second. He kind of like, I remember getting hit and
15 he kind of like grabbed and pulled, and then it
16 stopped. When I looked up, if this is my car door,
17 I'm sitting here facing that way, he's here. He
18 turns like this and now the Cigarillos I see in his
19 left hand. He's going like this and he says, "hey
20 man, hold these."

21 **Q** So you start out with Cigarillos in his
22 right hand?

23 **A** Correct.

24 **Q** At this point they are in his left hand?

25 **A** Correct.

1 **Q** He didn't have like two hands of
2 Cigarillos?

3 **A** No, I only saw them in one hand.

4 **Q** You only saw them in one, okay, go ahead.

5 **A** And he reaches back and he says, "hey man,
6 hold these." I'm assuming to Johnson, but I
7 couldn't see Johnson from my line of sight.

8 **Q** But you could tell he was giving Johnson
9 Cigarillos?

10 **A** Yes, I saw them in his hand go around.

11 **Q** All right.

12 **A** And he said, "hey man, hold these." And
13 at that point I tried to hold his right arm because
14 it was like this at my car. This is my car window.
15 I tried to hold his right arm and use my left hand
16 to get out to have some type of control and not be
17 trapped in my car any more. And when I grabbed him,
18 the only way I can describe it is I felt like a
19 five-year-old holding onto Hulk Hogan.

20 **Q** Holding onto a what?

21 **A** Hulk Hogan, that's just how big he felt
22 and how small I felt just from grasping his arm.

23 And as I'm trying to open the door is
24 when, and I can't really get it open because he is
25 standing only maybe 6 inches from my door, but as I

1 was trying to pull the handle, I see his hand coming
2 back around like this and he hit me with this part
3 of his right here, just a full swing all the way
4 back around and hit me right here. (indicating)

5 After he did that, next thing I
6 remember is how do I get this guy away from me.
7 What do I do not to get beaten inside my car.

8 I remember having my hands up and I
9 thought to myself, you know, what do I do.

10 I considered using my mace, however,
11 I wasn't willing to sacrifice my left hand, which is
12 blocking my face to go for it. I couldn't reach
13 around on my right to get it and if I would have
14 gotten it out, the chances of it being effective
15 were slim to none. His hands were in front of his
16 face, it would have blocked the mace from hitting
17 him in the face and if any of that got on me, I know
18 what it does to me and I would have been out of the
19 game. I wear contacts, if that touches any part of
20 my eyes, then I can't see at all.

21 Like I said, I don't carry a taser, I
22 considered my asp, but to get that out since I kind
23 of sit on it, I usually have to lean forward and
24 pull myself forward to the steering wheel to get it
25 out. Again, I wasn't willing to let go of the one

1 defense I had against being hit. The whole time, I
2 can't tell you if he was swinging at me or grabbing
3 me or pushing me or what, but there was just stuff
4 going on and I was looking down figuring out what to
5 do.

6 Also, when I was grabbing my asp, I
7 knew if I did even get it out, I'm not going to be
8 able to expand it inside the car or am I going to be
9 able to make a swing that will be effective in any
10 manner.

11 Next I considered my flashlight. I
12 keep that on the passenger side of the car. I
13 wasn't going to, again, reach over like this to grab
14 it and then even if I did grab it, would it even be
15 effective. We are so close and confined.

16 So the only other option I thought I
17 had was my gun. I drew my gun, I turned. It is
18 kind of hard to describe it, I turn and I go like
19 this. He is standing here. I said, "get back or
20 I'm going to shoot you."

21 He immediately grabs my gun and says,
22 "you are too much of a pussy to shoot me." The way
23 he grabbed it, do you have a picture?

24 Q I do have some pictures of your gun.
25 Well, you can tell us if it is your gun, I believe

1 it is.

2 **A** My gun was basically pointed this way.
3 I'm in my car, he's here, it is pointed this way,
4 but he grabs it with his right hand, not his left,
5 he grabs with his right one and he twists it and
6 then he digs it down into my hip. (indicating)

7 MS. WHIRLEY: Kathi, can you do the
8 computer? I'm going to let you see these photos
9 from Grand Jury Exhibit Number 10, and there's some
10 numbers on the back of these photos just so we can
11 keep track of what you are looking at. And I'm
12 going to announce what they are and then I will let
13 you tell us a little bit about them, okay?

14 **A** All right.

15 **Q** Let me just get my glasses. These are
16 Grand Jury Exhibit Number 10, but the photo that I'm
17 showing you is 60, 66, 63, so they're not in order
18 and then 69, so if you could look at all of those
19 photos. And tell me if that represents what you
20 know to be your weapon and your ammunition?

21 **A** Yes, it does.

22 **Q** Let me see if we can get this, let me try
23 to get this started. We'll talk a little bit about
24 while we're working on that. So those are photos of
25 your weapons; is that correct?

1 **A** Yes, ma'am.

2 **Q** And would those photos help you to sort of
3 explain or to explain to the grand jurors what took
4 place regarding the struggle with your weapon that
5 you were trying to describe to us?

6 **A** I think this would be the most helpful.

7 **Q** Okay. And we are going to put it on the
8 projector as soon as we can and have you, you know,
9 tell us what's going on.

10 I have a few other questions while we
11 are waiting on that. So during the time that he's,
12 you said Michael Brown is striking you in the face
13 through the car door?

14 **A** Right.

15 **Q** And it was your opinion that you needed to
16 pull out your weapon because why did you feel that
17 way, I don't want to put words in your mouth?

18 **A** I felt that another one of those punches
19 in my face could knock me out or worse. I mean it
20 was, he's obviously bigger than I was and stronger
21 and the, I've already taken two to the face and I
22 didn't think I would, the third one could be fatal
23 if he hit me right.

24 **Q** You thought he could hit you and it would
25 be a fatal injury?

1 **A** Or at least unconscious and then who knows
2 what would happen to me after that.

3 **Q** There you go, thank you, Kathi.

4 You had not ever met Michael Brown or
5 Dorian Johnson before this date?

6 **A** No, ma'am.

7 **Q** Never had any interaction with them at
8 all?

9 **A** No, ma'am.

10 **Q** Okay. So this is Number 60. Why don't
11 you come over here, Darren Wilson, and kind of tell
12 us.

13 **A** If you picture that --

14 **Q** You can do it from there?

15 **A** I can probably show with my hands.

16 **Q** You want to use this to kind of?

17 **A** No, I'll just do it with my hands. If
18 that's pointed at me, I'm holding that like this.
19 So it is pointed at, I would be Brown, he grabbed
20 with his hand over the top like this manner and then
21 twisted it down like this. And when it twisted, it
22 ended up being like this in my hip. That's all I
23 needed that for. (indicating)

24 **Q** That's all you needed?

25 **A** Yeah, just so I can show them how it

1 twisted and went down into my hip.

2 Q Okay. Since we have the projector up,
3 let's look at some of the photographs because you
4 did go to the doctor or to the hospital; is that
5 right?

6 A Yes, ma'am.

7 Q And you mentioned being struck in the face
8 before you pulled your weapon?

9 A Yes, ma'am.

10 Q So let's just look at those before we move
11 on since we are here. These are also from State's
12 Exhibit Number, Grand Jury Exhibit Number 10.

13 If you could look at these photos,
14 you do know those to be you, correct?

15 A Yes, ma'am.

16 Q All right. So you give me that one, I
17 guess I'm going to let Kathi maybe help me here.
18 This is photo number six. And that's you?

19 A Correct.

20 Q Is that you at the hospital on August the
21 9th?

22 A Yes, ma'am.

23 Q And why did you go to the hospital?

24 A For my face being swollen.

25 Q Was there any other injuries that you had

1 other than your face?

2 **A** They had discovered there that I had
3 scratches on the back of my neck.

4 **Q** Okay. Anything else, tell us about your
5 injuries?

6 **A** I had a swollen right cheek, my left they
7 said was swollen, I had scratches around my hairline
8 in the back and I think on the side of my neck, but
9 that's all that I remember.

10 **Q** Any injuries to your hand?

11 **A** No.

12 **Q** Okay, let's see. Show me which one of
13 those photos duplicates the injury to your face?

14 **A** That one you can see the right side of my
15 face swollen pretty good.

16 **Q** Okay. And this is Number 12?

17 **A** That one looks like it has bruising and
18 swelling on it.

19 **Q** Where is the swelling to your face on that
20 one?

21 **A** It was on my right side, that was the main
22 injury.

23 **Q** Point to it for us?

24 MS. ALIZADEH: Here, if you want to use
25 the laser pointer, hopefully it will work.

1 **A** Right in this area. (indicating)

2 **Q** (By Ms. Whirley) That's the swelling to
3 your face?

4 **A** Yes, ma'am.

5 **Q** Okay. And this is Number 30 and you said
6 this depicts the swelling too?

7 **A** I think it shows the bruising on the side
8 of my face.

9 **Q** The bruising on the side of your face.
10 And kind of show us where you see the bruising?

11 **A** This area right here. (indicating)

12 MS. WHIRLEY: Yes.

13 : . Can we pass
14 those around?

15 MS. ALIZADEH: I'm going to, yeah, I'm
16 going to.

17 **A** That was kind of the same.

18 **Q** (By Ms. Whirley) Okay. This is number 24?

19 MS. ALIZADEH: Wait a minute, there is
20 two.

21 MS. WHIRLEY: 24 is what I'm trying to
22 look at.

23 MS. ALIZADEH: This is 27.

24 MS. WHIRLEY: This is 24. Now, what are
25 we looking at there?

1 **A** That's the left side of my face.

2 **Q** (By Ms. Whirley) So you had, describe what
3 we are looking at?

4 **A** I can't really tell from that.

5 **Q** Okay.

6 **A** I can't see from this angle.

7 **Q** Let me let you look at it again.

8 **A** I think there was swelling to my face in
9 that area too. I never saw my face after, this is
10 the first I've seen.

11 **Q** Does it look like swelling? You know your
12 face better than we do, does that look like
13 swelling?

14 **A** I can't tell with that angle with the
15 ruler.

16 **Q** You can't tell on that one? What about
17 this one?

18 **A** That one I can tell from down by my, down
19 in this area looks swollen to me.

20 **Q** Okay. And this is Number 27. Were there
21 any other photos that you think kind of show your
22 injuries?

23 **A** This one you can see the scratches in that
24 area.

25 **Q** Okay.

1 **A** Here is a close-up of it.

2 **Q** This is Number 33 and you say you can see
3 scratches on the back of your neck?

4 **A** Right in here. (indicating)

5 **Q** Okay.

6 **A** This is just showing the red marks on my
7 face on this one, on my neck on that one.

8 **Q** Okay. This is Number 54. And you can
9 kind of point to where the red marks are on your
10 neck?

11 **A** It is hard to see on that. It is in this
12 area right there. (indicating)

13 **Q** Okay.

14 **A** Most of those are the same.

15 **Q** Okay. Any more of those you want us to
16 see?

17 **A** It is hard to tell from the pictures and
18 that angle. I think the best one was looking
19 straight forward at me.

20 **Q** Okay. And they've already got those. All
21 right, thank you.

22 All right. So you suffered the
23 injury to your face and you showed us where the gun
24 was grabbed and at the time when there is a struggle
25 for the gun, take us from there.

1 **A** He grabs my gun, says, "you are too much
2 of a pussy to shoot me." The gun goes down into my
3 hip and at that point I thought I was getting shot.
4 I can feel his fingers try to get inside the trigger
5 guard with my finger and I distinctly remember
6 envisioning a bullet going into my leg. I thought
7 that was the next step.

8 **Q** I'm going to stand back so you can talk a
9 little louder.

10 **A** As I'm looking at it, I'm not paying
11 attention to him, all I can focus on is just this
12 gun in my leg.

13 I was able to kind of shift slightly
14 like this and then push it down, because he is
15 pushing down like to keep it pinned on my leg. So
16 when I slid, I let him use his momentum to push it
17 down and it was kind of pointed to where the seat
18 buckle would attach on the floorboard on the side of
19 my car.

20 Next thing I remember putting my left
21 hand on it like this, putting my elbow into the back
22 of my seat and just pushing with all I could
23 forward.

24 **Q** Were you saying anything?

25 **A** I don't know.

1 **Q** You don't know if he was saying either?

2 **A** I heard stuff, but I couldn't tell you
3 what it was.

4 **Q** Okay.

5 **A** Like I said, I was just so focused on
6 getting the gun out of me. When I did get it up to
7 this point, he is still holding onto it and I pulled
8 the trigger and nothing happens, it just clicked. I
9 pull it again, it just clicked again.

10 At this point I'm like why isn't this
11 working, this guy is going to kill me if he gets
12 ahold of this gun. I pulled it a third time, it
13 goes off. When it went off, it shot through my door
14 panel and my window was down and glass flew out of
15 my door panel. I think that kind of startled him
16 and me at the same time.

17 When I see the glass come up, it
18 comes, a chunk about that big comes across my right
19 hand and then I notice I have blood on the back of
20 my hand.

21 After seeing the blood on my hand, I
22 looked at him and he was, this is my car door, he
23 was here and he kind of stepped back and went like
24 this.

25 And then after he did that, he looked

1 up at me and had the most intense aggressive face.
2 The only way I can describe it, it looks like a
3 demon, that's how angry he looked. He comes back
4 towards me again with his hands up.

5 At that point I just went like this,
6 I tried to pull the trigger again, click, nothing
7 happened.

8 Q When you say he came back up to you with
9 his hands up, describe to us what he is doing?

10 A Last thing I saw was this coming at me.

11 Q Was it a fist?

12 A I just saw his hands up, I don't know if
13 they were closed yet, on the way to going closed, I
14 saw this and that face coming at me again, and I
15 just went like this and I shielded my face.

16 Q And you did what?

17 A Went like this and shielded my face.

18 Q Did he hit you at that time?

19 A Yes.

20 Q Okay. Go ahead.

21 A So I pulled the trigger, it just clicks
22 that time. Without even looking, I just grab the
23 top of my gun, the slide and I racked it, and I put
24 my, still not looking just holding my hand up, I
25 pulled the trigger again, it goes off. When I look

1 back after that --

2 Q So how many times does it go off in the
3 car?

4 A It went off twice in the car. Pull,
5 click, click, went off, click, went off. So twice
6 in the car.

7 Q Are you certain?

8 A Yes.

9 Q Okay.

10 A When I look up after that, I see him start
11 to run and I see a cloud of dust behind him. I then
12 get out of my car. As I'm getting out of the car I
13 tell dispatch, "shots fired, send me more cars."

14 We start running, kind of the same
15 direction that Johnson had pointed. Across the
16 street like a diagonal towards this, kind of like
17 where the parking lot came in for Copper Creek Court
18 and Canfield, right at that intersection. And there
19 is a light pole right there, I remember him running
20 towards the light pole.

21 We pass two cars that were behind my
22 police car while we were running. I think the
23 second one was Pontiac Grand Am, a green one. I
24 don't know if it was a two door or four door, I just
25 remember seeing a Pontiac green Grand Am.

1 When I passed the second one, about
2 that same time he stopped running and he is at that
3 light pole. So when he stopped, I stopped. And
4 then he starts to turn around, I tell him to get on
5 the ground, get on the ground.

6 He turns, and when he looked at me,
7 he made like a grunting, like aggravated sound and
8 he starts, he turns and he's coming back towards me.
9 His first step is coming towards me, he kind of does
10 like a stutter step to start running. When he does
11 that, his left hand goes in a fist and goes to his
12 side, his right one goes under his shirt in his
13 waistband and he starts running at me.

14 **Q** You say under his shirt?

15 **A** Yes.

16 **Q** Was he wearing a shirt that was longer
17 than his waistband?

18 **A** Yes, ma'am.

19 **Q** So he goes up under the shirt?

20 **A** Yes.

21 **Q** Okay. Go ahead.

22 **A** That was all done, like I said, the first
23 step, his first stride coming back towards me.

24 As he is coming towards me, I tell,
25 keep telling him to get on the ground, he doesn't.

1 I shoot a series of shots. I don't know how many I
2 shot, I just know I shot it.

3 I know I missed a couple, I don't
4 know how many, but I know I hit him at least once
5 because I saw his body kind of jerk or flinched.

6 I remember having tunnel vision on
7 his right hand, that's all, I'm just focusing on
8 that hand when I was shooting.

9 Well, after the last shot my tunnel
10 vision kind of opened up. I remember seeing the
11 smoke from the gun and I kind of looked at him and
12 he's still coming at me, he hadn't slowed down.

13 At this point I start backpedaling
14 and again, I tell him get on the ground, get on the
15 ground, he doesn't. I shoot another round of shots.
16 Again, I don't recall how many it was or if I hit
17 him every time. I know at least once because he
18 flinched again.

19 At this point it looked like he was
20 almost bulking up to run through the shots, like it
21 was making him mad that I'm shooting at him.

22 And the face that he had was looking
23 straight through me, like I wasn't even there, I
24 wasn't even anything in his way.

25 Well, he keeps coming at me after

1 that again, during the pause I tell him to get on
2 the ground, get on the ground, he still keeps coming
3 at me, gets about 8 to 10 feet away. At this point
4 I'm backing up pretty rapidly, I'm backpedaling
5 pretty good because I know if he reaches me, he'll
6 kill me.

7 And he had started to lean forward as
8 he got that close, like he was going to just tackle
9 me, just go right through me.

10 **Q** Can you demonstrate for us how he was
11 leaning forward?

12 **A** His hand was in a fist at his side, this
13 one is in his waistband under his shirt, and he was
14 like this. Just coming straight at me like he was
15 going to run right through me. And when he gets
16 about that 8 to 10 feet away, I look down, I
17 remember looking at my sites and firing, all I see
18 is his head and that's what I shot.

19 I don't know how many, I know at
20 least once because I saw the last one go into him.
21 And then when it went into him, the demeanor on his
22 face went blank, the aggression was gone, it was
23 gone, I mean, I knew he stopped, the threat was
24 stopped.

25 When he fell, he fell on his face.

1 And I remember his feet coming up, like he had so
2 much momentum carrying him forward that when he
3 fell, his feet kind of came up a little bit and then
4 they rested.

5 At that point I got back on the radio
6 and said, "send me a supervisor and every car you
7 got."

8 Q Okay. So when the shots were first fired
9 in your car, you said you believe you fired two
10 shots in the car?

11 A Yes, two actually went off in the car.

12 Q Two went off in the car. And at this
13 point, the second shot, is that when he ran?

14 A After the second shot, yes.

15 Q After the second shot. Are you still in
16 the car?

17 A When he starts to run?

18 Q Yes.

19 A Yes, ma'am.

20 Q Okay. Do you, at that time, do you say
21 shots fired?

22 A As I'm exiting the car to chase him, yes.

23 Q Did you know that radio dispatch did not
24 go out?

25 A No, I didn't find out until later while I

1 was actually driving back to the station that my
2 portable radio was on channel 3 and our main channel
3 was channel 1.

4 **Q** So nobody heard you say shots fired to
5 your knowledge?

6 **A** To my knowledge.

7 **Q** Okay.

8 **A** They did ask me why my radio for the car
9 was laying on the floorboard, asked me if I used
10 that. I don't remember using that radio. I, for
11 some reason, remember using this one. It could have
12 been sitting in my lap, there is also that chance
13 that I used that one. I don't know which one that I
14 used.

15 MS. ALIZADEH: I'm sorry, when you say
16 your radio, you mean the mike --

17 **A** The mike, yes, ma'am.

18 MS. ALIZADEH: -- for the radio? The
19 radio is attached to the dash, correct?

20 **A** Yes, it is in the center console. So the
21 mike was probably in my lap at some point.

22 MS. ALIZADEH: The mike, okay.

23 **Q** (By Ms. Whirley) All right. So you're in
24 the car, you fire two shots and he's running and you
25 get out of the car to chase after him and tell us

1 your rationale, what you are thinking now?

2 **A** When I'm chasing him?

3 **Q** Yes. You get out of the car and run after
4 him.

5 **A** My main goal was to keep eyes on him and
6 just to keep him contained until I had people coming
7 there. I knew I had already called for backup and I
8 knew they were already in the area for the stealing
9 that was originally reported. So I thought if I can
10 buy 30 seconds of time, that was my original goal
11 when I tried to get him to come to the car. If I
12 could buy 30 seconds of time, someone else will be
13 here, we can make the arrest, nothing happens, we
14 are all good. And it didn't happen that way.

15 So when he ran, you know, just stay
16 with him, someone is going to be here, you know,
17 we'll get him.

18 **Q** And when you, when the second shot was
19 fired inside the car, did you think he was hit at
20 all?

21 **A** No, I thought I missed.

22 **Q** Both shots. You didn't see any blood on
23 him?

24 **A** The first shot, judging by his reaction,
25 he went back, I thought it went through the door and

1 hit him in the leg, in the hip, is what I thought.

2 Q Okay.

3 A The second one I saw the cloud of dust and
4 him running, I knew I missed.

5 Q Okay. So you got out of the car, you are
6 running, you are telling him to stop; is that right?

7 A Correct.

8 Q And he's not listening?

9 A No, not until he gets to that light pole
10 and that's when he stopped.

11 Q To what now?

12 A He gets to that light pole at that
13 intersection.

14 Q Are you firing at him while he's running?

15 A No, ma'am.

16 Q Is Dorian Johnson anywhere around?

17 A I never saw him after the very beginning.
18 Once he walked past my car, I never saw him again.

19 Q Okay. All right. And at some point you
20 say Michael Brown does turn around?

21 A Yes, ma'am.

22 Q Any idea what happened to make him turn
23 around or he just all of the sudden turns around?

24 A No, just turns around. His whole reaction
25 to the whole thing was something I've never seen.

1 I've never seen that much aggression so quickly from
2 a simple request to just walk on the sidewalk.

3 Q Okay. Because you never did talk to him
4 about the Cigarillos or the stealing at the Ferguson
5 Market?

6 A No, I never had the chance to.

7 Q All right. You said when he's coming back
8 at you with his hand, right hand in his waistband
9 and kind of charging, that's when you fired the last
10 shots?

11 A Yes, ma'am.

12 Q And he went down?

13 A Yes, ma'am.

14 Q Did you think he was dead at that point?

15 A Yes, I did.

16 Q What did you do after that when he goes
17 down?

18 A After that is when I got back on the radio
19 and I said, "send me a supervisor and every car you
20 have."

21 Seconds later, I don't know how many
22 seconds later, is when Officer followed by
23 Officer arrived. And I believe they were the
24 ones that were assigned to the stealing call
25 originally. walked up to me and said,

1 Darren, what do you need.

2 MS. ALIZADEH: Said what?

3 **A** Darren, what do you need. I don't
4 remember what my reply was and he said, did you call
5 for an ambulance. I said I haven't, will you. I
6 remember him calling twice, like he was about from
7 me to you away on the radio calling.

8 And then I look across and was
9 starting to tape off the area, but I notice that all
10 of our cars are parked this way, Brown is laying
11 here, there is nothing on this side. I told
12 to move his car to this side to block that side of
13 the street off. He did that and then he resumed
14 taping.

15 After that I walked to my car and I
16 put my gun up, I start walking away from the scene.
17 As I'm walking away, I walk back to my car and I
18 don't know if the door was open or shut, I think it
19 was shut. I open the door, I reach in, I turn my
20 car off, shut the door. At that time my sergeant
21 pulled up and I walked over to him.

22 **Q** (By Ms. Whirley) This is Sergeant ?

23 **A** Yes, ma'am.

24 **Q** Okay.

25 **A** I don't remember what started the

1 conversation, he said something first, but I said I
2 have to tell you what happened. And he goes, what
3 happened.

4 I said, I had to kill him.

5 He goes, you what?

6 I said, he grabbed my gun, I shot
7 him, I killed him.

8 He goes, go sit in the car.

9 I said, I cannot sit in the car.

10 I remember him saying, Darren, sit in
11 the car.

12 I said, Sarge, I can't be singled
13 out. It is already getting hostile, I can't be
14 singled out in the car. I will leave if you want me
15 to leave.

16 He said, take my car and leave. So I
17 got in his car and I drove to the police station.

18 **Q** In your mind him grabbing the gun is what
19 made the difference where you felt you had to use a
20 weapon to stop him?

21 **A** Yes. Once he was hitting me in the face,
22 that enough, was in my mind to authorize the use of
23 force.

24 **Q** Okay. So if he would not have grabbed
25 your gun while he was hitting you in the face,

1 everything was the same, but he would not have
2 grabbed the gun, you still would have used deadly
3 force?

4 **A** My gun was already being presented as a
5 deadly force option while he was hitting me in the
6 face.

7 **Q** Okay, all right. So then you go to the
8 station?

9 **A** Yes.

10 **Q** And what happens, you go alone?

11 **A** Yes.

12 **Q** And before you leave for the station,
13 there is a crowd developing, right?

14 **A** Correct.

15 **Q** And do you hear what the crowd is saying?
16 I know you are in a pretty stressful situation, but
17 do you understand or hearing anything that they're
18 saying?

19 **A** I hear yelling, I hear screaming, as I'm
20 walking back to my car, a white Ford truck pulled up
21 and I remember her saying is that so and so? It was
22 a female driver that got out. said, ma'am,
23 we don't know. I heard her say, I think it is so
24 and so, and then she screamed and that's all I
25 heard.

1 I could hear other noises and
2 screaming, but I couldn't hear.

3 Q Okay. We're going to go with you to the
4 station in just a minute, but I wanted to ask you
5 about your relationship with the residents in the
6 Canfield Green Apartments.

7 A Uh-huh.

8 Q Did you guys have a volatile, well, how
9 can I put this. Did you not really get along well
10 with the folks that lived in that apartment, not you
11 personally, I mean the police in general?

12 A It is an antipolice area for sure.

13 Q And when you say antipolice, tell me more?

14 A There's a lot of gangs that reside or
15 associate with that area. There's a lot of violence
16 in that area, there's a lot of gun activity, drug
17 activity, it is just not a very well-liked
18 community. That community doesn't like the police.

19 Q Were you pretty much on high alert being
20 in that community by yourself, especially when
21 Michael Brown said, "fuck what you say," I think he
22 said?

23 A Yes.

24 Q You were on pretty high alert at that
25 point knowing the vicinity and the area that you're

1 in?

2 **A** Yes, that's not an area where you can take
3 anything really lightly. Like I said, it is a
4 hostile environment. There are good people over
5 there, there really are, but I mean there is an
6 influx of gang activity in that area.

7 **Q** All right. So you're driving yourself
8 back to Ferguson, what are you thinking on the drive
9 back to Ferguson?

10 **A** I think I'm just kind of in shock of what
11 just happened, I really didn't believe it because
12 like I said, the whole thing started over will you
13 just walk on the sidewalk and it developed into that
14 in 45 seconds.

15 And that's the only other thing I
16 remember thinking about is I heard the car radio
17 going off and mine wasn't. That doesn't make sense.
18 So I hit the scan button on mine thinking the scan
19 button got messed up, I wasn't getting everything.

20 And I did that and it still, this one
21 is going off and mine's not. So then I looked at it
22 and I was on channel 3. I was like, I don't know
23 what was heard or what wasn't heard.

24 **Q** And that's when you realized that you
25 probably, nobody probably even heard your call for

1 help?

2 **A** Right. I know they heard the initial one
3 because before I put it in reverse I used the car
4 radio, the car mike, which is always on Ferguson
5 channel, it never changes, but I don't know when
6 this one was changed, if they even heard anything.

7 **Q** When you first went out on your call to
8 Canfield Green, you said, I'm going out Frank 21?

9 **A** Frank 21.

10 **Q** I'm going out with two, send me a car?

11 **A** I said, "Frank 21, I'm on Canfield with
12 two, send me another car."

13 **Q** It wasn't a stressful situation at that
14 point?

15 **A** No, it wasn't, but I just had that gut
16 feeling that someone else needed to be there and
17 knowing that this guy just stole from the market
18 because I saw the Cigarillos and had the black
19 shirt, I felt that in order to affect the arrest, it
20 would be better to have.

21 **Q** You asked for this other car before any
22 words were exchanged, correct?

23 **A** No, he had already told me, "fuck what you
24 have to say."

25 **Q** Before you asked for the car, when you

1 said I'm Frank 21, I'm at Canfield Green, send me a
2 car. He had already said, "fuck what you have to
3 say?"

4 **A** Yeah, he had already walked past by my car
5 and said that.

6 **Q** Okay.

7 **A** That's when I saw the Cigarillos when he
8 said that and he kept walking. Then I got on the
9 radio and said, "send me another car."

10 **Q** You didn't tell the dispatcher that you
11 were having a confrontation or that you had these
12 guys who might be the suspects in the stealing?

13 **A** No.

14 **Q** You didn't say that to the dispatcher when
15 you said send me a car?

16 **A** No, it was kind of said in a quicker way,
17 just kind of hey, I want to get the information out,
18 get a car started and once more develops, I can
19 advise them of more.

20 **Q** But you never had a chance to do that?

21 **A** No, I didn't.

22 **Q** Okay. All right. So you drive back to
23 Ferguson by yourself, you are at Ferguson, what do
24 you do?

25 **A** I immediately go to the bathroom. On the

1 way back I found that I had blood on the inside of
2 my left hand and I already know I had it on the back
3 of my right hand. And just from everything we have
4 always been taught about blood, you don't want it on
5 you, you don't touch it, you don't come in contact
6 with it.

7 And my original thought was that it
8 was the glass had cut my wrist and cut my hand,
9 which is why this hand was bleeding. And so
10 thinking that I was cut with someone else's blood on
11 me, I had to wash my hands.

12 So I go directly to the bathroom. I
13 actually washed them, went to the bathroom and then
14 I looked, like I still had it like in my cuticles
15 and stuff, so I washed my hands again. After I
16 washed my hands, I go to our roll call room.

17 Q Let me ask you this, was there a lot of
18 blood?

19 A From like my finger tips to about here was
20 blood.

21 Q Like dripping blood?

22 A No, just on the back of my hand, it wasn't
23 liked wraparound like I dipped my hand in blood, but
24 there was like blood on the back of my hand.

25 Q One of the grand jurors asked earlier, you

1 may know the answer to the question, was there blood
2 left like in Sergeant s car after you got out
3 of it?

4 A I don't know, I did call him and say, I
5 don't know who is going to drive your car later, but
6 I had blood on my hands. You might want to tell
7 them to wipe down the steering wheel or just be
8 cautious of it because I never went back and looked
9 at the car.

10 Q I see. Okay, so go ahead, after you wash
11 your hands?

12 A I then go down the hallway to the roll
13 call room. Once in there, Officer was in
14 there working on the computer.

15 Q Which officer,

16 A

17 Q Do you need that spelled? Spell that,
18 please?

19 A .

20 Q And that's a officer?

21 A Yes.

22 Q And that's a friend of yours?

23 A Yeah, .

24 Q Okay. So there at
25 the station?

1 **A** Yes.

2 **Q** Okay. Go ahead.

3 **A** I come in, looks at me said, you
4 know, what happened. And I said, I just had to
5 shoot somebody.

6 And was kind of in shock and
7 had had, the computer was working on in front of
8 the one next to had, what we call the
9 CADament screen, it just shows the status of all the
10 cars where they're at. Well, on that one it is
11 showing all the Ferguson cars out on Canfield.

12 goes, I was really hoping you
13 weren't involved in that, you know, because any time
14 every car is involved, you really don't know what is
15 going to happen, who is going to get hurt.

16 **Q** What was doing,
17 what was duty that day?

18 **A** was working for court, was doing
19 paperwork, entering warrants for them.

20 **Q** So wasn't working the radio or
21 dispatch or anything like that?

22 **A** No.

23 **Q** And didn't know what had happened?

24 **A** No.

25 **Q** just knew a lot of cars were going

1 there?

2 **A** just saw the cars, didn't even
3 know what the call was. I think they had it as a
4 disturbance, so didn't even know what it was.

5 **Q** Okay.

6 **A** I go in there, I asked to go get me a
7 pair of gloves. goes gets me a pair of gloves,
8 comes back, put the gloves on. I grab an
9 evidence envelope, take my gun out of the holster,
10 make it safe. I lock the slide back, take the
11 magazine out, take the one round that's left in it
12 out. I put it all in that bag, seal it with
13 evidence tape and then sign it.

14 **Q** And you handled your gun at that time with
15 gloves on?

16 **A** Correct.

17 **Q** And why did you do that?

18 **A** To preserve any evidence on there, I knew
19 his DNA was on that gun.

20 **Q** How did you know his DNA was on the gun?

21 **A** When I first took it out, without even
22 looking at it, I knew that he had fingerprints on it
23 and possibly even sweat from, it was warmer that day
24 so, and he could have sweat on it. When I took it
25 out, I also saw blood on it.

1 **Q** You saw blood?

2 **A** Yes.

3 **Q** And that could have been from when you
4 shot him?

5 **A** Yes.

6 **Q** Okay. Is it procedure for you to make
7 your gun safe in a shooting like this or should
8 someone else do that?

9 **A** I don't really know.

10 **Q** Because that never happened to you before?

11 **A** Correct.

12 **Q** And you never investigated this type of
13 crime?

14 **A** No, I have not.

15 **Q** Not crime, but situation before?

16 **A** Correct.

17 **Q** Okay. All right. So you made, but you
18 knew how to make the gun safe and put it in an
19 evidence envelope based on your training and
20 experience?

21 **A** Yes, I was just trying to preserve all the
22 evidence I could on the weapon. And I knew if I put
23 it in an evidence envelope and sealed it, that it
24 would have no other contact with anybody and it
25 could be as preserved as you could get.

1 **Q** Okay. All right. And then what?

2 **A** I sat down and called for my attorney, who
3 represents police for the union. He said he would
4 be on his way.

5 Officer came in, he gave me the
6 card for the application for the Fraternal Order of
7 Police. I said, I already called them.

8 He said, would you like to tell me
9 what happened so I can tell the media? I said, no,
10 I don't want to talk right now.

11 Lieutenant came in, he's
12 actually my lieutenant who was off that day. He
13 came in and said, has anybody told you what's
14 happening? I said, I don't really know anything
15 that's going on there. I left the scene pretty much
16 right after.

17 He said St. Louis County is
18 investigating. I said okay, and then he left.

19 And then right after he left,
20 Ferguson Fire Department and EMS from Christian
21 Northeast Hospital showed up. They stayed about
22 this far away, they didn't actually come in the
23 room.

24 And they asked what happened?

25 I said, I was hit in the face

1 multiple times.

2 They asked where?

3 I pointed this side, that side.

4 They asked if I lost consciousness?

5 I said, no.

6 My vision was blurry?

7 I said, no.

8 Asked if I needed to go to the

9 hospital?

10 I said, no, not right now.

11 So is there anything else we can do

12 for you?

13 I said, no, not right now, and then

14 they left.

15 About 20 minutes later is when

16 my attorney, showed up and we talked for about 10 or

17 15 minutes.

18 My assistant chief showed up, he came

19 in and he made the determination that we should go

20 to the hospital, he could see the swelling on my

21 face.

22 So he drove, before we left,

23 Detective from St. Louis County arrived,

24 informed us he would be investigating the case and

25 kind of gave us the rundown of what to expect. And

1 then he agrees with going to the hospital.

2 So my assistant chief drove me and
3 to the hospital and Detective followed.

4 Q Okay. And those photos that we looked at
5 a minute ago were you at the hospital, correct?

6 A Yes, ma'am.

7 Q And then what happened after that?

8 A At the hospital we did the interview. And
9 when I went to the hospital, I didn't wear my
10 uniform shirt, I took that off and my vest off, left
11 it at the station, left my duty belt at the station.

12 Q Did someone tell you to do that?

13 A Yeah, and I felt more comfortable too
14 because I obviously can't wear my gun, and I don't
15 want to be in uniform after all of this without it.

16 So I took the shirt off, just my
17 undershirt, my pants, my boots, go to the hospital.
18 While waiting to be treated in the waiting room, not
19 in the waiting room, in the actual hospital room,
20 Detective began his interview and then stopped
21 as needed for nurses, whoever came in. They took
22 x-rays, prescribed me a painkiller for the face
23 injuries.

24 St. Louis County's evidence
25 technician arrived, he photographed everything. I

1 don't know who it is, but he came from whoever the
2 department uses for drug tests, they gave me the
3 drug tests. And then after that, I think he left
4 and then the assistant chief drove me and back
5 to the station.

6 He had already made a phone call, the
7 assistant chief did to have Officer
8 get a change of clothes for me, so
9 they were going to take my clothes. They had blood
10 on my left hip area.

11 So when I get back I change, St.
12 Louis County took my pants, shirt, they already had
13 my weapon, and then that was it, I went home for the
14 day.

15 Q Okay. You have been on administrative
16 leave since then?

17 A Correct.

18 Q Okay. In your, well, first of all, you
19 have been a police officer for how long?

20 A Five years.

21 Q Five years. You started out with
22 Jennings?

23 A Correct.

24 Q Why did you leave Jennings?

25 A Whenever Jennings was disbanded, I wasn't

1 officered a position by St. Louis County.

2 **Q** Did you apply for a position?

3 **A** Yes, I did. I just wasn't one of the ones
4 selected.

5 **Q** All right. So you went to Ferguson?

6 **A** Correct.

7 **Q** Those are the only two departments you
8 have been?

9 **A** I actually worked for Pine Lawn for about
10 eight hours.

11 **Q** Eight hours?

12 **A** Yes.

13 **Q** Okay. Did you leave voluntarily?

14 **A** Yes, I did.

15 **Q** After eight hours?

16 **A** Yes.

17 **Q** Any other incidents where you have been
18 involved where you had to use excessive force?

19 **A** I've never used my weapon before.

20 **Q** Not excessive force, where you have had to
21 use force to affect an arrest?

22 **A** I've used my asp before, I have used my
23 flashlight before and I have used OC spray before.

24 **Q** Okay. And in those incidents though, no
25 one was injured?

1 **A** No.

2 **Q** Okay. All right.

3 MS. WHIRLEY: Anyone else have questions?

4 I have a few more, but if you have something.

5 Yes,

6 : . I just, hopeful

7 you don't take any offense, I just have a question.

8 You worked for Pine Lawn for eight hours, Jennings,

9 you worked for Ferguson?

10 **A** Correct.

11 Have you always worked in
12 predominantly African-American neighborhoods?

13 **A** Yes, I have.

14 You have.

15 **A** Yes.

16 : No problem until this
17 time?

18 **A** Correct.

19 : Okay.

20 : . I want to
21 go back to when Sergeant arrived there. You
22 told him that you had to kill him. Was that the
23 extent of your conversation or did you tell him sort
24 of like you are telling us play by play what
25 happened?

13 **A** I did that before the car was placed in
14 reverse.

17 : Go over that again with
18 me, which mirror were you looking at?

22 **A** Whenever they walked me and I saw the
23 Cigarillos. I'd already saw that Dorian Johnson had
24 on a black shirt, but just to double-check myself to
25 match up with what I heard Cigarillos had been

1 stolen and a suspect wearing a black shirt, I looked
2 to make sure the shirt was black.

3 : Okay.

4 **A** And then I called out for the assist car
5 and then placed it in reverse and backed up to him.

6 : Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Officer Wilson, I have a
9 few questions.

10 **Q** (By Ms. Alizadeh) Prior to today, at any
11 time after this incident have you seen any reports
12 of any kind, medical examiner's reports, police
13 reports, hospital reports, anything of that nature?

14 **A** The only report I've seen was the one
15 released on the news about the initial stealing.

16 **Q** Okay. So that is the Ferguson report that
17 was filed in relation to the theft of the
18 Cigarillos?

19 **A** Correct.

20 **Q** And when you, the vehicle that you were
21 in, I'm guessing that is not equipped with any
22 cameras or mikes?

23 **A** No, it is not.

24 **Q** To record what was going on, correct?

25 **A** Correct.

1 **Q** Any of the Ferguson officer's vehicles
2 equipped with that type of equipment?

3 **A** No, ma'am.

4 **Q** You don't wear a body mike?

5 **A** No, ma'am.

6 **Q** Now, your duty holster that you've
7 described or your duty belt has the holster attached
8 to it, correct?

9 **A** Correct.

10 **Q** Is it the type of holster that there's a
11 snap that goes over the gun that you have to unsnap
12 before the gun is removed from the holster?

13 **A** No, it doesn't have the strap on the top,
14 there is a button on the outside of it that you push
15 as you are pulling up and it releases it.

16 **Q** Okay. And is that something that, I mean,
17 as a police officer, you have to train at the firing
18 range, is that fair to say?

19 **A** Yes, ma'am.

20 **Q** And is part of your training learning how
21 to quickly get your gun out of your holster?

22 **A** Yes, ma'am.

23 **Q** When you called in and said you had two on
24 Canfield or two out, I think you said?

25 **A** I said, "Frank 21, I'm on Canfield with

1 two, send me another car."

2 Q With two. And why didn't you say anything
3 about asking again, what was that description of the
4 two involved in the larceny, did you ask for any
5 other details to insure in your own mind that maybe
6 these, you know, were these the guys?

7 A No, because my initial focus was just to
8 get the information out that I was there. Have the
9 other car respond and then get to that. My whole
10 goal was to just stall until someone got there.

11 Q Well, you've made previous statements
12 about that, this incident, and one being initially
13 to Sergeant

14 A Uh-huh.

15 Q Would you say that was kind of a brief,
16 not a lot of detail statement, would that be fair to
17 say?

18 A The one on scene?

19 Q On scene.

20 A Yeah, it was very brief.

21 Q And then you talked to ,
22 Detective ?

23 A Correct.

24 Q At the hospital. And that was a little
25 more detailed, would that be fair to say?

1 **A** Yes.

2 **Q** You didn't say anything to
3 about the Cigarillos, did you?

4 **A** Yes.

5 **Q** You believe you did?

6 **A** Yes, ma'am.

7 **Q** Did you tell that when you
8 saw him with his left hand reaching back and he made
9 the statement here, hold these or whatever, that you
10 saw what was in his hand?

11 **A** I had saw the flash of them going back
12 behind him.

13 **Q** So you didn't see at that point what was
14 in his hand?

15 **A** I could see the red and white wrapper of a
16 Cigarillo in his hand.

17 **Q** Okay. Just so I can be sure I'm
18 understanding you, did you see that they were
19 Cigarillos or did you assume they were Cigarillos?

20 **A** I assumed they were Cigarillos at that
21 point. I saw that they were in his right hand
22 before the contact was made.

23 **Q** But you didn't notice as his hand, his
24 right hand comes in the vehicle, and initially
25 contacts your face, you don't notice that he has

1 these packages or package with red and white
2 wrappers, you don't see them as he is hitting you?

3 **A** No, because I had shielded myself and I
4 believe I even closed my eyes.

5 **Q** Did you ever grab ahold, you said that you
6 grabbed ahold of his right hand at some point?

7 **A** It was like his forearm, it was this area.
8 (indicating)

9 **Q** His right forearm?

10 **A** Yes, ma'am.

11 **Q** And what were you doing when you grabbed
12 ahold of his right forearm?

13 **A** Trying to move him and somewhat control
14 him so I could get out of the car.

15 **Q** Were you ever pulling him to try to pull
16 him into the vehicle?

17 **A** No, I was trying to open my car door with
18 my left hand and then hold onto him as I did so.

19 **Q** So you've got your left hand, or what's
20 holding his right hand?

21 **A** My right hand.

22 **Q** You are like this? (indicating)

23 **A** Yes.

24 **Q** And you are like this trying to open your
25 door? (indicating)

1 **A** Yes.

2 **Q** And this is before you've gone for your
3 gun?

4 **A** Yes.

5 **Q** The first shot you've described pretty, I
6 guess, in detail. I think I understand the first
7 shot. The second shot you said you kind of weren't
8 looking, I guess?

9 **A** Uh-huh.

10 **Q** Where was your gun pointed?

11 **A** His general direction.

12 **Q** Was your gun above the level of the door
13 frame?

14 **A** I would say, yes. It had come up, it was
15 not on my leg any more and my leg sits only that far
16 away from the top of the window. So I remember
17 doing it like this, having my gun up.

18 **Q** And you said you saw a little puff of dust
19 or dirt that you assume was where a projectile might
20 have landed in the dirt; is that correct?

21 **A** Yes, ma'am.

22 **Q** So your gun wasn't pointed like up in the
23 air, would that be fair to say?

24 **A** Not that I'm aware of, correct.

25 **Q** Was your gun, if you had rolled up your

1 window, let's just say, was your gun totally inside
2 the vehicle, partially out of the vehicle, or was
3 your hand extended so that the gun was totally
4 outside of your vehicle?

5 **A** I don't know for sure, but it was my right
6 hand with it and I was like this. So I don't know
7 where it could have gone.

8 **Q** And I was using my left hand, I guess, to
9 demonstrate, you are right handed?

10 **A** Yes, ma'am.

11 **Q** And so you were across your body?

12 **A** Yes, ma'am.

13 **Q** And you said you had turned your face
14 somewhat?

15 **A** Yes, ma'am.

16 **Q** And at that point Michael Brown is not
17 right up on the vehicle, is that fair to say?

18 **A** No, this is when he is coming back at the
19 vehicle. He is only about a foot away and then
20 after the first shot hit him, he went down and kind
21 of held his hip for a second and then he came back
22 up and started to come back in the vehicle. And
23 that's when I just went like this and I pulled the
24 trigger.

25 **Q** Did you give him any kind of warning

1 before that second shot?

2 **A** I don't recall.

3 **Q** (By Ms. Whirley) You said you knew the
4 area and you felt threatened in that area because
5 there is violence and guns and everything, and that
6 Michael Brown was being confrontational before the
7 first blow, correct?

8 **A** Yes.

9 **Q** Is there any reason why you didn't wait in
10 the car until your backup came?

11 **A** I thought I would be able to just stall
12 until someone got there. I thought if I can get out
13 of the car, I could maintain the distance that I
14 need to maintain, they were close. I figure all I
15 needed was 20 or 30 seconds and someone is going to
16 be there.

17 **Q** Right. So why wouldn't you stay in the
18 car?

19 **A** Because I had already been, my comfort
20 zone is not to be sitting in the car talking to
21 someone else. I wanted to be out of the car, that
22 way if I need to run I can run.

23 **Q** You can run?

24 **A** If I was out and he started like chasing
25 me or went to hit me, I could move.

1 **Q** You are in a car, you are more mobile in a
2 car than you are on foot, right?

3 **A** Right. But I also didn't want him to run
4 away, so I need to kind of stay where I can keep him
5 there, keep myself safe and wait for someone to get
6 there.

7 MS. WHIRLEY: Okay.

8 **Q** (By Ms. Alizadeh) Now, Officer Wilson, I'm
9 not trying get in your head, I mean, I guess we all
10 are trying to get in your head at some point to know
11 what you were thinking at the time, but, I mean,
12 your initial confrontation or your initial contact
13 with them, I mean, you didn't see any of them with
14 weapons, correct?

15 **A** No.

16 **Q** And they weren't subjects that you knew to
17 be armed and dangerous?

18 **A** No.

19 **Q** And you stop and encounter pedestrians
20 probably almost on a daily basis when you are on
21 patrol, would that be fair to say?

22 **A** Yes.

23 **Q** And so did you at that point have any
24 reason to anticipate that this, that Michael Brown,
25 the Michael Brown subject was going to provoke or

1 be, or assault you?

2 **A** No, not at that moment, no.

3 **Q** You described the first shot, was his
4 right hand on the gun when the shot went off?

5 **A** I believe so.

6 **Q** And then the second shot, was his body in
7 contact with you on the second shot?

8 **A** Probably not on the second one. I know
9 when I first pulled the trigger it was, but it
10 didn't shoot and then that's when I racked the gun
11 and then shot again.

12 **Q** And you used both hands, you had to use
13 both hands to rack the gun?

14 **A** Yes, ma'am.

15 **Q** Was he still trying to hit you when you
16 went to rack the gun?

17 **A** I didn't look up.

18 **Q** Okay. So you said you did that without
19 looking and then you just went like that?

20 **A** Yes.

21 **Q** Turned your face away and shot out the
22 window?

23 **A** Yes.

24 **Q** In his general direction?

25 **A** Yes.

1 **Q** And so you can't really say whether his
2 hands were inside the car or outside the car at the
3 time you actually fired the second time, the second
4 shot?

5 **A** No, I can't tell you.

6 **Q** The blood on your pants, do you know how
7 the blood got on your pants?

8 **A** No, I do not.

9 **Q** Do you recall, I mean, when you were done
10 and you notice that you have, you said you had blood
11 on your left palm?

12 **A** Uh-huh.

13 **Q** And on the back of your right hand?

14 **A** Uh-huh.

15 **Q** Did you wipe your palm on your pant leg
16 because it is on your left pant leg, correct?

17 **A** Correct.

18 **Q** Did you wipe your hand on your pant leg to
19 get the blood off your palm?

20 **A** Not that I remember. I didn't see the
21 blood on my palm until I was driving back to the
22 station.

23 **Q** Okay. So you don't recall if you wiped
24 the blood on your pants?

25 **A** No, I don't know.

1 **Q** And when you, at any time after you got
2 back at the station, you went to the bathroom, was
3 there a mirror in the bathroom?

4 **A** Yes.

5 **Q** Could you see any blood on your face?

6 **A** No, I don't remember seeing any on my
7 face.

8 **Q** I would imagine that at some point in your
9 training you have learned something about blood
10 spatter and blood spray and so forth; is that right?

11 **A** It is kind of common knowledge, but no
12 official training on how it works.

13 **Q** I know you are not an expert, but you know
14 that can happen when you are in close range when
15 someone is shot, correct?

16 **A** Yes.

17 **Q** That spray or spatter can get on you?

18 **A** Yes.

19 **Q** Did you ever see anything like that?
20 Obviously, we have seized your clothing and what's
21 on there is what's on there, but did you have any of
22 that on your face or on your forearms or anything
23 like that?

24 **A** I don't recall seeing it on my face. I
25 remember looking, I don't remember washing my face.

1 I would say no, it was not on my face. When I
2 washed my hands, I did wash up like halfway up my
3 forearm just to make sure nothing was on me. I seen
4 it on my hands and I just started washing.

5 Q You didn't wash your face then prior to
6 going to the hospital?

7 A No.

8 Q Did anyone that you recall ever swab your
9 face?

10 A The outside of my face?

11 Q Yes.

12 A Not that I -- no.

13 Q Did anyone swab the back of your hands?

14 A No.

15 MS. ALIZADEH: I don't have anything else.

16 : When
17 Michael Brown, I guess, I guess at the point where I
18 want to say it was the second shot, I know this is
19 kind of after the fact. You said he stepped back a
20 little bit and then he came back in on you?

21 A That was after the first shot.

22 After the first shot?

23 A Yes.

24 Did you ever think about,
25 I know you said your vehicle was running, did you

1 ever just think about getting in that bad boy and
2 drive?

3 **A** No, I didn't. My thought is, I was still
4 dealing with a threat at my car. You know, we're
5 trained not to run away from a threat, to deal with
6 a threat and that is what I was doing. That never
7 entered my mind to flee.

8 : Did you ever or
9 do you recall grabbing Michael Brown by the throat?

10 **A** Never touched his throat.

11 : Shoulder?

12 **A** No. Only part of him I touched was his
13 right forearm.

14 : . When
15 Michael Brown was running from you, after the shots
16 were fired within the car and they both just
17 disappeared and you had Michael in focus, did you
18 ever at any time fire with his back facing you?

19 **A** No, I did not.

20 : When you asked him to
21 halt, and he turned around and he, you know, stopped
22 running, at any point did you ever think that okay,
23 maybe he don't have a gun, I need to stop shooting?

24 **A** When he was running towards me?

25 : Throughout the whole

1 process. You're in the car and someone, you're
2 struggling, tugging back and forth, did you ever
3 think that he had a gun right then and there, he
4 could have used it at any time?

5 **A** I wasn't thinking about that at that time.
6 I was thinking about defending myself whenever he
7 was hitting me in the car.

8 MS. ALIZADEH:

9 : . So kind of going
10 go on that as well. So the comment that you made to
11 your supervisor Sergeant when he got there at
12 the scene was that he went for my gun, I had to
13 shoot him. I think that kind of goes along with
14 that. Because I think when I hear someone say he
15 went for my gun, if I literally take that comment, I
16 would assume that someone literally went to your
17 holster and tried to pull it out. Either
18 unholstering it or literally taking it from you.

19 And in this instance that was not the
20 case. You had already unholstered and you were
21 aiming at him. He essentially in his, your point of
22 view and the point of view of who we can no longer
23 obtain that, he deflected or pushed it towards you,
24 but he did not at any point try to pull it from your
25 holster is, I guess, my question?

1 **A** He didn't pull it from my holster, but
2 whenever it was visible to him, he then took
3 complete control of it.

4 MS. ALIZADEH: I can't hear you, sorry.

5 **A** Whenever, he didn't pull it from my
6 holster, but whenever it was displayed to him, he
7 did take complete control. Because he had twisted
8 it around so my hand was no longer this way, it was
9 bent this way and it was dug into my hip. He had
10 complete control of that weapon at that time.

11 Was your hand, I'm sorry,
12 was your hand still on it and finger on the
13 trigger?

14 **A** Yes, ma'am, or yes, sir.

15 : I wouldn't say he had
16 complete control, I would say he had some control.

17 **A** He was controlling where it went, how it
18 went there and his finger was in the process of
19 going on the trigger with mine.

20 Okay.

21 **A** I could feel his fingertips on my trigger
22 finger trying to get in the trigger guard.

23 Okay. When I just hear
24 the word complete control, I think it is entirely in
25 his possession and none of yours, that's the way I

1 feel is complete control.

2 **A** Okay.

3 MS. ALIZADEH: Anyone else have any other
4 questions?

5 : . What's
6 the chain of command at the Ferguson Police
7 Department from chief down?

8 **A** Chief down would be chief, the assistant
9 chief and then we have for the patrol side, I
10 believe, our captain's next, the assistant chief
11 just started a week before this happened. I don't
12 know what was really ironed out between them two.
13 After the captain, it is a lieutenant, sergeant,
14 patrolman.

15 : I keep hearing this name,
16 Lieutenant ?

17 **A**

18 MS. ALIZADEH:

19 :

20 **A** He is the assistant chief, lieutenant
21 colonel.

22 Okay, thank you.

23 **A** You're welcome.

24 : One more question,
25 When you got back to the police

1 department, after you washed off and everything, did
2 you ever think at what time that I need to write a
3 report while it is fresh on my mind?

4 **A** No. The protocol is whenever you are
5 involved in a significant use of force, that you
6 contact your FOP representative and then he will
7 advise you of what to do step by step because they
8 are the clear head in that situation. They have not
9 been through a traumatic experience.

10 MS. ALIZADEH: And I guess to be fair
11 about this, any time any law enforcement officer has
12 asked to speak to you, you have willingly and
13 voluntarily come in and been interviewed and
14 answered all their questions, is that fair to say?

15 **A** Yes, ma'am.

16 MS. ALIZADEH: And you've never been back
17 working at Ferguson Police Department since this
18 happened, correct?

19 **A** No, I have not.

20 MS. ALIZADEH: Did you, I mean, for your
21 own sake, did you like write down in a diary what
22 happened, I mean, not a diary or I guess a grown man
23 would call it a journal, but you know, have you ever
24 like, did you afterwards, you know, write this out
25 for your own, you know, therapeutic needs?

1 **A** My statement has been written for my
2 attorney.

3 MS. ALIZADEH: Okay. And that's between
4 you and your attorney then?

5 **A** Correct.

6 MS. ALIZADEH: Okay.

7 **A** The department has not asked me for
8 anything.

9 MS. ALIZADEH: So no one has asked you to
10 write out a statement.

11 **A** No, they haven't.

12 MS. ALIZADEH: You didn't just on your own
13 decide I want to write this down while it is all
14 fresh in my mind, you didn't do that yourself?

15 **A** No.

16 MS. ALIZADEH: This happens in the matter
17 of how many minutes or seconds by the time that you
18 saw them walking down the street until Michael Brown
19 is dead in the street?

20 **A** I would say less than one minute.

21 MS. ALIZADEH: Less than one minute?

22 **A** Uh-huh.

23 MS. ALIZADEH: Now, you know, I know
24 you've probably thought about this every day since
25 it's happened, would that be fair to say?

1 **A** Yes.

2 MS. ALIZADEH: Replayed this in your mind
3 over and over again?

4 **A** Yes.

5 MS. ALIZADEH: And do you think that after
6 having really thought about this over time and
7 basically you've had to tell this scenario a few
8 times, do you think that if there are additional
9 details that you may not give initially, do you
10 think that's because you're just now remembering
11 them because you are putting so much thought into
12 what happened or do you think that is things that
13 maybe you kind of imagined happened, but didn't
14 really happen, you understand my question?

15 **A** Yeah, just from what I have been told
16 about the incident originally, is that you are
17 supposed to have 72 hours before you are actually
18 officially interviewed, recorded statement and all
19 of that. You tend to remember more through a couple
20 sleep cycles then what you do as soon as it happens.
21 It is a traumatic event, a lot of details kind of
22 come as one detail. I mean, from what I understand,
23 there hasn't been really anything significant that's
24 changed.

25 MS. ALIZADEH: So you think that when you

1 were testifying today you said you kind of thought,
2 had a thought process. As this chaotic scene is
3 unfolding, do you recall actually in your mind
4 processing this in the way you've described or is it
5 all just reactionary?

6 **A** No, I remember actually, I picture a use
7 of force triangle in my head when this first
8 happened and I was going through the progression of
9 what I could do as far as the use of force continuum
10 is concerned.

11 MS. ALIZADEH: That is something you
12 learned in the police academy then?

13 **A** Yes, ma'am.

14 MS. ALIZADEH: And you recall actually
15 thinking that as this assault is occurring?

16 **A** Yes.

17 MS. WHIRLEY: At what point did the use of
18 triangle --

19 MS. ALIZADEH: Use of force triangle.

20 MS. WHIRLEY: Use of force triangle come
21 into your head, what was going on when you start
22 seeing the triangle?

23 **A** Whenever I first start considering the
24 spray, the taser.

25 MS. WHIRLEY: What was going on though?

24 Just a couple
25 questions actually. The first one, we have heard a

1 lot of scenarios and witnesses involved and their
2 timelines and activity. Anyway, we have heard a
3 little bit about what you did that morning when you
4 were on duty. The day before, typical shift, were
5 you off that day?

6 **A** On Friday?

7 : On August 8th?

8 **A** I don't remember anything significant. I
9 did work that day, but I don't remember anything
10 significant.

11 : You said you did not work
12 that day?

13 **A** I did work that day.

14 : Like 6:30 a.m. to
15 6:30 p.m. shift?

16 **A** Yes.

17 Get a good night's sleep?

18 **A** From what I remember, yes.

19 : Okay. 6 to 8 hours?

20 **A** Yes.

21 : Felt rested, ready to go
22 the next day. Just had to ask, curious. And then
23 following the actual incident, you are back in your
24 supervisor's car driving back to Ferguson Police
25 Department. How far is that roughly from the crime

1 scene, the police department?

2 **A** Mile and a half, 2 miles.

3 : So very short trip?

4 **A** Yeah.

5 And that was my thought
6 too, but being in communication, I think, you know,
7 in that situation, my first thought is to contact a
8 loved one and say, I can't believe what just
9 happened and that was my thought. If there was any
10 sort of communication from that point moving forward
11 on a personal cell phone or anything else?

12 **A** No.

13 : So none whatsoever until
14 you saw the officer at the Ferguson Police
15 Department?

16 **A** Yes.

17 : Thank you.

18 : . Last
19 question.

20 MS. ALIZADEH: It just left your head.

21 : I have it. I'm trying to
22 word it. Dorian, did you ever tell the police chief
23 or any of the other officers that there was another
24 person with him, did you ever try to look for
25 Dorian?

Page 278

1 **A** No, I haven't talked to the chief or
2 anybody at the department in length about what
3 happened. I told my sergeant what happened at that
4 time, that was the end of our conversations with
5 anybody from the department.

6 . This kind
7 of dovetails with her questions about Dorian. I
8 understand that you did an interview August 28th
9 with FBI agent; is that correct?

10 **A** Yes.

11 Okay. At which time, I
12 hope I'm getting this correct, I believe that there
13 was, did they present to you a photo lineup of
14 suspects or whatever?

15 **A** The Department of Justice did not.

16 : The Department of Justice
17 did not, what about the FBI?

18 **A** No.

19 : No one did at that time.

20 MS. ALIZADEH: I think you might be
21 thinking of the officer, Detective

22

23 Was that whose evidence?

24 MS. ALIZADEH: I believe so.

25 Okay. That would have

1 been on the date of, did they give you a photo
2 lineup, Detective

3 **A** I think it was the 10th, I think is when I
4 did the follow-up interview with _____,
5 both detectives.

6 : , okay.

7 And that would be right?

8 **A** Yes.

9 : Okay. And they gave you a
10 photo lineup of, I think, eight characters or
11 whatever?

12 **A** Yes.

13 Okay. And you were
14 required or they asked you to pick out Dorian
15 Johnson at that time?

16 **A** Yes.

17 Were you able to pick him
18 out at that time?

19 **A** I selected who I believe was Dorian
20 Johnson, they never confirmed if it was or not.

21 They never did, okay. You
22 don't know the results of that?

23 **A** No, I do not.

24 Okay, thank you.

25 MS. ALIZADEH: Just to be clear, you're

1 not in any way, are you?

2 **A** No, I'm not.

3 MS. ALIZADEH: Prior to this incident, had
4 you ever had any contact with any of the county
5 detectives that you've met throughout this
6 investigation?

7 **A** No, I have not.

8 **Q** Any of the agents, FBI agents or federal
9 agents involved in their investigation?

10 **A** No, I have not.

11 You felt like
12 your life was in jeopardy when you were sitting in
13 the vehicle?

14 **A** Yes.

15 You felt like when you
16 exited the vehicle and the interaction with Michael
17 Brown, he was advancing towards you, you felt like
18 your life was in jeopardy?

19 **A** Yes.

20 : And use of deadly force
21 was justified at that point in your opinion?

22 **A** Yes.

23 MS. ALIZADEH: Sheila?

24 MS. WHIRLEY: I was just going, if we are
25 sort of done with your questioning, is there

1 something that we have not asked you that you want
2 us to know or you think it is important for the
3 jurors to consider regarding this incident?

4 **A** One thing you guys haven't asked that has
5 been asked of me in other interviews is, was he a
6 threat, was Michael Brown a threat when he was
7 running away. People asked why would you chase him
8 if he was running away now.

9 I had already called for assistance.
10 If someone arrives and sees him running, another
11 officer and goes around the back half of the
12 apartment complexes and tries to stop him, what
13 would stop him from doing what he just did to me to
14 him or worse, knowing he has already done it to one
15 cop. And that was, he still posed a threat, not
16 only to me, to anybody else that confronted him.

17 MS. WHIRLEY: Any questions?

18 : . Along those
19 lines, you feel like as a police officer it is your
20 obligation to follow that suspect?

21 **A** Yes, sir.

22 MS. ALIZADEH: All right. If that's it
23 then.

24 (End of the testimony of and
25 the testimony for September 26, 2014.)

1

2

3 State of Missouri

4

SS.

5 County of St. Louis

6

I,

a Licensed Certified Court

7

Reporter by the Supreme Court in and for the State

8

of Missouri, duly commissioned, qualified and

9

authorized to administer oaths and to certify to

10

depositions, do hereby certify that pursuant to

11

Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

15

by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

25

is in all respects a full, true, correct and

1 complete transcript of the questions propounded to
2 and the answers given by said witness.

3 I further certify that the foregoing pages
4 contain a true and accurate reproduction of the
5 proceedings.

6 I further certify that I am not of counsel or
7 attorney for either of the parties to said suit, not
8 related to nor interested in any of the parties or
9 their attorneys.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume V

12

13 9/16/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VI

Date: September 23, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 23, 2014

VOLUME VI

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 23rd day of September, 2014,
17 before .

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING

2 : On Officer Darren

3 Wilson's testimony he mentioned in the physical
4 layout that Mr. Brown ran almost to a light pole
5 before he turned around. Do we have a diagram with
6 that light pole on it?

7 MS. ALIZADEH: I will have to look and see
8 if it is included in the diagram. I'm sure there
9 are pictures and videos that you will see, be able
10 to see the light pole in those images and then if
11 necessary, when we have a witness who is familiar
12 with the scene, if need be, we could have them using
13 our diagram, which has already been in evidence
14 point out to you where the light pole exactly is.

15 : All right, very good.

16 MS. ALIZADEH: Good morning.

17 (All jurors say good morning.)

18 MS. ALIZADEH: This is Kathi Alizadeh with
19 the prosecutor's office, present is Sheila Whirley
20 with the prosecutor's office, all 12 grand jurors
21 are present today, it is September 23rd, as well as
22 the court reporter or the stenographer who is taking
23 down what is being said. We are also recording,
24 audio recording, that's happening in the grand jury
25 right now.

1 I wanted to make some preliminary remarks.
2 Now is the, in the next couple of days and a few
3 weeks, I suppose, we are going to be hearing
4 testimony from some people say that they are
5 eyewitnesses of parts of this incident. And many of
6 them have already had, been interviewed, all of them
7 have been interviewed by law enforcement at some
8 point. And as far as I can think of, almost all of
9 them have been recorded by law enforcement as far as
10 their interviews.

11 As you know, we are recording, audio
12 recording everything that's being said as well as
13 taking down by court stenographer everything that is
14 being said.

15 That is an extraordinary thing that in my
16 experience, we've never done before. And, you know,
17 the proceedings in the grand jury are historically,
18 have been secret and people who appear before the
19 grand jury are testifying in secret and it is
20 usually not disclosed that they testified or what
21 they said. But in the interest of the public's need
22 to know that this investigation is thorough and
23 fair, my boss, Robert McCulloch, has decided to do
24 this extraordinary thing, which is to record
25 everything. And if there is sometime down the road

1 if there is ever an issue as to whether or not this
2 investigation was thorough and fair, we will have
3 those recordings to show exactly what was done.

4 But as you can imagine, there are
5 witnesses who are very uncomfortable who have
6 information and are willing to come forward, but do
7 not want their names disclosed on the record or
8 where they live or, you know, their birthdate, any
9 identifying information about them and that's
10 understandable given what, you know, has happened in
11 our community in the past month about, you know, the
12 public's reaction to the incident and the
13 investigation into this.

14 And so because our goal is to get as much
15 information as possible so that you can decide the
16 facts in this case, we have decided that witnesses
17 who do not want their name or identifying
18 information about them to be on the record, we are
19 not going to put that on the record.

20 What we are going to do is when that
21 witness comes forward, he will be sworn, he or she
22 will be sworn, and then the court reporter will not
23 activate the audio recording initially. That
24 witness will then identify themselves to you by
25 their name and where they live, although I told them

1 I'm not going to ask them for an address, mainly
2 just south county, you know, I live in the Ferguson
3 area, I live in north county, or what have you.

4 And then those witnesses will be referred
5 to, once they've given that identifying information,
6 then I will have the court reporter start the audio
7 recording at that point. So their testimony will
8 still be recorded and the court reporter will
9 transcribe their testimony, but they will be
10 referred to by myself and in the court reporters
11 record by witness number.

12 Last night I made a list of every witness
13 who has appeared before you so far and just for the
14 sake of the record, we're just going to go
15 chronologically with the live witnesses as they've
16 testified.

17 So if you recall who was the
18 investigator with the Medical Examiner's Office, he
19 was witness number one. Number two was Detective

20 Number three was , although
21 will have to come back because we had to cut
22 him his testimony short, if you recall.

23 Number four was Dr. , the medical
24 examiner. Number five, . Number six
25 was Sergeant with the Ferguson Police

1 Department. Number seven, Detective
2 with the County Police Department. Number eight was
3 Special Agent with the FBI and finally
4 number nine, last week, was Darren Wilson, the
5 Ferguson police officer.

6 So we will continue to call witnesses and
7 give them a number so that if they do not want to be
8 identified on the record we will refer to them as
9 witness number 12, 15, you know, what have you.

10 Um, we are not going to do that for
11 witnesses who have been on the media because those
12 people have chosen to put themselves out there in
13 the public eye, they've identified themselves by
14 name, they're on TV, so those witnesses will, their
15 names will be on the record. I'll ask them their
16 name and, you know, where they live and in the
17 general vicinity where they live.

18 The other issue is that because we are
19 going to be playing recorded statements that these
20 people have made, and many, in fact, most of these
21 recorded statements, the statements begin with the
22 witness giving their name, their date of birth,
23 their social security number, their address and
24 sometimes, you know their cell phone numbers.

25 And, again, I believe that probably in the

1 case of every witness, that information probably
2 should not be made public. I think it is okay for
3 the witnesses who have been on the news for their
4 names to be out there, but probably not their social
5 security numbers and their exact address and cell
6 phone numbers.

7 So for that reason, when we begin playing
8 a recording of a witness' statement, I will have the
9 court reporter turn off the audio recorder in here.
10 The statements are, they're already on disc, they
11 are marked as exhibits, so we have those statements.

12 I will make a record that I'm playing
13 Grand Jury Exhibit, you know, so and so. I'm
14 playing the statement of Witness Number 12, who off
15 the record was identified by us as, you know, by
16 name and so then we will stop the audio recording to
17 play the audio interview that is on disc.

18 In most of these cases we also have
19 transcripts of the recordings that we will pass out
20 to you and then the court reporter will also have a
21 transcript so he can, that will assist him in taking
22 down what's being said, but he will also be
23 instructed, you are instructed that at some point
24 we're going to have to redact that information from
25 the transcript. You and I can discuss that later,

1 but you know, the whole purpose of this is so that
2 we can, you know, keep people, people's private
3 information private. And in the case of people who
4 don't want to be identified for fear of
5 reattribution, we need to keep them, I guess,
6 unidentified, at least on the record.

7 Does anybody have any questions about that
8 process is or how we are going to do that? We're
9 going to kind of have to work out kinks as we go
10 because I had a discussion at length with other
11 people in my office last night about how we were
12 going to go about doing this. So we're going to see
13 how it goes, I guess.

14 : So, for
15 instance, these witnesses who are being identified
16 for us at least, does that mean if this were to go
17 to trial that they would not appear, only this
18 portion would then be presented in a trial or they
19 may potentially be required to present themselves?

20 MS. ALIZADEH: If this matter were to go
21 to trial, I mean, first of all, it is not something
22 that you should all really worry about too much.
23 Your job is not, I don't want you guys thinking
24 about what is going to happen after you all make
25 your decision. You can't be affected by that.

1 But in the constitution, everybody who is
2 in trial has the right to confront and cross-examine
3 witnesses who give testimony against them. So, you
4 know, the constitution will not allow us to put on,
5 you know, unidentified witnesses.

6 I know you probably have all seen on
7 television when there are proceedings televised,
8 they will black out the witness' face, but that is
9 just for television.

10 In a courtroom setting, that witness' face
11 is not blurred, obviously. So you will understand
12 that that's not something that you have to, I mean,
13 that's not a part of your decision process.

14 Whatever happens after this, we will deal
15 with it, whatever happens, but for now, this is how
16 we are going to proceed.

17 : So when
18 we get to the end of everything, all the
19 proceedings, these audios that we are doing, they
20 will be made public?

21 MS. ALIZADEH: That is a decision that we
22 have to wait and see. My boss, Mr. McCulloch, has
23 made a public statement about his intentions.
24 Obviously, if this case, you know, that I can't say
25 for sure. I know he has made public statements at

1 some point this all will be released. But when, I
2 cannot say and again, that's one of the reasons why
3 you all are referring to yourselves by juror number.
4 Your identities will never be disclosed. So that's
5 how we are trying to handle this.

6 Does anybody else have any other questions
7 about the process?

8 And, I hate to ask you, you
9 normally don't ask questions. You understand what I
10 was trying to explain about the process?

11 I will give you one later when you are
12 actually doing your transcript.

13 Any other questions?

14 So our first witness of the day is not
15 here yet, but we are going to go ahead and start
16 playing discs that we have that are statements that
17 he has made previously. But what you are going to
18 hear, and I hope he's just running late, but the
19 first witness of the day, our plans were to call
20 , and he is not here.

21 So we're going to keep going. The first
22 disc that you are going to hear is labeled as Grand
23 Jury Exhibit 22.

24 (Grand Jury Exhibit Number 22
25 marked for identification.)

1 MS. ALIZADEH: And it is a disc that
2 contains video and audio of the media statements
3 that has made in interviews and on the
4 television.

5 MS. WHIRLEY: I have no idea how loud it
6 is.

7 MS. ALIZADEH: Because is
8 identified, we're not going to shut off the audio
9 recording because these are media statements that
10 he's already made.

11 (Playing the recorded statements.)

12 MS. WHIRLEY: You understand we didn't
13 want his commentary.

14 (Playing the recorded statements.)

15 (End of the recording.)

16 MS. ALIZADEH: The next exhibit is Grand
17 Jury Exhibit Number 17. You have already heard
18 other statements that are contained on this disc.
19 It is a CD that has a number of witness statements
20 on it and I have a transcript that is going to be
21 passed out to you all.

22

23

24 MS. ALIZADEH: Yes.

25 : What date was

1 interview?

2 MS. WHIRLEY: ? Okay. We have her
3 scheduled as a witness.

4 : I'm talking about her
5 audio?

6 MS WHIRLEY: This is
7 We heard ,
8 when did they actually interview her?

9 MS. WHIRLEY: She's going to be a witness
10 for us today.

11 MS. ALIZADEH: Are you asking when was her
12 television interview?

13 : Yes, ma'am.

14 MS. ALIZADEH: I don't know, I will have
15 to find that out for you.

16 MS. WHIRLEY: We will be playing your
17 interview for her today too. We will get all of
18 those questions answered.

19 MS. ALIZADEH: Has everybody got the
20 transcript passed around yet?

21 And, again, if you will put your juror
22 number on that in the corner and keep that with the
23 materials and make notes on it if you feel you need
24 to.

25 Just so you know, this is one of three

1 statements that made to County Police.

2 So this is referred to just on the disc as

3 Interview Number 1, is that what it says?

4 MS. WHIRLEY: Yeah

5 MS. ALIZADEH: We will play Interview

6 Number 1.

7 (Playing Interview Number 1.)

8 DETECTIVE Today's date is

9 Saturday, August 9th, 2014. The time is

10 approximately 4:40 p.m. My name is Detective

11 , St. Louis County Police Department,

12 . This interview is in reference to an officer

13 involved shooting resulting in a fatality referenced

14 under St. Louis County Police Report Number

15 14-43984.

16 The person being interviewed is

17 date of birth, (redacted)

18 : Ahh, (redacted).

19 DETECTIVE Okay. (Redacted).

20 , we spoke, um, prior to this recording

21 about what you witnessed outside. Can you kinda of

22 tell me in own words what you saw?

23 : Okay. I was in the

24 bedroom, and I hear an altercation outside. I

25 happens to look out the window and I see, um, the

1 young guy was at the Ferguson police car on the
2 passenger window. And I see something exchanged,
3 some arms exchanged and that's when I call my
4 fiancée for her to look out the window and, um,
5 that's when I ran into the front outside, and that
6 when, um, I see, actually, it was two guys.

7 Um, when, but the guy, he constantly, he
8 just ran down in the middle of the street and the
9 officer just gets out the car and shoots.

10 I thought it was six times. So, um, when
11 he, when he hit, I guess when he hit the first and
12 the second time, the guy, he kinda stopped and
13 turned around facing the officer, uh, bent down a
14 little bit curled up, and the officer let out, what,
15 three, maybe four more shots to the guy and that's
16 when he hit the ground and, um, and that was it and
17 that was the whole thing.

18 And he actually had a friend, he, I don't
19 know, I just seen him duck down, a car, um, they had
20 a car door open, it was a white car, um, he hopped
21 in, I guess those two cars left.

22 DETECTIVE Okay.

23 : But that's the whole scene
24 right there, the officer still had his gun out
25 telling everybody to back-back, the ones that was

1 outside and that was that and you guys called too.

2 DETECTIVE : Okay, um, these, this
3 other guy who was by the officer's car, can you
4 describe him?

5 : Ahh, you know, the only thing
6 that I could say that he may have, I definitely know
7 that he was black, um, he had dreads.

8 DETECTIVE : Okay.

9 But I can't even describe what
10 he had on because everything was happening so quick,
11 cause something happens here almost every weekend.

12 DETECTIVE : Gotcha.

13 : So, um, yeah, that's it.

14 DETECTIVE : Okay. That will
15 conclude the interview. The time is approximately
16 4:43 p.m.

17 MS. ALIZADEH: Okay. So I know I talked
18 about not recording the audio statement because he
19 did state his date of birth and address, we will
20 have to deal with that and see if that can be
21 somehow redacted. For this next statement he makes,
22 I'm going to go ahead and let that be recorded
23 because he doesn't make any other statements as to,
24 you know, personal information. So I will, we'll go
25 ahead and audio record the playing of

1 's Interview Number 2, but we will stop the
2 recording for 's Interview Number 3
3 because that does, in fact, disclose more
4 identifying information, so.

5 Again, this is Grand Jury Exhibit Number
6 17, Number 2.

7 DETECTIVE Today's date is
8 Saturday August 9th, 2014. The time is
9 approximately 4:45 p.m. This is Detective
10 . This is a second interview with
11 witness . Uh, you said you
12 had approached me, or approached me and said you had
13 something you wanted to add to your statement; is
14 that correct?

15 : Yeah. Um, the only thing is
16 um, when I was at the window, when I saw the
17 altercation, the guy ran. I heard the shooting,
18 that's when I saw the cop gets out of the car just
19 when I was still --

20 DETECTIVE : Did you say you heard
21 shots first?

22 : Yeah, I heard the shots first.

23 DETECTIVE : Okay.

24 : I was still at the window.

25 That's when he got, got out of the car and I heard

1 the shots. That's what drew me to outside so I
2 could see what's going on.

3 DETECTIVE : Uh-huh.

4 : And, uh, I guess the guy did
5 get hit cause he turned around back towards facing
6 the cop, kinda walking back towards him slow, curled
7 up and he let go three, four shots back at him.

8 DETECTIVE Okay. Say that for me,
9 he turned around, he started what, curled over and
10 started walking --

11 : Yeah, yeah, yeah, yeah.

12 DETECTIVE -- towards the officer?

13 : Well, yeah, like he was hit
14 and he shot him three or four times and that's when
15 he hit the ground.

16 DETECTIVE Okay. So when you're
17 in the -- in the, just so I can clarify, when you're
18 in your bedroom window, the officer's still in the
19 car?

20 : No, no, he wasn't there, he
21 hopped out then. He hopped out after when the guy
22 ran from his window.

23 DETECTIVE Okay.

24 : So he ran from where the
25 altercation was.

1 DETECTIVE When did you hear the
2 first two gunshots, you said you heard some
3 gunshots?

4 I was, I was in the window.

5 DETECTIVE : And where was the
6 officer at that point?

7 : That he was still in the car.
8 That's when I saw the altercation, whatever was
9 happening --

10 DETECTIVE In the car?

11 And the guys ran.

12 DETECTIVE Okay.

13 : And that's when he immediately
14 hopped out the car and did his first two shots.

15 DETECTIVE : Okay.

16 : And that's when, okay, okay, I
17 need to go outside.

18 DETECTIVE : Gotcha.

19 : That's when I went outside and
20 obviously he got hit and he was curled up and he
21 kinda like walking towards him, just a little bit
22 and then he let go three or four more shots and
23 that's when he hit the ground.

24 DETECTIVE : Okay.

25 : But I was at the window,

1 that's when I did see the, as soon as he ran, he
2 hops out of the car and again starts shooting.

3 DETECTIVE : Okay.

4 : That's it.

5 DETECTIVE : Okay. That'll conclude
6 the interview. The time is 4:47 p.m.

7 (That is the end of Interview Number 2.)

8 MS. ALIZADEH: All right. The next
9 statement we're going to hear is contained on
10 another disc, Grand Juror Number 24.

11 (Grand Jury Exhibit Number 24
12 marked for identification.)

13 MS. ALIZADEH: Which is also a disc that
14 contains numerous recorded statements. The way that
15 my office has been getting these, the officers just
16 put numerous statements on discs. Sometimes they
17 give me discs that have statements on there that I
18 have already had on another disc.

19 So don't, you might see other people's
20 statements when we put this up, but this will be the
21 third interview that the County Police did with
22 and I will pass out transcripts for
23 that. This is a longer interview.

24 And when we get ready to start the audio
25 recording of the interview, if you could then pause

1 the recording that's going on in here.

2 At this time prior to the playing of an
3 audio recorded statement of , which is
4 done on August 13th, 2014. The detective
5 questioning him is Detective And
6 at this time I will ask for to pause the
7 recording of the grand jury.

8 (Recording is stopped at this time.)

9 MS. ALIZADEH: We're not recording, but
10 you can take down what's said other than the fact
11 that we would redact the identifying information
12 from your transcript at some point.

13 So we are not recording, however, we are
14 taking down the statement as it is being played.
15 Sheila, go ahead.

16 (Third recorded statement of
17)

18 DETECTIVE : This is Detective
19 with St. Louis County Police, uh,
20 Bureau Crimes Against Persons, uh, . Uh,
21 also present is Detective
22 St. Louis County Police, uh, Department, Crime
23 Bureau Against Persons.

24 Um, the date is 8/13/2014, it is a
25 Wednesday. The time is 10:27 a.m. The interview is

1 being conducted in the parking lot of DePaul
2 Hospital.

3 Um, the interview is in regards to St.
4 Louis County Report Number 14-43984, which is
5 classified as a homicide.

6 Uh, the person being interviewed is
7 , uh, black male, date of
8 birth, (redacted). Social security number,
9 (redacted). Who resides at (redacted).

10 Uh, he has a cell phone number of
11 (redacted).

12 Um, , do you understand that this
13 interview is being recorded?

14 Yes, I do.

15 DETECTIVE This is being
16 recorded with your permission?

17 DETECTIVE Are you willing to
18 continue with the interview?

19 Yes.

20 DETECTIVE Okay. All right.

21 , um, I know that, uh, one of our detectives
22 has spoken with you, uh, on Saturday, August 9th,
23 uh, on the day of the incident, in -- in regard to
24 what you saw. Um, and basically through, um, some
25 information we received, we -- we -- we felt that

1 there might be some more information that you might
2 have.

3 So we came to reinterview you, and you
4 mentioned to us briefly upstairs that you had a
5 phone, uh, you had recorded a portion of this on
6 your phone; is that correct?

7 : Correct.

8 DETECTIVE : Okay. And, um, the
9 portion that you've recorded, uh, was directly after
10 the shooting; is that correct?

11 : Correct.

12 DETECTIVE : Okay. So, um, that,
13 this phone, this, um, Samsung phone is yours?

14 Yeah.

15 DETECTIVE : And you did the
16 recording?

17 : Uh-huh.

18 DETECTIVE : And, um, that's you
19 talking on the video there, correct?

20 MR. : Correct.

21 DETECTIVE : Okay. So, um, prior
22 to recording, I had you, uh, sign a consent to
23 search form, uh, St. Louis County's, uh, consent to
24 search for your Samsung phone, uh, with video
25 related to the Ferguson incident; is that correct?

1 : Correct.

2 DETECTIVE : Okay. And you did
3 that of your own free will?

4 Yes.

5 DETECTIVE Okay. And
6 understand that all we are looking for on there is
7 items related to the shooting itself?

8 Yes.

9 DETECTIVE Okay. So, um, like
10 I said, since I didn't interview the first time and
11 I have this new information about the phone, if you
12 could just start from the beginning about where you
13 were at in the apartment, um, what you heard or
14 observed, um, and just kind of let, you know, retell
15 us the story, okay?

16 : Okay.

17 DETECTIVE : If you want, you go
18 ahead and hold this so --

19 : Okay. Well, um, Saturday
20 morning, a little bit after 11:30, a friend of mine
21 stops over, wakes me up. Um, I was outside with him
22 for two or three minutes and he decides to leave.
23 So I goes in the house, um, goes back into my
24 bedroom. Like another two, three minutes later I
25 hear an altercation outside. And I looks out the

1 window and I see a guy, Michael Brown, at the driver
2 window of the Ferguson police car.

3 I'm not sure what was exchanged, um,
4 something was definitely going on in the window.
5 So, um, but all of the sudden I see Michael Brown
6 and his friend runs away from the Ferguson police
7 car.

8 DETECTIVE : Let me stop you real
9 quick. Um, while they were at the -- the door
10 there, or while Michael was at the door.

11 : Yes.

12 DETECTIVE Um, what do you
13 think, what did you see there?

14 I, I saw some, some arms going
15 through the window. It might have been Michael
16 Brown's arm, he might have been punching a police
17 officer, or whatever. Something was going on
18 through the window.

19 DETECTIVE : There's some kind of
20 movement, exchange of --

21 : Yeah, some kind of movement,
22 you know.

23 DETECTIVE Something going on
24 there?

25 : Yeah, something was definitely

1 going on.

2 DETECTIVE Okay. Where, at
3 that time that Michael's at the window where is, uh,
4 his buddy at?

5 : The -- the, his buddy was
6 basically in the front of the car on the other side.

7 DETECTIVE : In the front of the
8 police car?

9 Yeah, kind of, but away.

10 DETECTIVE : On the passenger
11 side?

12 : No, no, no, just in the front.
13 In the front like, you know, he ain't even --

14 DETECTIVE So with, using my
15 window, Michael Brown is to my left?

16 Yes in the window and the
17 other guy was in the front --

18 DETECTIVE : So you see him --
19 : -- probably like, away, kind
20 of almost.

21 DETECTIVE How far?

22 : -- like, probably three, four,
23 maybe five feet away from the car.

24 DETECTIVE : So he's five feet
25 from the front quarter panel --

Page 29

1 Yeah.

2 DETECTIVE : -- of the police
3 officer's vehicle?

4 : Yeah. But I'm --

5 DETECTIVE : So towards your
6 apartment basically?

7 : Yeah.

8 DETECTIVE : Okay, all right.

9 So, um, so, like I said, the
10 friend wasn't even, not close as much as Michael
11 Brown was.

12 DETECTIVE Okay.

13 So, uh, like I said, all of
14 the sudden they just immediately runs away from the
15 car.

16 DETECTIVE They both did?

17 They both did.

18 DETECTIVE : Which direction did
19 they go?

20 Uh, the -- Michael Brown just
21 runs back straight.

22 DETECTIVE : Behind the correct?

23 : Yeah, behind the vehicle,

24 running straight down the road as the friend, he

25 just ducks behind the first car that was parked off

1 to the side, which is like a two door Monte Carlo or
2 something.

3 DETECTIVE What color was that?

4 : It was white.

5 DETECTIVE : Okay.

6 : So, um, like I said, the
7 moment they got started running, um, I just see the
8 Ferguson cop just gets out the car and I hear the
9 first four shots, I should say.

10 DETECTIVE : Okay. And -- and
11 when you hear the first four shots, let me know
12 where all three of these guy are at. Where is,
13 where is his buddy, where is his buddy, first of
14 all?

15 : His buddy, his buddy was,
16 about the time he was behind, hiding behind, um,
17 behind the trunk of the car, of the two door white
18 Monte Carlo.

19 DETECTIVE : So, so that's where
20 he's at?

21 : Yeah.

22 DETECTIVE Okay. Where's --
23 Like going around.

24 DETECTIVE : -- the police
25 officer at?

1 : The police officer like, just
2 getting out of the car.

3 DETECTIVE Okay.

4 : Like, just getting out the car
5 and Michael Brown is already probably like
6 25 feet --

7 DETECTIVE : Down the road?

8 : -- down the road.

9 DETECTIVE : Okay.

10 So, um, like I said, he hops
11 out the car, um, the first three, four shots that I
12 noticed that was taken, I, that's when I yelled out
13 to my fiancée, let's go outside cause this, um,
14 somebody, uh, the officer is shooting at somebody.

15 DETECTIVE : Okay. Just hold on
16 real quick. When those first four shots are being
17 taken, where's the officer shooting from and which
18 direction is Michael Brown facing?

19 Michael Brown is facing away
20 from him.

21 DETECTIVE : So he's still
22 running?

23 Yeah, he, uh, he still --

24 DETECTIVE : With his back to the
25 officer?

1 -- yeah, with his back to the
2 officer.

3 DETECTIVE : Okay.

4 And the officer is basically,
5 um -- um, when, like I say, when he's getting out of
6 his car, he is basically walking towards the back as
7 he's shooting.

8 DETECTIVE Okay. So --

9 And I see the friend, I'm
10 still in the window.

11 DETECTIVE : Okay.

12 And I see his friend, uh, like
13 I say, he's ducking for his life, for he runs behind
14 the trunk of the car. But that car, that passenger
15 door was open.

16 DETECTIVE Uh-huh.

17 : You know, so I see, you know,
18 kind of hops in after, um ---

19 DETECTIVE Did he hop in the
20 car?

21 I, obviously, he did. Um,
22 obviously he did because, like I said, um, like the
23 first four shots, the officer was taking big steps
24 going past his car. When he got out of the car --

25 DETECTIVE : Uh-huh.

1 : -- so that's why I noticed
2 that he's not shooting for the other guy because he
3 walked past the white car, shooting.

4 DETECTIVE : But did, but -- but
5 did, did he, what I'm saying though, did you see him
6 get inside the car?

7 Yeah, he did.

8 DETECTIVE : He did get inside
9 the car?

10 : He did, he did, but not like
11 that, like as far as like, um, that was his car,
12 like he just got out of it or something.

13 : No, no, but he had
14 his buddy with the dreadlocks.

15 : Yeah, um --

16 DETECTIVE : He got into the car,
17 the white Monte Carlo?

18 : Yeah, the white Monte Carlo
19 cause the door was open or whatever cause uh --

20 DETECTIVE : Didn't it pull off?
21 Um, I think it pulled off.

22 DETECTIVE : With him in it?

23 : After -- after when, um, uh,
24 when a Ferguson, as a matter of fact, I think it's,
25 it might have been on my phone cause I seen a white

1 car on my phone, but I didn't --

2 DETECTIVE : Okay.

3 : -- I can't see if it's, um --

4 DETECTIVE : All right. So, but

5 you saw this guy get into the car?

6 Yeah, I did see that.

7 DETECTIVE : Okay.

8 : Because the door was open and,

9 I guess, after when he got done shooting, I guess

10 whoever that was driving told him, let's go cause

11 he's afraid for his life --

12 DETECTIVE Okay.

13 -- I'm sure of that, I'm sure

14 of that.

15 DETECTIVE : Okay, all right. So

16 you're positive he got in the car and he left in

17 that car?

18 : Yeah.

19 DETECTIVE Okay, all right. So

20 you're positive he got in the car and he left in

21 that car?

22 : Yeah.

23 DETECTIVE : Okay, all right.

24 Let's go back to the officer and Michael's running

25 down.

1 : Yes.

2 DETECTIVE : The officer has
3 exited his vehicle?

4 Yeah, and --

5 DETECTIVE : He was, and so, um,
6 you said Michael was like 25 feet down the road --

7 Yeah, already.

8 DETECTIVE : -- his back is to
9 the officer --

10 And, um --

11 DETECTIVE : You are, uh --

12 I'm, I'm, I'm --

13 DETECTIVE You're still on the
14 porch, right? Or on the balcony?

15 Yeah, when it, after when he
16 did the first shot, that's when I'm, um, came
17 outside. That's when I'm outside now, but when I
18 came outside, he was already hit. But as far as in
19 --

20 DETECTIVE : Okay. Is, so, I'm
21 sorry, I -- I may be going too fast here, but, um,
22 so when you hear the initial shot, you're upstairs.

23 : Yeah, in the bedroom.

24 DETECTIVE : Okay.

25 : First floor, or three.

1 DETECTIVE Okay. So then,
2 okay, so you heard a shot and then you went outside?
3 : And then I went outside.

4 DETECTIVE : And that's where you
5 saw them kind of doing the --

6 : That's when the, no, no, um,
7 when I saw the first four shots, that's when I
8 yelled out, let's go outside. When I, when I --

9 DETECTIVE I'm sorry, hold on
10 just one second. I need to back up just a little
11 bit because had you heard a shot before you saw them
12 tussling in the car?

13 : No, no, I heard an
14 altercation.

15 DETECTIVE : Okay. You're,
16 that's when you heard that brought you outside
17 initially?

18 No, uh, what brought me
19 outside was the gunshots.

20 DETECTIVE Okay. I'm sorry,
21 I'm, I'm trying to be very clear on this --

22 All right, I gotcha.

23 DETECTIVE : -- is why, which is
24 why I'm, I'm having, so the very first thing that
25 drew your attention was what?

1 : The altercation.

2 DETECTIVE : Okay.

3 : From hearing stuff.

4 DETECTIVE : Okay. So you heard

5 them arguing?

6 : Yeah.

7 DETECTIVE Or some kind of --

8 : Yeah.

9 DETECTIVE : -- exchange of

10 words.

11 : Yeah, yeah, yeah.

12 DETECTIVE : -- is what you hear?

13 What is first thing that you see?

14 : Um, a guy at the window doing

15 something, something.

16 DETECTIVE Okay. Had you heard

17 any gunshots at that point?

18 : No, I didn't. No, I didn't.

19 DETECTIVE : Okay.

20 : But a lot of people saying

21 that they heard a gunshot starting from the inside,

22 but like I said --

23 DETECTIVE : But you didn't hear

24 that?

25 : I, I didn't hear that. I

1 mean, I might heard it if I was outside already.

2 DETECTIVE : Okay.

3 : But it probably --

4 DETECTIVE : I understand. What

5 I'm trying to see --

6 : I gotcha.

7 DETECTIVE : -- what brought you

8 outside.

9 : I gotcha, I gotcha.

10 DETECTIVE So, so let's skip

11 forward to the part where, cause we know where he,

12 we know where the friend was at. We know where he

13 went.

14 : Yeah.

15 DETECTIVE : We know, um, so what

16 I wanna take you back to is to the start the officer

17 gets out of the vehicle.

18 : Uh-huh.

19 DETECTIVE : And starts to go

20 towards the back, Michael is running down the road.

21 Yeah.

22 DETECTIVE : And what is going on

23 there?

24 : Uh, like I said, by the time I

25 got outside, so either --

1 DETECTIVE : So --
2 : -- he must have hit from those
3 first three or four shots.
4 DETECTIVE But that's what I
5 want to talk to you about.
6 : Right.
7 DETECTIVE The -- the first
8 four shots that you're talking about?
9 Uh-huh.
10 DETECTIVE : I want to be very
11 clear on where --
12 Uh-huh.
13 DETECTIVE -- the officer was
14 at.
15 Yeah, um, like I said, he --
16 he was, he was probably just passing the end of his
17 truck.
18 DETECTIVE Oh, so by the rear
19 bumper?
20 : Yeah.
21 DETECTIVE : Driver side quarter
22 panel area?
23 Yeah.
24 DETECTIVE : Okay.
25 : Yeah.

1 DETECTIVE : Okay. So he, uh --
2 you know, has he already fired or he starts firing
3 then?

4 : Nah, he -- he been shot, he
5 been fired, he had been fired like when he got --

6 DETECTIVE : So from the time --
7 : -- he been fired.

8 DETECTIVE : So --
9 : But like, so when he got out
10 the car --

11 DETECTIVE : He start firing as
12 soon as he got --

13 Yeah, cause --

14 DETECTIVE : -- out.
15 -- the, that's how I noticed
16 that, um, uh, that he kept shooting, um, walking
17 past the white car where his friend was.

18 DETECTIVE : Okay, okay. I just
19 want to make sure that --

20 So the four or four shots --

21 DETECTIVE : So the -- the second
22 he exited he started firing at Michael who was
23 running away?

24 Yeah, so it was like pow, pow,
25 pow, pow.

1 DETECTIVE : Okay.
2 : -- like take time and he was
3 also taking big steps stepping out the car, and like
4 I said --
5 DETECTIVE : Okay.
6 : -- and I seen him shooting as
7 he was walking.
8 DETECTIVE : Was he yelling
9 anything?
10 : Uh, yeah, he -- he --
11 DETECTIVE I don't want you
12 speculating.
13 : Yeah, yeah, I -- he --
14 DETECTIVE : Was, I mean, was he
15 yelling anything at all? And, uh, even if you can't
16 think --
17 : You know, I can't even
18 remember -- I can't even remember that.
19 DETECTIVE : You don't know?
20 I can't say, yeah.
21 DETECTIVE : Okay.
22 I can't even remember.
23 DETECTIVE : Okay.
24 : Uh-huh.
25 DETECTIVE : So, um, see as he's

1 running and he's taken, taken his four shots, he is
2 by the rear bumper.

3 Uh-huh.

4 DETECTIVE : What is Michael
5 doing, how is he reacting?

6 Um, like I said, about the
7 time I got outside after, when I told my fiancée
8 let's go outside. From the first shots, I goes
9 outside and that's when I notice that, obviously,
10 he's been hit because now he's facing the cop.

11 DETECTIVE Okay. Now where are
12 you at, though?

13 Now I'm outside.

14 DETECTIVE : All right. do
15 you have a map or no? Okay. You know where the,
16 you know how you're, you're here near this part,
17 right? Are you in that horseshoe section?

18 : Yeah, exactly.

19 DETECTIVE : Okay. So your
20 apartment's where.

21 : Be about probably like,
22 directly in the middle.

23 DETECTIVE : Centered in there?

24 Yeah.

25 DETECTIVE : Okay.

Page 43

1 And this is the street, so --

2 DETECTIVE : And this is about,
3 uh, see, see Michael was down here, right? And the
4 officer's truck was about here or so, or further up?

5 : Yeah.

6 DETECTIVE : Show me.

7 : Let me see, it just about --

8 DETECTIVE Just like, end of
9 each part of the drive.

10 : Right, right, um, it's kind of
11 like, start over and if this is the street.

12 DETECTIVE : Right.

13 : And my window right --

14 DETECTIVE But you --

15 : -- here and, uh, his vehicle
16 is probably right here. Uh, yeah, he is probably
17 about right here.

18 DETECTIVE : That's where Mike's
19 at?

20 : Yeah.

21 DETECTIVE : Okay. Now, show me
22 where --

23 So --

24 DETECTIVE -- where that Monte
25 Carlo was at?

Page 44

1 -- yeah, it was probably about
2 right here. It was two cars actually, a white one
3 and a purple one.

4 DETECTIVE Okay.

5 : So, um, after when I seen
6 that --

7 DETECTIVE Oh, here you go.
8 That's the map of the area.

9 Oh, yeah, yeah, okay, yeah.

10 DETECTIVE : So --

11 : Yeah, so yeah.

12 DETECTIVE : -- is this your
13 building right here?

14 : Um, it is probably, I don't
15 know, the shape's kind of weird. Yeah, I think that
16 is it.

17 DETECTIVE : Okay.

18 : Okay. So, um, so my window
19 right there then, um, yeah, so the car must have
20 been --

21 DETECTIVE Car right there?

22 : -- right there and he must of,
23 his body must have been about right there.

24 DETECTIVE : Okay.

25 : So --

1 DETECTIVE : So, all right, so --
2 : And, um --by.
3 DETECTIVE : -- by that time
4 where are you standing watching this?
5 : Um --
6 DETECTIVE After the first four
7 shots had been fired, where are you at?
8 : I'm outside --
9 DETECTIVE : Where?
10 : -- after the first four, on
11 my, um, balcony, on my balcony.
12 DETECTIVE : You're on the
13 balcony?
14 : Yeah. So, uh-
15 DETECTIVE And did you go
16 downstairs though?
17 Uh, I didn't go downstairs,
18 this is, this was after the tape is up and stuff.
19 DETECTIVE : Okay. So you never
20 went downstairs?
21 : I never went downstairs until
22 afterwards.
23 DETECTIVE Okay, okay. So
24 you're outside now when, after he's fired these
25 first four shots?

1 : Yeah.

2 DETECTIVE Okay. Tell me what

3 happens then?

4 : Um, when I steps outside, um,

5 the guy, obviously, um, he's been hit, cause he

6 curls up and I, but now he -- he's facing the

7 Ferguson, the Ferguson officer and, um --

8 DETECTIVE So when you describe

9 him curling up, show me?

10 : Um, he's uh, he's, like I

11 said, like he's been hit in the stomach.

12 DETECTIVE : He's bent over?

13 : Yeah, kind of like --

14 DETECTIVE : At the waist?

15 : -- yeah, like he's about to

16 fall and fall directly --

17 DETECTIVE Okay.

18 -- on the ground. And, um,

19 but I see him takes like one or two steps, kind of

20 like I said, towards him, you know --

21 DETECTIVE Now --

22 -- now I don't know if that

23 was a help sign, just a little bit.

24 DETECTIVE Okay.

25 : Just a little bit.

1 DETECTIVE : Well, tell me this.

2 Uh-huh.

3 DETECTIVE : Everybody's
4 describing his hands being up.

5 You know what, that now,
6 that's like because when, when, okay. From where my
7 balcony is, it's another building right there. Um,
8 he, where his blood spill at, where he got shot at,
9 he ran past that.

10 DETECTIVE : Uh-huh.

11 : Before he, you know got that

12 --

13 DETECTIVE : How'd he end up
14 coming back?

15 : Yeah, that's why the, that's,
16 I was just, uh, what I'm, what I'm saying, like I
17 said, he must have got hit and he, he probably had
18 his hands up when he got hit.

19 DETECTIVE : Oh, so you're saying
20 that area --

21 : That's why everybody --

22 DETECTIVE -- that area's out

23 --

24 -- keep saying that.

25 DETECTIVE : -- of view?

1 Yeah, uh, quite uh, out of
2 view, but he ran past the, uh, where he got shot at.

3 DETECTIVE : Oh, so you're saying
4 that area --

5 That's why everybody --

6 DETECTIVE : -- that area's out
7 --

8 : -- keep saying that.

9 DETECTIVE : Okay. So the, the
10 part of the area where he got shot with those four?

11 Yeah, he -- he, yeah. Where
12 he died at, he ran past that spot.

13 DETECTIVE And came back to
14 that spot?

15 So obviously, I think when he
16 got hit, that's when he probably raised his hands
17 up, but he's then curled up --

18 DETECTIVE Yeah.

19 -- just walking, took a couple
20 steps back towards him, he probably had one hand up,
21 but he had his hands down here and the officer let
22 out about four more shots and he hit the ground just
23 like how he's laying.

24 DETECTIVE : So you see him bent
25 over.

Page 49

1 Yeah, just like that.

2 DETECTIVE : What I'm saying
3 though is after he's bent over there is another four
4 shots.

5 Yeah, yeah, another four or
6 three shots just like that. And everybody saying
7 like he was already down and the officer let out a
8 shot. I don't know, but I know what I saw, you
9 know, before he hit the ground, he let out four more
10 shots. I don't know, but I know what I saw. So --

11 DETECTIVE : Okay.

12 -- before he hit the ground,
13 he let off four more shots.

14 DETECTIVE : Okay.

15 So I can't remember --

16 DETECTIVE And where he --
17 -- if he said freeze or, or,
18 or said something before he let out the last ones,
19 but I know when he --

20 DETECTIVE : Did you hear Michael
21 say anything before those last four --

22 : No, I didn't, huh-uh.

23 DETECTIVE : Okay.

24 : No.

25 DETECTIVE : So, where he, where

1 he was at in the street, is that where he fell? The
2 -- the, like, nobody moved him?

3 : No, ain't nobody moved him or
4 nothing.

5 DETECTIVE : Okay.

6 : Nothing so, uh --

7 DETECTIVE : Nobody touched his
8 body?

9 Nobody touched him, uh, after,
10 right after that, the officer just stood over it,
11 like 5 feet away from him with his gun on his
12 walkie-talkie thing.

13 DETECTIVE : Okay.

14 : And called the first two or
15 whatever.

16 DETECTIVE : Okay.

17 : And that was it.

18 DETECTIVE : All right. Is there
19 anything that I haven't asked you or that you feel
20 you need to clarify?

21 : Uh, no, that's everything
22 really. Everything that I saw.

23 DETECTIVE Okay.

24 Everything I saw.

25 DETECTIVE : All right. Um, it's

1 uh, 10:43. We're going to go ahead and conclude the
2 interview.

3 (This is the end of the interview
4 Number 3.)

5 MS. ALIZADEH: Okay. We're recording now
6 and we've just finished playing the third statement
7 of that is contained on Grand Jury
8 Exhibit 24.

9 So the final statement of , I
10 shouldn't say final statement, but the fourth
11 statement that we have is a recorded statement that
12 was done by the FBI and I just received the disc of
13 this last night, and so we do not have a transcript
14 of this.

15 So I will ask the court reporter to stop
16 the recording as we begin to play the audio
17 recording of by the FBI because of the
18 identifying information, but I will ask you,
19 if you will as best you can take down the statement
20 and at a later date there is a transcript being
21 prepared of this, so I will get that to you as soon
22 as I can get that, but I do not have a transcript to
23 pass out to you, the grand jurors, okay.

24 So I'm going to give it to Sheila to put
25 in the computer and at this time it is 9:50 a.m. If

1 you can pause the recording and we will begin
2 playing the fourth statement of

3 So we are not recording, but the court
4 reporter is taking down what's being said. Sheila
5 is going to cue up the statement.

6 (This is the recorded statement of
7 Number 4.)

8 All right. Today is
9 September 17th, 2014, at approximately 1:06 p.m. We
10 are here today at the FBI St. Louis Building, 2222
11 Market Street. This is Special Agent ,
12 with USA and the other trial attorney

13 And we are here to interview, and if you
14 could state your name?

15
16 All right. Now, , I
17 just want to explain to you, I know that, I believe,
18 St. Louis County have spoken with you already?

19 Yes.

20 : Okay. I will explain a
21 little bit of a difference of our investigation
22 here.

23 : Uh-huh.

24 : They're doing a homicide
25 investigation, we are doing a civil rights

1 violation.

2 : Okay.

3 : If this officer acted outside
4 of his authority, okay?

5 Okay.

6 And so you're here as a
7 witness voluntary. You, um, you are free if you
8 don't, you can end it at any time, but you are here
9 and you are okay?

10 : Yes.

11 : (Inaudible)

12 : Yes.

13 : Okay. And you are okay with
14 us recording it?

15 Yes, ma'am.

16 Okay. So before we get into
17 the specifics, can I get some basic info from you?

18 : Uh-huh.

19 : Do you have a middle name.

20 : Yes .

21 Okay. Like ?

22 : Yes.

23 Okay. And what's your date
24 of birth?

25 (redacted)

1 (redacted)

2 Yes.

3 : Social security number?

4 (redacted)

5 Can you give me your address?

6 : (redacted)

7 : Okay. And is there a good

8 number if we need to contact you again?

9 : Yes. (redacted)

10 Before we get started, do you

11 have any questions for any of us?

12 : No, not at the moment.

13 : Okay.

14 MS. So I just want to talk a little
15 bit more about coming in.

16 : Uh-huh.

17 MS. I just wanted, um, just some
18 preliminary things.

19 Uh-huh.

20 MS. We want to let you know that it
21 is a crime to lie to the FBI federal agents.

22 MS. Okay. I don't necessarily
23 think that you're going to, but we like to inform
24 everyone of that.

25 : Uh-huh.

1 MS. And like just said, if
2 at any point during the interview you don't want to,
3 you don't want to talk any more, feel free to leave.
4 It is voluntary, I know you came through security
5 and all, you can feel free to say I don't want to
6 talk any more, okay? And you're shaking your head
7 yes.

8 : Yes.

9 MS. It is an oral recording, so all
10 your answers need to be out loud

11 : Yes.

12 MS. So which brings to my next
13 point, if you start nodding or whatever.

14 : I gotcha.

15 MS. And it is totally fine if you
16 nod, we will just try and correct you.

17 I gotcha.

18 MS. If we ask you a question and
19 you answer, we're going to assume you understood the
20 question. So if at any point one of us asked a
21 question that says to you convoluted or confusing,
22 let us know.

23 : Okay.

24 MS. : Our intent is not to confuse
25 you.

1 : Okay.

2 MS. : Our intent is not to get you to
3 answer a certain way.

4 : Okay.

5 MS. : So if you think we are trying
6 to get you to go in a certain direction we are not.
7 Make sure that you answer, what we want is the
8 truth. What we want to do is figure out what
9 happened.

10 So, like I said, our intent is not to lead
11 you in any one direction or the other.

12 All right.

13 MS. : If we state something, it is
14 not the way you told us or we mischaracterize, then
15 let us know.

16 Okay, all right, not a
17 problem.

18 : Okay. If you want to take us
19 through what you were doing on August 9th, 2014.

20 Um, I was at home. I actually
21 just coming back from, um, going out to eat with my
22 family.

23 Okay.

24 And um, come back home about
25 9:00 that morning. We all takes a nap. My fiancée

1 wakes up and she tells me a friend is knocking at my
2 door.

3 I wakes up, which is now 11:00. He comes
4 and, um, I goes outside for a few minutes with him
5 outside or whatever. And he, we went outside for
6 not long, two, three, four or five minutes. So I
7 happen to go back in, he leaves.

8 It is getting what, about 11:45 now, um, I
9 was about to take a nap, and I hear an altercation
10 outside.

11 So I looks outside and, um, I see like
12 some kind of tussling going on in the window.
13 Really not sure if, um, if Mike Brown was punching
14 on him or if the officer was grabbing on him, but
15 something was going on through the window, it just
16 didn't look right. So I glued my eyes to it.

17 And all of the sudden, um, I see, I also
18 see his friend, his friend. Um, he was, he was on
19 the side of the car, he was on the front bumper on
20 the passenger side, maybe 4, 5 feet away from him.
21 And all of the sudden, like I said, they just takes
22 off running.

23 And when they takes off running, I see his
24 friend, he runs behind a two door white car. He's
25 ducking down behind the trunk of the car looking at

1 the officer because he just immediately gets out of
2 his vehicle and just started shooting at Mike Brown.
3 Because he runs down, straight down the middle of
4 the road.

5 And, um, when his friend ran behind the
6 trunk of the car, he was looking at the officer
7 thinking that the officer might cut off and walk to
8 him and shoot him, but obviously, he is just taking
9 like, you know, large steps in a shooting position,
10 shooting directly at Mike Brown, and he walked past
11 his friend.

12 So at that moment right there, that just
13 gave me enough time to run outside because like I
14 said, I thought that he was going for his friend
15 too, so I didn't want to miss that. So that was my
16 time when he walked past that was my time to run
17 outside.

18 By the time I gets to the door, I notice I
19 forgot my phone in the bedroom. So I go back, grab
20 my phone and then I goes back to the front door,
21 which it didn't take long, just seconds.

22 So, um, but about the time I gets outside,
23 I see Mike Brown, he's now facing the officer, kind
24 of, he bent down like he was hit in the stomach. He
25 had both arms wrapped around his stomach and he's

1 bent down like he was going down.

2 So like I said, I thought he was already
3 shot. And, um, before he was going down, the
4 officer lets out four or five more shots. And when
5 he hit the ground, you know, that's when I see blood
6 roll over or whatever.

7 And, um, the next closest I seen the
8 officer, when he hit the ground, the officer, he was
9 at least about 4 or 5 feet away from his body now on
10 his walkie-talkie, still have his gun all over him
11 making his call in. And, um, and that's when my
12 phone started recording maybe like two minutes right
13 after when the first two officers come in.

14 : Okay.

15 : So that my phone cuts on and I
16 started recording.

17 Do you have that with you?

18 Uh, yes, I do.

19 Okay. Um, is it out front.

20 : Yeah.

21 Okay. I'll go grab it real
22 quick.

23 : Okay.

24 : What I want you to do for me,
25 can you circle where your apartment, or kind of make

1 an X where your apartment is. If this is West
2 Florissant and here is Canfield.

3 Oh, okay. So that means,
4 apartment building is this one right here.

5 : Okay. Where is --

6 : You know what, um, no, it
7 actually be right here, this white one, this second
8 one.

9 White one?

10 : Yeah.

11 : Okay. And where in that
12 building is your apartment?

13 : The second floor.

14 : Second floor. Okay, go
15 ahead. Just so it is the second floor. Okay. So I
16 want to go over this in a little bit of detail with
17 you.

18 Okay.

19 So -- oh, thank you. This is
20 your cell phone.

21 : Okay.

22 : You said you were in your
23 bedroom, correct?

24 : Yes.

25 : About to take a nap?

1 : Uh-huh.

2 And you hear a altercation,
3 what did you hear?

4 : Um, just some kind of ruffling
5 going on, I'm not even sure like what words exactly,
6 but it is kind of ruffling, you know.

7 : Okay. And when you said you
8 looked out the window and saw it, where was the car?
9 The vehicle was over here, the
10 vehicle was --

11 You want to draw like a
12 vehicle?

13 : Let me see, there was
14 something right here. His vehicle was in the middle
15 of the street sideways.

16 : Sideways.

17 : Diagonal.

18 Diagonal. And where was the
19 front of the car?

20 : Uh, what, the police vehicle?

21 : Uh-huh, yeah.

22 That's -- the front of the
23 vehicle was like facing, like facing my apartment.

24 Okay.

25 Diagonal like.

1 : Okay.

2 : Like he was coming from this
3 way basically.

4 Okay. So, let me see. So it
5 was facing, let's see, let's go like that, is that
6 fair?

7 Yeah.

8 Okay. So facing this way.
9 Could you see in the front, you said you couldn't
10 tell whether or not he was punching him or whether
11 the officer --

12 : Right, through the window.

13 So could you see them?

14 : Yeah, I could see them.

15 So your view was not
16 obstructed --

17 : Yeah, I could see them
18 clearly.

19 : Did you know it was an
20 officer when you saw it or you just saw two people?

21 : No, I knew it was an officer.

22 : Okay.

23 : You know, still inside of his
24 vehicle and somebody outside the vehicle doing some
25 kind of tussling.

1 : Okay. And then you saw his
2 friend who we know, did you know either Mike
3 Brown --

4 No, no, but I know I seen Mike
5 Brown, uh, in the neighborhood.

6 All right.

7 So, I don't know him.

8 Okay.

9 MR. : Where did you see him?

10 : Just walking with like another
11 little group of people, whatever, just up and down
12 the street over there or something.

13 MR. : Did you ever have occasion
14 to talk to him?

15 : Huh-uh, no, I just, I remember
16 faces, so.

17 MS. Do you know the other people he
18 would be walking in the group with?

19 : Huh-uh, no.

20 Do you remember him because
21 now of all the press or also because of his size,
22 his height?

23 Do I remember his size?

24 Right. Did you take
25 particular notice of him or?

1 : No, just like his clothes and,
2 um, that he was kind of like a buffer guy, because I
3 know I'm slim.

4 : Uh-huh.

5 : So, um, I just knew he was
6 kind of a little bit buffer, you know.

7 Okay.

8 : Kind of a little chubby like,
9 so.

10 Okay. So you see tussling
11 and at this point when you see the two, whether,
12 some -- some sort of altercation.

13 Uh-huh.

14 At what point do you notice
15 his friend, Dorian?

16 : Um, his friend Dorian, he was
17 clear, I could see him too. Like I said, he was in
18 front of the passenger side vehicle, not too close,
19 like 4 feet away or whatever.

20 Uh-huh.

21 So, yeah, at that time that's
22 when I looked out the window and see that going on.

23 : Okay.

24 : While his friend was still in
25 the front and was down by the window.

1 Did you hear anything? You
2 said you heard tussling.

3 Yeah, just tussling, you know,
4 not even a certain word, not even a certain word.

5 Okay.

6 MR. : Did you hear voices?

7 : Yeah.

8 MR. : One voice or two?

9 : Um, maybe two. Like I said, I
10 just, just like some real tussling though. Even
11 thought I was hearing lots of noises, maybe like
12 hitting the door, you know. Something that just got
13 my attention, but not certain words.

14 : How much, you said you saw
15 them.

16 : Uh-huh.

17 Did you see who necessarily
18 was the initiator? Could you see where their bodies
19 were positioned?

20 : Um, was positioned? Um, let
21 me see, uh, his friend, he was facing the officer's
22 vehicle.

23 Okay.

24 Where he was standing. Like I
25 said, Mike Brown was definitely standing on the

1 driver's side window.

2 Okay.

3 : You know, facing the officer.

4 Okay. And you're saying they
5 were -- as far as him and the officer.

6 Uh-huh.

7 You said they are tussling,
8 how close, could you see how close in contact they
9 were?

10 Um, there was definitely close
11 enough. Um, there was definitely close enough so, I
12 just figured that Mike Brown, he could, I don't
13 think that he was to like real up on the passenger
14 door, it was just a little bit of space and I could
15 just see something going on roughly through the
16 window.

17 MS. : And just because the recording,
18 you are kind of making like a fist punching back and
19 forth motions; is that right?

20 Uh-huh.

21 MS. : Yes? You say uh-huh.

22 Yeah, yeah, yeah, I mean, just
23 yeah.

24 MS. : Okay. So what I'm going to ask
25 you, you know, uh, the cell phone video that you

1 gave to St. Louis County, is that the same cell
2 phone video that you referred to before that is on
3 your phone?

4 : Yeah, um, the one I have when
5 he walked off and came back into the picture, the
6 same one, yes.

7 MS. : So in that video, the very
8 first thing that you say, you are kind of, you
9 remember you are talking while you are videoing?
10 : Uh-huh.

11 MS. : Okay. So one of the very first
12 things that you say, that you said that the guy, the
13 black guy just ran, ran up to the car and was
14 punching on it.

15 Yeah.

16 MS. : You said, the dude ran on the
17 side, um, you talking about the other one ran to the
18 Monte Carlo, then he went back to the first guy.
19 You said, the dude was all up in his car, you said
20 up in his shit punching on him.

21 Yeah, that's what I assume
22 because, um, younger people like that, I think that,
23 you know, that don't want to go to jail, you know,
24 just being young. So, you know, I assume a person
25 like that will be punching an officer to get away or

1 something like that.

2 MS. Okay.

3 : So I automatically assume that
4 was going on.

5 MS. And that's fine, I just want to
6 get to what you observed.

7 : Yeah.

8 MS. : So you saw this punching motion
9 like you just made; is that correct?

10 : Yeah, but I mean, that's not
11 exactly what I saw, that is just, you know because I
12 just seen arms, you know, going through the windows.

13 MS. Okay.

14 : The officer maybe had his arm.

15 MS. : You said the officer maybe,
16 right?

17 The officer maybe, yeah, yeah,
18 it's a big maybe.

19 MS. Okay. So we are 100% right,
20 when you-- you're letting us know when you're
21 assuming versus what you saw, and that's exactly
22 what we want you to do. But I'm going to try just
23 to get a little detail. If you don't know something
24 or don't remember, that's perfectly acceptable.

25 Okay.

1 MS. : I don't want you to think that,
2 you know, I'm trying to get you to say something you
3 don't know. But I'm just trying to because I wasn't
4 there to understand what you saw. So when you first
5 give your interview to St. Louis County you said you
6 saw arms exchanged. What do you mean by that?

7 Um, um, I saw the officer's
8 arms moving also and I saw Mike Brown's arms moving
9 also.

10 MS. : Okay. You saw Mike Brown's
11 arms go through the window.

12 Yeah, obviously, it was.

13 MS. : Okay. I know you said
14 obviously, I want to ask to make sure I understand,
15 okay. Did you actually when you use the expression,
16 you saw the dude was all up in his car and up in his
17 shit, did Mike Brown, did you see Mike Brown
18 actually approach the car?

19 No, that's, that's the part
20 that I just missed.

21 MS. Okay.

22 : So.

23 MS. : So by the time you saw, you saw
24 Mike Brown at the driver's side of the car with his
25 arms through the window; is that correct?

Page 70

1 Yeah.

2 MS. : Okay.

3 MR. : You just then, you also,
4 you've done the kind of moving your arms the way you
5 saw Mike Brown do.

6 : Uh-huh.

7 MR. : You also saw a police
8 officer when you are talking about some arms
9 exchanged, you saw the police officer's arms?
10 : Yeah, it just kind of looked
11 like, it just kind of looked like, like I said, if
12 he's, an officer is in the car, I could just see his
13 arms.

14 MR. : You have your arm bent to
15 kind of a 90 degree angle in front of you?

16 Yeah. So, yeah, if the window
17 is right here, so I mean, that's, you know, that--
18 that's what I seen and I could see Mike Brown. You
19 know, it just, you know, he could be doing anything,
20 I'm not even saying punching. Just something
21 through the window right there.

22 MR. : Just so I'm clear for the
23 tape, did you have, you are talking about the police
24 officer's arms, he is kind of turning and has his
25 arm in front of him in kind of a --

1 : Like this moving.

2 MR. : Okay. Is that fair the way
3 you describe?

4 Yeah, yeah.

5 MR. : Okay. And you have, when
6 you are describing Mike Brown's, you have his arms
7 going back and forth coming --

8 Yeah, just back and forth,
9 just back and forth, tussling.

10 I want to impress upon you
11 something.

12 Uh-huh.

13 : That we have observed and it
14 is throughout the investigation because I feel like
15 you might be a little bit cautious in your, careful
16 with your words in the sense of, we are aware on,
17 the pressure that exist. Are you still living in
18 Canfield?

19 : Yes.

20 So, and I'm sure this is
21 still a big deal. This is going to be a big deal
22 for a very, very long time.

23 Yes, it is, definitely.

24 And you have been on the
25 news, right?

1 : Uh-huh.

2 And you have people come up
3 to you and talk to you about that, people up in the
4 community?

5 Yeah, they, yeah, they seen
6 me, they say they seen me and stuff like that.

7 Okay. I also want you to
8 understand you talking to us today, we don't go tell
9 people we talk to you. It is completely
10 confidential.

11 Uh-huh.

12 We take every precaution to
13 protect your information. So this is not going to
14 be out in the community, this is not going to be
15 told, they're not go to say you snitched or you
16 didn't fight for Mike Brown enough.

17 We need 100 percent honesty and clarity,
18 and we are not going to say, we are not on one side
19 of the other, you know, this isn't for -- for the
20 search for the truth, okay?

21 : Right.

22 So I want you to be confident
23 that you can trust us and trust us to say that we're
24 not going to make, we are not going to skew your
25 testimony, okay?

1 : Okay.

2 : This is it, okay?

3 : Okay.

4 This is what it is.

5 : I understand. Just so you
6 guys know, I am very, very, nervous about everything
7 since, since that day to now.

8 Okay.

9 Just to let you guys know.

10 And that's completely normal to
11 be nervous, nervous to talk to us, nervous in
12 general. Is there anything in particular that you
13 are nervous about more so than others?

14 Um, I'm, um, I have been, I've
15 just been just kind of scared, just kind of scared.
16 Especially, you know, with the interviews. I
17 stopped doing the interviews, I stopped after I did
18 one with --

19 MS. Okay.

20 : -- on a Friday. After that I
21 felt sick, I started worrying.

22 MR. : Why is that?

23 : I don't know, I just started
24 something, like something may happen, you know. I
25 started thinking about, wait a minute, I done did

1 quite a few interviews and I don't have a lawyer and
2 why do everybody else have lawyers when they put out
3 the very first interview, you know.

4 I Googled my name and I seen a lot of
5 stuff and I came across something, uh, that somebody
6 put, I seen my picture, and it said like snitches
7 get stitches, and then under it says something about
8 people keep talking, they are going to get ,
9 you know, we are going to do something to you.

10 MR. : What's that.

11 : I don't know. It's spelled

12 You know, I'm not even sure what that
13 is, but I've just been nervous and scared, and I
14 have been letting everybody know about my time in
15 and where I'm going and stuff like that.

16 So, uh, but like I said, until this day,
17 but it has been like two weeks, two, three weeks
18 now, you know, no reporters at my house or nothing,
19 no calls. You know, I'm kind of, I'm still in my
20 regular day and going to work every day, taking care
21 of my family and stuff, doing the same thing every
22 day. I don't go nowhere, but I come home, you know,
23 so.

24 But I'm keeping it cool, but the ones like
25 at work, I -- I tell them because I don't show it

1 neither. Like when I be at work, I have a smile on
2 my face all the time, you know, I don't show it
3 until they, I seen you on TV and want to talk about
4 it and stuff like that. And I tell them how I feel,
5 you know. So I'm just staying cool though, you
6 know.

7 Okay.

8 : But very nervous.

9 This is the first time you
10 are talking to us and we can treat that as a first
11 time.

12 Uh-huh.

13 You are a, you are now a
14 federal witness so, and with that comes certain
15 intentions. So we want to make sure you are
16 comfortable.

17 So, I mean, we would like to offer you
18 water, you are more than entitled to, if you want to
19 get up and take and walk around and if that makes
20 you feel more comfortable, but.

21 : I'm fine right now.

22 MS. : Yeah, and we want you to know,
23 if at any point someone does intimidates you or let
24 me be specific, to intimidates you or scares you or
25 you feel somehow more nervous than general

1 nervousness, you certainly should, um, call ,
2 I know you have her number here at the FBI. Because
3 witness information is something apart from
4 everything else. It could be a crime.

5 So we are trying to be specific,
6 okay, not some -- (inaudible)

7 : Okay.

8 MS. General nervousness is normal,
9 especially like in (inaudible). If there is
10 anything in particular that makes you nervous at
11 all, we want to know that. So is there anything in
12 particular or just a general feeling from Goggling
13 yourself?

14 A Um, that, um, one moment, um, at the time
15 when the audio came out about the shooting, let me
16 see, like a week and a half earlier before that I
17 stopped doing interviews, I didn't receive no calls,
18 I was fine. I could go home and enjoy.

19 So when that came out, I started
20 getting calls again, they was at my house while I
21 was at work trying to come up to my job.

22 MR. : And who were they that you
23 are referring to?

24 The reporters, news reporter.

25 MR. : Uh-huh.

1 : And um, let's see, maybe the
2 same day I knew it was on the tube that when it
3 aired on the news and stuff like that, it was on a
4 Tuesday or a Wednesday. I had to go pick up my
5 fiancée about 9:30 that night to leave out of my
6 house to go pick her up. I know that day I received
7 a call from a reporter at six something. And
8 another call at seven or eight something and then I
9 got a text like just before 9:00.

10 I had to put up my little son's car seat
11 in the car. So I went outside to go and do that and
12 as soon as, right when I gets to my car, a lady just
13 runs up, it is dark now. And at this time I notice
14 there is not a lot people out, I know that for sure,
15 but she just runs up, just runs up, hey,

16 can you do another interview, you know, but
17 she was nice. She just ran up, you know, like it
18 was, I was already scared at that point.

19 But I just, I looks at a lot of movies and
20 stuff and it just gets me thinking like, like if
21 anybody was trying to at that time, you know, that
22 was a good opportunity at that time.

23 You know, I think of stuff like that.

24 MS. : Are you worried about your
25 physical safety, is that what you are trying to say?

1 : I don't know.

2 MS. : If you are, that's fine.

3 I really don't know, I really
4 don't know.

5 MS. : Okay. Let's get back to, um
6 some more details that you can tell us.

7 : Okay, okay.

8 : I want to make it very clear
9 to you though, we aren't going to talk. We aren't
10 going to say we spoke with , I'm sorry,
11 . The only thing are people that
12 actually go to the news. So we have a whole list of
13 people that no one knows about because we don't tell
14 them. So we want you to feel confident that you
15 speak with someone today, that it stays with us.
16 Does that make sense?

17 Yeah.

18 : Okay.

19 MS. : What you hear on the news from
20 a federal agent or the FBI, it didn't come from us.
21 So if that happens, or you hear rumors, call us and
22 find out because it may just be rumors. We are not
23 going to go to the news ever, all right?

24 : Okay.

25 MS. : So if you start hearing rumors,

1 and you start thinking something's up, call and find
2 out because I'm telling you right now we're not
3 going to go to the news.

4 : Okay, all right.

5 MS. Okay. So we were talking about
6 this, um, the arms exchange. You are watching this
7 from your window; is that right?

8 : Yes.

9 MS. : Do you have blinds on your
10 window?

11 : Yeah.

12 MS. : Were you watching through the
13 blinds?

14 : I had the blinds bent a little
15 bit.

16 MR. : Okay.

17 MS. : So they horizontal or vertical
18 blinds. Like that?

19 : Yeah, the straight ones that
20 close.

21 MS. : Okay. So you had the vertical
22 blinds. Did you have to move your hand to watch it?

23 : Yeah, I had to bend down.

24 MS. : Gotcha, okay. So while you are
25 watching this, at some point do you yell out to

1 --

2 : Uh-huh.

3 MS. : Do you yell out to at
4 some point.

5 : Yeah, I yell out to her, I
6 think it was just about the time that I notice that
7 the officer went past Michael Brown's friend.

8 MS. Okay. So let's back up. So
9 the friend that you're watching, as soon as these
10 arms are exchanged back and forth out the car.

11 Uh-huh.

12 MS. : Um, what happens, did you
13 observe that end of the tussle?

14 They just takes off running.

15 MS. Okay.

16 : They just takes off running.

17 MS. : They, being the, the two boys?

18 : Yeah, two boys yeah, they just
19 takes off running at the same time.

20 MS. : Do you know now their names?

21 : Um, Mike Brown and uh --

22 MS. : If you don't know his name,
23 that's fine. How would you describe him?

24 : I know he had dreads.

25 MS. : Okay. So it is Mike Brown and

1 the guy with the dreads?

2 : Yeah.

3 MS. : Okay. So at this point, um,
4 you said you see Mike Brown and the guy with the
5 dreads take off through there?

6 Uh, yeah, um, like I said, I'm
7 on different sides though. Mike Brown is on the
8 driver's side of the car, so he takes off behind the
9 vehicle directly in the middle of the road.

10 MS. : Okay.

11 And his friend, there was a
12 parked vehicle, and maybe a little bit behind the
13 police cruiser.

14 When you point to it, will
15 that help you a little bit?

16 The vehicle was leaving right
17 there.

18 Okay.

19 : It was actually two buildings.

20 Okay.

21 Two buildings. I would say
22 his friend was in the front and he runs, like I
23 said, to the very first one to the trunk of it
24 because the officer gets out of the car and started
25 shooting and his shooting stance and taking large

1 steps. I don't remember seeing him running.

2 I'm sorry I cut you off. So
3 you see this guy with the dreads, where does he
4 actually go.

5 He runs, yeah, he runs behind
6 the trunk of the white car, the first one.

7 MS. And when he's at the car, what
8 does he do?

9 : He looked at the officer to
10 make sure the officer's not coming to him. Because
11 like each shot that went off, he was like, you know,
12 ducking each time.

13 You saw him ducking. So
14 you're saying that what (inaudible), so can I say
15 you are assuming what he's doing?

16 **A** Yeah, I mean, yeah, that is what he was
17 doing, that is what he was doing.

18 MS. He was ducking, right?

19 : Yeah.

20 MS. : And he's now behind the trunk
21 of the car; is that correct?

22 : Yes, uh-huh.

23 MS. And you're able to watch him do
24 that?

25 : Yeah, I clearly saw him. He's

1 ducked down looking at the officer is like each shot
2 that went off, he was like bam and going around the
3 building to the passenger side. And then I notice
4 that the door was opened, I don't know how wide the
5 door was open, but each shot that went off, he was
6 kind of like bam, going over to the side watching
7 him but then I said that I noticed he went past him.

8 MS. Let me ask you. When you were
9 watching the guy with the dreads behind the vehicle
10 (inaudible) as he is going to the passenger side,
11 did you then leave from your view as he's going to
12 passenger side?

13 : No, no, no, I could see him
14 clear, he didn't hop in until, like he didn't hop
15 into the vehicle until, uh, I think that he noticed
16 that his friend now did hit the ground.

17 MS. : Did you actually see him hop in
18 the vehicle.

19 No, I really didn't because,
20 um, I more, when he past, I more started focusing on
21 the guy that he was shooting at now.

22 MS. : Okay. So let's back up.

23 : Uh-huh.

24 MS. So the two guys start running?

25 Right.

1 MS. : They're at a different point,
2 they're at different areas of the street, right?

3 : Yes.

4 MS. : Okay. Your intention is
5 initially on who?

6 It is on both of them, it's --
7 it's on both of them.

8 MS. : Okay.

9 So, um, like I said, when -- I
10 didn't want to leave out that window, I just seen an
11 officer shooting, and that gets me like, hum. I'm
12 just thinking that he was going for his friend also.

13 MS. : And you're assuming that?

14 Yeah, I was assuming that, but
15 I kept my eyes on both of them. I see one running
16 straight down the middle, this one is going for the
17 very first car that he sees.

18 MS. : So you see Michael run down the
19 street and you see the guy with the dreads run down
20 to the car?

21 Yeah, the guy with the dreads,
22 he was the main focus as I'm still noticing that the
23 officer is shooting straight, but I'm looking at him
24 is because I'm thinking that the officer, like, uh,
25 (inaudible) there is a pause, cause there is like a

1 pause by the time he went past this time. So there
2 is a pause right there during his shooting when,
3 like I said, I was thinking that he was going to go
4 to his friend and shoot him. That's why I was main
5 focusing on him at that point.

6 MS. : So at that point when Mike
7 Brown starts running, your main focus is on the guy
8 with the dreads?

9 : Yeah.

10 MS. : And when you see the officer
11 get out of the car, you're assuming that he's going
12 after the guy with the dreads?

13 : No, no, no, no, I knew he was
14 going for Mike Brown, but I kept my eyes on all of
15 them.

16 MS. : Okay.

17 : Mainly that I see the guy with
18 the dreads looking at the officer and the officer,
19 he -- he goes past him. I'm -- I'm sure that the
20 officer see him where he ran to.

21 MS. You are sure of that why?

22 Because when he gets out of
23 the car, the guy with the dreads, he was already in
24 front of his vehicle, he runs to the trunk of the
25 first car that he's seeing. He is looking over the

1 trunk, ducked down, I'm sure that he saw him.

2 MS. : Okay.

3 I'm sure of that because --

4 MR. : Now, that's important, okay.

5 That's a good example, I mean, obviously you can't
6 be sure of what someone else saw, right?

7 Okay, okay, right.

8 MR. That's just an example, just
9 be sure that we are talking about what you actually
10 laid eyes on and what you saw, okay?

11 : Okay, okay.

12 MS. So you actually saw the guy
13 (inaudible) the police officer?

14 : Uh-huh.

15 MS. Is that right?

16 : Yes.

17 MS. : Did you see the police officer
18 look over at the guy with the dreads?

19 : Um -- no.

20 MS. : Okay. And so now you have, um,
21 how soon after if you saw, how soon after when the
22 boys start running did the police officer run
23 immediately over or get out of the car?

24 : No, he gets out of the car
25 immediately.

1 MS. Okay.

2 Immediately. Cause as soon as
3 he breaks off just about when, like I said, Mike
4 Brown gets past his vehicle and to the back of it,
5 and he gets out immediately and starts shooting.

6 MS. So the police officer gets out
7 and Mike Brown goes past his vehicle.

8 : Yeah, just -- just about time,
9 um, and a little bit before that.

10 MS. : Okay. And then you said the
11 police officer, did he have his gun out?

12 Yes.

13 MS. How did he have his gun
14 pointed?

15 : Directly like in shooting
16 position.

17 MS. : Okay. And you had your eye on
18 that and you're watching?

19 Yeah --

20 MS. And the guy with the dreads?

21 Yeah, at the same time so.

22 Like I said, um, mainly I didn't want to miss
23 anything like that, you know with my own eyes, but I
24 see it on the movies, but like I said, uh, the guy
25 with the dreads, he was looking at the officer as he

1 was walking by shooting. That's while I was still
2 in the window and I know that he went past him,
3 that's when I went outside.

4 MS. : So you say the officer was
5 shooting, how do you know he was shooting at that
6 time?

7 Cause that's when I heard the
8 gunshots when he's out the vehicle, the moment he
9 gets out the vehicle.

10 MS. : So what did you do when you
11 heard gunshots?

12 I'm still in the window and,
13 um, he's shooting, he's walking past his own vehicle
14 to the back of it. And um, like I said, the first
15 vehicle that the guy with the dreads run to, that
16 vehicle is a little bit behind the police cruiser.

17 So he walks past that vehicle to where his
18 friend ran to and walked past that and that's when
19 my time was to run outside then.

20 MS. : Okay. When you say he, I'm not
21 sure who you are talking about. (inaudible)

22 : The guy with the dreads.

23 MS. The guy with the dreads, okay.

24 Uh-huh.

25 MS. : I just want to be clear. So

1 you decide to do the window after you see the police
2 start shooting, but did he stop shooting at some
3 point?

4 : Um, I think there was a pause
5 in that when he past his friend, when he past the
6 vehicle to where the guy with the dreads.

7 MS. Okay.

8 : When he past the vehicle.

9 MS. : When the police officer past
10 the vehicle with the guy with the dreads, that's
11 when there was a pause in the shooing?

12 Yeah.

13 MS. Okay. And that's when you --

14 Yeah, that's when I runs
15 outside, that's when I runs outside and when I gets
16 outside, now Mike Brown is facing him instead of
17 have his back towards him.

18 MS. Okay. Let me ask you this
19 though.

20 Uh-huh.

21 MS. : Before you went outside, you
22 said earlier you yell to

23 Yeah, I yell to for her
24 to go outside because they shooting. That was cause
25 I going outside at the same time, so I say don't go

1 outside cause they're shooting. That's when I
2 notice that he past his friend at that time, so that
3 just gave me enough time to go outside at that time.

4 MS. : Why did you want to go outside
5 when there is gunshots being fired?

6 : I mean, like I said, I never
7 seen nothing like that. You never seen nothing like
8 that. I know the direction was going straight down
9 the street going toward somebody that just ran from
10 the vehicle.

11 MS. : Okay.

12 : So.

13 MS. : So by the time you got outside,
14 you said Mike Brown is now facing the officer; is in
15 that correct?

16 : Yeah, uh-huh.

17 MS. And tell us what you saw at
18 that point?

19 : Um, the moment I gets outside,
20 Mike Brown is now facing the officer and he got both
21 his arms on his stomach, like bent down. So I'm
22 thinking like he's now hit in the stomach somewhere.

23 MS. Okay. You are assuming that
24 now?

25 : Yeah, I was assuming, I was

1 assuming that he was hit down here somewhere cause
2 he is like this, um, curled up.

3 I remember him taking like two small steps
4 because he kind of ran past his death spot where he
5 passed away at, he kind of ran past that. When he
6 turned around, he got his arms on his stomach, he
7 bent down, I remember him taking like two small
8 steps cause he was going like stumbling.

9 MS. : Okay.

10 So, uh, and the officer lets
11 out four or five more shots at him and he hit the
12 ground.

13 MS. So, just so that I will be a
14 little more clear, I know I keep asking the same
15 things. When you go outside, you see Michael Brown
16 facing the officer and you were demonstrating, would
17 you mind standing up and describing where his hands
18 were at in the area for the recording?

19 Yeah, so when I gets outside
20 he is now like this.

21 MS. : And you are actually, and so
22 for the recording, you are now Michael Brown, right?

23 : Yeah.

24 MS. And you are saying he is almost
25 like --

1 : Like bent down, like he was
2 going down.

3 MS. : Okay.

4 : Like he was going down. He
5 took like two small steps, like he was stumbling.

6 MS. : And you have both hands across
7 your stomach and your waist; is that correct?

8 **A** Yeah. So, um, so when I seen that, um,
9 that's when the last four or five shots come out.
10 And he drops just like how his body is and, you
11 know. Let me see, yeah, one more, yeah, I mean,
12 they both, yeah, he just was like how he fell. I
13 think one arm fell, something like that.

14 MS. : You are showing one arm is down
15 on his side --

16 : Yeah, when he hit the ground.

17 MS. : Let me just be correct for the
18 recording. Do you know whether it was his left or
19 his right or you just, you just know one hand was
20 across the stomach, waist and the other one was down
21 at his side?

22 Both of them was on his
23 stomach and when he gave out the last shots, his
24 body just boom.

25 MS. Okay. And you're showing one

1 arm across his stomach and the other arm to his
2 side?

3 : Yeah.

4 MS. : Okay. And by the time, and you
5 say, when you saw was the officer firing those final
6 shots; is that right?

7 : Huh-uh, yes.

8 MS. Okay.

9 : So I think that is where the
10 pause come from.

11 MS. : Okay. You can have a seat,
12 thank you.

13 So your memory is some shots, when you are
14 peeking out, looking out the window through the
15 blinds.

16 : Yes.

17 MS. : And then there are shots right
18 that you saw right before he fell; is that right?

19 : Yes.

20 MS. Was out there, you were
21 on the balcony at that time?

22 : Yes.

23 MS. Were your kids with you?

24 : Uh, yeah.

25 MS. How many of them are there?

1 : Uh, there was three at the
2 time.

3 MS. : Okay. How old are they?

4 : , and .

5 MS. : Okay. And so, um, did you,
6 when you ran outside, you said initially, we're
7 talking about pause, you went outside, you realized
8 you forgot your phone and you went back and got your
9 phone, and the kids come out at the same exact
10 time as you?

11 Yeah, like at the same time,
12 at the same time.

13 MS. Did you grab it? Did you have
14 any kids with you or did they follow you?

15 : No, um, during the, she
16 lets the kids come outside at that time.

17 MS. : Okay.

18 : I remember she called them to
19 come outside.

20 MS. So did all three of them kind
21 of walk out with you, is that what's going on or
22 what?

23 I think they came out a little
24 bit after me cause she called them outside.

25 MS. : Okay.

1 MS. WHIRLEY: Let's stop there because I
2 think we're all kind of restless. You probably
3 need a break.

4 MS. ALIZADEH: It is 10:29, and we've
5 stopped the recording of the fourth interview of
6 . It looks like it is about halfway
7 through and it has been going on for quite a bit.
8 So this will be probably a pretty good place to take
9 about a five, ten minute break, get up, stretch, go
10 to the bathroom. And so at this time, we will pause
11 the recording, take a few minutes to have a break
12 before we resume.

13 (Recess)

14 MS. ALIZADEH: All right. It is 10:44,
15 all 12 grand jurors are back in the room after a
16 brief break. We are going to resume the playing of
17 the audio statement of the fourth statement of
18 .

19 And at this time I will ask the court
20 reporter to pause the audio recording that we are
21 making and he will continue to transcribe or take
22 down the statement as best he can that is being
23 played for grand jurors, which is contained on Grand
24 Jury Exhibit Number 23.

25 MS. : And then once Michael Brown

1 fell, the officer, did the officer go near the body
2 at all?

3 : Yeah, um, not too close, maybe
4 4, 5 feet away. He kind of standing over him, you
5 know, with his gun out on his talkie thing.

6 MS. You are pointing to his
7 shoulder, so you saw that?

8 Yeah, I definitely seen him,
9 you know, like this, you know, with his gun out
10 still.

11 MS. : Okay. And you are
12 demonstrating talking into the mike on his shoulder;
13 is that right?

14 : Yes.

15 MS. Okay. You didn't see the
16 officer touch the body or do anything more with him?

17 : No.

18 MS. : Then afterwards, what did the
19 officer do?

20 Um, huh, huh, huh. I think,
21 uh, let me see at that time I was messing with my
22 phone, turning it on. So, I think, I think I
23 haven't really noticed it until the other two cops
24 came.

25 MS. Okay.

1 I just notice like wait, a cop
2 just shot somebody and I'm still turning on my phone
3 because it was off.

4 MS. : Okay.

5 : Let me see. Yeah, I can't
6 remember just like before the other, the first two
7 officers came, and like what he was doing at that
8 time like right after he did the shooting or
9 whatever. I know when he got done, he was standing
10 over him on his thing.

11 MS. : On his radio --

12 : I can't remember if he walked
13 to his car first or he came back before the other
14 two came.

15 MS. : Let me ask you this, were you
16 at all trying to get your phone to work while,
17 before Mike Brown went to the ground while this
18 whole thing was happening, were you trying to get
19 your phone to work?

20 Oh, no, I was already outside,
21 like it didn't come on until the first two officers
22 came.

23 MS. : I understand that.

24 : Uh-huh.

25 MS. : Did you try to get it to work

1 before then.

2 Oh, no, huh-uh.

3 MS. No, okay. Um, and just going
4 back, you said you saw his arms crossed, across his
5 stomach area, did you notice anything about his
6 hands?

7 No, no, I just thought he was
8 shot in the chest or the stomach or something.

9 MS. : As far as your vantage point
10 from what you saw, his arms and his hands were
11 across his stomach, correct?

12 Uh-huh.

13 MS. : Is that a yes?

14 : Yes, yes.

15 MS. : At any point did you see his
16 hands in the air?

17 No, I didn't, I didn't.

18 MS. : Okay. When you decided that
19 you were going to go from the window to the outside
20 to the balcony because there was a pause, how did
21 you know that that would be a good opportunity to go
22 outside?

23 Because, I mean, like just
24 seeing an officer with a gun just shoot, just, you
25 know, just anybody shooting period, you know. I

Page 99

1 just see him gets out of the car shooting, you know,
2 and I'm paying attention to the guy with the dreads.
3 Cause I'm thinking that he could just easily walk
4 over and shoot him dead. Like I didn't want to miss
5 that or something like that, you know.

6 So it is just, that was just my timing
7 right there like when I notice that he walked past
8 the car and that was just my timing right there bam,
9 he just got done like with a pause or something
10 because I said when I gets outside, it was still
11 like three, four, maybe five more shots.

12 MS. : Okay. And what happened when
13 you got outside, what was the kid with the dreads
14 doing?

15 Um --

16 MS. : Did you see him?

17 You know, I got my eye, I
18 really kind of stopped paying attention to him.
19 Because as I said, I did notice that the driver,
20 passenger side door was open on that car, but I
21 stopped paying attention to him so, and I started
22 focusing on Mike Brown cause now he's dead, and the
23 officer started walking towards him with the gun.

24 So, um, let's see, yeah, that's it about
25 that one, yeah.

1 MS. I notice in some of your
2 previous statements you had said that the kid had
3 just got in the car and the car had driven off.

4 : Yeah, um, I, I, I, I think
5 that was maybe right when he saw his friend die, you
6 know, hit the ground.

7 MS. : So my next question is, did you
8 actually see him, the kid with the dreads, get in
9 the car or did you assume he got in the car?

10 : I, I, I assume, I assume that
11 because the car was gone right after that, the car
12 was gone.

13 MS. : And where were -- and did the
14 kid with the dreads (inaudible) where you could see
15 him?

16 : No, I figure that he hopped in
17 and asked to pull off.

18 MS. Right. You figured that,
19 right?

20 Yeah, you know, I kind of
21 stopped paying attention when he walked past him.

22 MS. Okay, but you actually saw for
23 yourself, the last thing you saw was the kid kind of
24 ducking around that car?

25 Uh-huh.

1 MS. And moving?

2 : Yeah, ducking. And about time
3 he gets to the passenger side door because it was
4 open, about the time he got to that, I said the
5 officer passed him, so that's when I came outside
6 and started going on Mike Brown now.

7 MS. : Okay.

8 MR. : So the last time you seen
9 the guy with the dreads, he's headed for the back of
10 that car forward --

11 Yeah.

12 MR. : -- towards the passenger
13 door?

14 : Yeah, yeah, ducking down
15 looking at the officer all through that time.

16 MR. : But he is heading away from
17 Mike Brown and away from the officer, the opposite
18 direction?

19 Yeah, yeah.

20 MR. : Okay, all right. And, um,
21 so at that time you are watching the officer.

22 : Uh-huh.

23 MR. : And the guy with the dreads
24 and Mike Brown, I think you previously said, Mike
25 Brown was about 25 feet --

1 : Yeah.

2 MR. : -- past where that was. So
3 at that point you're not watching Mike Brown, you're
4 watching the police officer and the guy with the
5 dreads?

6 : Yeah, um, cause Mike Brown, he
7 kind of ran some distance at that time.

8 Was he in your field of view,
9 like could you see him from when you were in your
10 bedroom looking out the window, were you able to see
11 him?

12 Uh, Mike Brown, I couldn't see
13 Mike Brown, cause of, cause of the way, I could see
14 his death spot out of my bedroom window, but as I
15 say, he ran past just a little bit.

16 : Past --

17 : You know, that would be right
18 there, that building, I think it is that one right
19 there, that building right there. He was out of my
20 view at that time, but the officer past his friend,
21 that was my opportunity to go outside.

22 MR. And when, okay. So he, Mike
23 Brown left your view there.

24 : At that moment.

25 MR. You don't know, so then you

1 don't know what's he doing?

2 : Exactly.

3 MR. Okay, thank you.

4 MS. : And the next time he came into
5 your view is when you went outside and you are on
6 the balcony and you saw?

7 : Uh-huh.

8 MS. : Him facing the officer and as
9 you described, his hands across his stomach.

10 Yes, and like I said, they
11 were still, 25, I don't even know my measurements
12 good enough.

13 : That's fine.

14 MS. We don't need --

15 It was some distance.

16 MS. : Were you able to hear any words
17 coming from either the officer or Michael Brown?

18 No, no, not at all.

19 MS. : Okay. Did you see their mouths
20 moving at all?

21 : Umm, no. Just the only time,
22 they got me, that he was talking on his thing.

23 MS. : Right.

24 You know, I'm not sure what he
25 was saying, but he's talking.

1 MS. : You are referring because the
2 audio recording that you are referring, the officer
3 was talking into or his radio on his shoulder,
4 correct?

5 Yes, yes, yes.

6 MS. : Okay. I just want to ask you,
7 after it all happened and you were on your cell
8 phone, you're recording?

9 : Uh-huh.

10 MS. : Can you just talk about who was
11 around you? I know you said you were narrating it,
12 there are people in the background.

13 Yeah, like I said, it was a
14 guy on that parking lot already in a burgundy, maybe
15 a burgundy Bonneville. Him and his girlfriend they
16 was already sitting out there and they were just
17 talking.

18 And I remember him saying something that
19 the officer reversed back and ran over his foot, but
20 I remember him saying like on a recording that I
21 assumed that he just ran into the car and got to
22 punching on him or whatever, you know, but he said
23 that he ran over, that he reversed back and ran over
24 his foot and tried to grab him through the car
25 window.

1 MS. : Do you know this person?

2 : No, I never seen him before.

3 MS. : Have you seen him since?

4 : No.

5 MS. When this discussion is
6 happening, this was occurring on ground level?

7 : Yes.

8 MS. So the recording you provided
9 St. Louis County, was it from the balcony?

10 : Yeah, it was from the balcony.

11 MS. Okay. So just help me
12 understand that. When I watch that recording, it
13 seemed like, and what you just told me was on the
14 recording. The person in that car, that burgundy
15 car down below talking up to you?

16 : Uh, you know, I can't even
17 remember. I don't know if he came up or not, like
18 on the steps wise. So I really can't remember. I
19 really can't remember.

20 MS. You say a burgundy car?

21 : Yeah, yeah, I know that when I
22 went out there onto ground level, that's when I was
23 really talking to him, but I'm trying to remember
24 like if at the time when I was recording on my
25 balcony, if he walked up to the steps, cause I do

1 remember that, you know, so I really can't.

2 When you say balcony, I'm
3 sorry, I want to clarify for my own, is it right
4 outside your front door or a door outside of your
5 living room.

6 Yeah, it is right outside the
7 front door.

8 : Okay. So steps are right in
9 front of your door?

10 Yeah, right in front of my
11 door, the balcony is right there.

12 : Gotcha.

13 : Yeah.

14 MR. : You indicated initially when
15 you went to leave your window and go out to the
16 balcony, that you had to double back to get your
17 phone.

18 Uh-huh.

19 MR. : Where was your phone?

20 : My phone was in the bedroom.

21 MR. So you went from your
22 bedroom to the door?

23 Yeah, yeah, yeah. As a matter
24 of fact, my phone was right there, right there by
25 the door of my bedroom. I have a little stand right

1 there, so I ran that, grab that and went back to the
2 front door.

3 MR. : All right.

4 So I was headed, I took some
5 large steps too, I don't think I missed too much
6 from that.

7 So when you said you saw the
8 officer get out of the car.

9 : Uh-huh.

10 : Did you see what kind of car,
11 vehicle, he was driving, what type of vehicle
12 rather?

13 : Um, it was definitely a truck,
14 the Tahoes, the Tahoes.

15 Okay. So when he got out of
16 the car, and the Tahoe is a pretty big car.

17 : Yeah, yeah.

18 SUV.

19 : Uh-huh.

20 You could see the officer and
21 what he was doing?

22 : Yeah, I could just see his
23 movements, you know.

24 Okay.

25 : You know, so.

1 I think after Mike Brown ran
2 away.

3 : Uh-huh.

4 Officer, gets out of his car,
5 you can see the officer.

6 : Yeah.

7 His body position?

8 Yeah.

9 Over by his car?

10 : Yeah, basically from like his
11 chest on up.

12 Okay.

13 : So I didn't -- I could see
14 like see his gun too, but not like his stomach on
15 down to until he got past.

16 : Okay.

17 : You know, so.

18 And you heard the gunshots?

19 : Yeah, that's when I started
20 hearing the moment he gets out of the vehicle.

21 I'm sorry, I can't remember
22 if you said this, do you know how many?

23 : How many he shots?

24 : Uh-huh, before the pause?

25 : I don't know, maybe five.

1 Are you guessing?

2 : That should be about four,
3 five.

4 Okay.

5 Yeah.

6 MS. : If you're not sure, it is fine
7 to say you're not sure.

8 : Okay. I know it was a nice
9 round because he gets out of the car immediately and
10 started shooting, just like I said, each time that
11 he shot, I was like I said, I feel for the guy with
12 the dreads. I think of it as a nightmare too
13 because each time he saw the officer shooting, he
14 was just like, you know, kind of like, I seen his
15 body jump just looking at each time like he was like
16 a duck that he was giving himself around the
17 vehicle. So I would have to say about four or five.

18 MS. Okay. Do you remember when you
19 first talked to the County detectives, you gave a
20 recorded interview and a couple minutes later, you
21 had a follow-up right away and they went back on the
22 recording, do you remember that?

23 : Um, with them?

24 MR. : It would be on the same day,
25 August 9th. It was about four or five hours after

1 all of this happened that day they came and they
2 talked to you?

3 : Yeah, yeah, yeah, it was that
4 same day.

5 MS. You gave a recorded statement
6 and literally within a minute, maybe even seconds
7 later they went back on the recording. Was there
8 something that you had asked that you said I wanted
9 to ask you about. You had said in talking about the
10 initial altercation, you had said that, um, that you
11 heard the shots before the police officer got out of
12 the car and that's what made the police officer get
13 out of the car.

14 So I know that since then and today that
15 you heard the shots after the cop got out of the
16 car. Now one point you said that, that is what I
17 was just wondering.

18 : Um --

19 MR. : You said, what is
20 referring to, Detective asked you, when did
21 you hear the first gunshots, you said you heard
22 gunshots.

23 You said, I was in window. And Detective
24 asked you, and where was the officer at that
25 point.

7 And let me ask you this, kind of, you
8 mention at the very beginning, I meant to ask you
9 this earlier, but that the guy with the dreads and
10 Mike Brown took off running at like the same
11 instant.

13 MR. Is that right? They both
14 just took off running at the exact same time?

16 MR. : And you hear or seeing
17 anything that would cause --

Gore Perry Reporting and Video

1 But they did take off at the same time,
2 but I really, I didn't think that maybe a shot went
3 off in the car or something because that was a good
4 timing, you know.

5 MS. : The reason we ask you is
6 because as just read to you the transcript of
7 your statement, you said at that point that the shot
8 had gone off in the car.

9 : Yeah, maybe, I mean, I know
10 for sure I didn't hear a shot go off in the car,
11 but, um, like I said, that's probably wasn't like
12 the first interview, that's maybe because I'd have
13 heard that a shot did go off so, you know, I was
14 trying to put a puzzle together too, maybe that's
15 the reason why they ran, but I didn't hear.

16 MS. : So there is about four hours
17 from the time this whole incident occurred to that
18 the time that the county cops interviewed you. In
19 those four hours, I know that you videoed a lot of
20 it, or people on the street, did you talk to your
21 neighbors, kind of talk --

22 No, because a lot of people
23 are my neighbors, they didn't see everything. They
24 didn't see, it was just a main guy got, uh, from
25 what I saw I kind of, you know, I like his beginning

1 from when he said he saw Ferguson pull up on these
2 guys.

3 MS. That guy in the burgundy car?

4 : Yes, yes.

5 MS. You talked to him?

6 : Yes.

7 MS. When you talked to him, did the
8 two of you kind of piece this together?

9 : Um, like I said, he saw the
10 whole thing basically, but I pieced his with mine.

11 MS. You say he saw the whole thing,
12 and he never gave you his name?

13 : No, huh-uh.

14 MS. Do you know how to find him?

15 : Not at all, not at all. I
16 don't remember like seeing him again afterwards or
17 the vehicle.

18 MR. Can you just real quick, can
19 you tell us what he told you again about what he
20 saw?

21 That he said, um, um, that the
22 officer pulls up to them and the officer says
23 something to them and they say something back, and
24 he reverses back and like I said, that's why the
25 police cruiser is in the middle of the street

1 diagonal because he cuts Mike Brown off.

2 And he said that he runs over his foot to
3 catch him or whatever, he said that he reached out
4 the window to hold him or whatever, and, um, and
5 maybe that's where the tussle started at. Going on
6 maybe to let him know or whatever he, maybe he was
7 punching on him in the window, whatever the case.
8 That's when I came to the window because I heard the
9 little tussle.

10 MR. Did he say anything to you
11 about a gunshot while the police officer was in the
12 car?

13 : I -- I really don't --

14 MR. Or did the officer say
15 something about that to you?

16 : I don't think that he did, I
17 think somebody else said that, somebody else that
18 walked up and said that a gunshot, that's the reason
19 why they ran so fast so, but I don't remember that
20 the guy with the purple car that said that to me.

21 MR. And so as you sit here
22 today, do you know whether the first shot was,
23 whether you heard the first shot while they were,
24 while the police officer is still in the car or
25 after he got out of the car.

1 I only started hearing shots
2 when he gets out the vehicle.

3 MR. : Okay. And this individual
4 that you talked about who told you what he saw
5 before you actually started looking out the window,
6 you didn't see any of that, the police officer pull
7 up and an exchange between the two of them talking
8 or him backing the car up, you didn't see any of
9 that.

10 : No, I didn't.

11 MR. Okay. Did you want to take
12 a break? I think we will take just a few minute
13 break.

14 : Okay.

15 MR. : You want to leave this on?
16 That's fine, that's fine.

17 MR. : That way we don't have to
18 come back on for .

19 : I hear you, I hear you.

20 MR. : We will be back, thank you
21 for your time.

22 : We will just be a second.

23 : Okay, not a problem.

24 (They took a break.)

25 Sorry about that, okay.

1 : No problem.

2 : You okay, you need to go to
3 the restroom or anything like that?

4 : No, I'm fine.

5 : So we have a couple more
6 questions.

7 : Okay.

8 MS. : So what is saying, we
9 really aren't going to go and tell anybody that you
10 gave us this information or that we spoke to you
11 because when we do our investigations, we want to
12 find out what happened. And the only way to find
13 out what happened is if people feel that they can
14 truly just kind of open up and let it out.

15 : Right.

16 MS. If we end up saying oh, so and
17 so said this, what do you think about that?

18 Right.

19 MS. : It kind of doesn't, it, it
20 doesn't, it muddies the water a little bit.

21 : Yeah, yeah.

22 MS. We talked about what you know
23 and we want you to, we really want to show you that
24 we're never going to go to another person and say
25 hey, told us this or that. It is kind

1 of like, yes, you gave interviews before, and yeah,
2 you were on TV, but in here, this is totally
3 separate and apart.

4 Okay.

5 MS. : This is your opportunity to
6 kind of lay it out. I know that you are concerned
7 about, I think you said you saw some websites about
8 snitches and so forth.

9 : Yeah.

10 MS. : And so is that from concern
11 from in the community?

12 : Uh, yeah, it could be
13 anywhere, you know, it could be anywhere. It could
14 just be anywhere, so I'm not even sure, you know.

15 MS. : We get it. This has caused a
16 lot of people to take sides and so forth, and we
17 just want to figure out what happened.

18 Uh-huh.

19 MS. : We really do.

20 : Uh-huh.

21 MS. We want to know and what they
22 saw.

23 : Okay.

24 MS. : We are not going to say oh, you
25 know, we got your information from

1 because, you know, nobody is going to find out.

2 : Okay.

3 : is there something
4 specific that you don't want to tell us?

5 Uh, no.

6 Because I'm concerned that
7 you might have been directly threatened or there is
8 people, because you keep looking down when you talk
9 about it.

10 : I mean, everything I'm just,
11 nervous.

12 That's okay.

13 I'm not comfortable, I'm just
14 like after this, you know, uh, I think of stuff like
15 that. I said like, you know, everything that I've
16 done and like I said, I go to work, I go to the
17 store and little kids they recognize me and a lot of
18 people, if I get paid a nickel every time I hear the
19 word superstar, you know, I would be rich or
20 whatever. I don't know, it is just --

21 You know you're not in
22 trouble to feel this way, you are not in this alone.
23 You know, you know, you see the news, there is other
24 people too that they do know the position that you
25 are in.

1 And I know it is a lot different talking
2 when the cameras are rolling and then talking to us.
3 Because you understand that there's the lives are
4 affected by, specifically Michael Brown's parents
5 and also the lives of the officer and Ferguson
6 police officers. So we absolutely 100 percent, I
7 know you are a good person, you have a family.

8 : Yes, I do.

9 : That you are concerned with,
10 so if there is something more going on, if you want
11 to explain, I suspect that there is, we need to do
12 that, okay?

13 : Yeah.

14 : Do you trust us?

15 : Yeah, I trust you.

16 MS. Okay. So going back to that,
17 going back to the video that you have, right?

18 : Uh-huh.

19 MS. So you were saying, dude, that
20 guy just went up on him, started punching him?

21 Yeah.

22 MS. That was your reaction?

23 : Yeah, that was right away.

24 MS. : That was your gut reaction
25 based on what you saw, am I correct?

1 : Yes.

2 MS. That Michael Brown went up to
3 that car and started punching the officer?

4 : Yeah, yeah, cause, like I say,
5 I look at cops all the time, you know, and I see
6 other stuff that, you know, it is a lot of people
7 out there that does stupid stuff to make an officer,
8 you know, to get down on them or whatever. But that
9 definitely what I assume.

10 MS. And -- what you saw, though,
11 right, you are watching this go on, right?

12 : Yeah.

13 MS. So what you saw, correct me if
14 I'm wrong, this kid is doing something really
15 stupid.

16 : Yeah, I mean, yeah, because
17 like I said, when I see somebody hit a police
18 officer, here I'm hearing a tussle like that, it
19 doesn't look right. So I assume that, you know,
20 some guy just run up to the car and started punching
21 on him and the officer gets out of the car and
22 shoots him dead.

23 MS. : Right, and your immediate
24 reaction this kid just did something that was pretty
25 stupid. You said he got up in the officer's shit,

1 and those are your words, right?

2 Yeah.

3 MS. : Okay. And your words are like
4 that kid just went up and started punching on that
5 officer.

6 : Uh-huh.

7 MS. : Yes?

8 : Yes.

9 MS. : In the background I know that
10 this guy in the red car started like saying oh, no,
11 he started talking about running over and all of
12 that.

13 Yeah, but still at the same
14 time, I only see the moment when he was already at
15 the vehicle, so I didn't see him run up or anything
16 like that.

17 MS. : Right, right. So I wanted to
18 ask you some more about that that guy in the car.

19 : Uh-huh.

20 MS. : Here is the thing, anything you
21 know that could steer us in the direction of finding
22 him, we would never say told us who
23 you are or how to find you, but it is really
24 important. We need to figure out what happened,
25 right? There are people who, people who were there,

1 who saw it.

2 I mean, if something just come
3 to my mind, I mean, like the video that I have,
4 maybe you could check the license plates on that
5 vehicle.

6 MS. Okay.

7 : And go from there maybe, I
8 don't know.

9 MS. : Okay. Is there any other thing
10 that you know about him?

11 : No, that's the only thing.

12 MS. : Because it just seems kind of
13 weird to us, right, that this stranger starts coming
14 up and having a whole discussion with you?

15 Yeah, I mean, everybody just
16 started talking to everybody.

17 MS. : I know.

18 : Like I said, even when I had
19 started recording, you know, I started talking of
20 what I assumed, what I saw.

21 MS. : Right.

22 : Uh, even though I saw him
23 already at the window, but I just put it to the
24 point he ran up to the car and started, you know.

25 MS. : What you said was he got up in

1 that officer's shit and started punching him.

2 : Yeah, yeah, yeah, that is
3 exactly I saw. He ran up all up in his shit,
4 whatever, so.

5 MS. Is that what you saw, that is
6 what you saw.

7 : Yeah, but still, I mean, when
8 I saw this kid be different like, as far as like he
9 could be grabbed to the car.

10 MS. Did you see him get grabbed?

11 : No, I didn't see him get
12 grabbed, but if --

13 Have you ever, I'm going to
14 take his off, have you ever been in a physical fight
15 before?

16 Yes.

17 Fight with somebody. Now
18 imagine, did you feel like you were at an advantage
19 or disadvantage?

20 : I mean, you know, I feel if
21 you are in a fight sometimes, you know, this guy's
22 getting an advantage.

23 Let me ask you, if you are
24 sitting down and someone was standing, who would you
25 say had the advantage there?

1 Of course, I believe that's a
2 truck that, of course, anybody standing out of the
3 vehicle would have an advantage.

4 : Okay.

5 : Because I've seen it before
6 with my own eyes, that if a guy gets out of the car,
7 they get to punching on somebody that's in the car,
8 you know, because they almost can't do nothing with
9 two hands, you know.

10 : Okay.

11 : Maybe with one, grab one hand
12 or whatever, but you know, so that there is anybody
13 outside the car would have the upper hand, you know,
14 so I do see that.

15 And did you see that?

16 : Yeah, I mean, I look at it
17 like I said, anybody outside the vehicle has the
18 upper hand.

19 Right.

20 : I assume, you know, he ran up
21 to the car and punched him up in his face or
22 whatever, then they takes off running.

23 So based on what you saw, did
24 you see, did you feel that Michael Brown had an
25 advantage or did you think it was the other way

1 around?

2 **A** Uh, I mean, the advantage, he definitely
3 has an upper advantage if he's throwing punches, if
4 he's throwing punches from outside the vehicle. So,
5 but like I said, it could be different reasons why,
6 you know, he was on the side and then pulling,
7 trying to be pulled in or something like that, but.

8 We're not asking you to
9 figure that out either, so don't feel like you have
10 to.

11 Okay.

12 We're just trying to find
13 different ways to kind of jog your memory.

14 : Yeah, but anybody standing
15 outside the vehicle they would have the upper
16 advantage on throwing punches.

17 MS. : Could I ask you some more about
18 that guy in the burgundy car?

19 : Yes.

20 MS. About how old is he?

21 : I know he's younger than me, a
22 lot younger guy. I'm not even sure how old he is, I
23 know he's younger.

24 MS. Was he black or white?

25 Black.

1 MS. Was he with anybody in the car?
2 : With a girl, maybe his
3 girlfriend.

4 MS. : Did you hear him call his
5 girlfriend by name or anything like that?

6 : No, huh-uh.

7 MS. So this is just some guy that
8 randomly is sitting in your neighborhood at that
9 exact moment?

10 : Uh-huh. And when I got the
11 recording, I got to talking and then I got on ground
12 level and got to talking to him because he's already
13 right there and I got to --

14 MS. What kind of car did you say it
15 was or do you know?

16 It was like a burgundy
17 Bonneville.

18 MS. : Okay. Does know him?

19 : No.

20 MS. : Did you guys ever find out
21 afterwards who he was.

22 : No, not really, not really,
23 not really.

24 Anybody else in the
25 neighborhood who told you that they saw what

1 happened?

2 From the beginning, there was
3 another guy, like I said, that walked up, he had
4 dreads too. And he said gunshot went off in the car
5 and that's the reason why they took off running.

6 MS. : Do you know him?

7 : No.

8 MS. : Ever seen him before.

9 : I've seen him around the
10 apartments, I've seen him before.

11 MS. : Do you know his name?

12 : No.

13 MS. : Okay. Do you have anything
14 else you want to tell us?

15 : I have something to ask.

16 MS. : Sure.

17 : You reverts back to about the
18 statement that the police or whatever came to my
19 house and I did that and, um, I mean, I hear a
20 change, you know, you already told me, you know, can
21 you change anything, but you know, I'm hoping that I
22 don't get in trouble for that.

23 MS. : You're not in trouble.

24 : I just said maybe, maybe when
25 I said that is cause, like I said, I already had did

1 so many interviews already, so each time when I like
2 hear, you know, what, even one time when I had like
3 my first of two interviews.

4 MS. : Uh-huh.

5 My first of two interviews, my
6 first of two interviews I was already saying he, the
7 officer let out about eight shots, eight, nine
8 shots. But then I remember like a few more
9 interviews after that, that's when I notice about
10 the, I saw the autopsy. And I remember telling the
11 reporter, I said they only found six shells, that
12 Mike Brown was hit six times, you know.

13 I was saying like, he only shot six times
14 through that whole time? So, you know, I was
15 breaking that down so, but if I even said that to
16 him, it is probably, you know, because I already
17 heard somebody said that's the reason why they ran
18 cause a shot went off.

19 MS. Here is the thing, you are not
20 in trouble, okay?

21 Okay.

22 MS. : I don't want, I want to put you
23 totally at ease. I understand that, you know,
24 you're sitting here talking to federal agents,
25 federal prosecutors and it can seem scary to

1 anybody, okay?

2 : Uh-huh.

3 MS. : You're not in any trouble, as
4 long as you just tell us what you, yourself
5 remember.

6 : Yeah.

7 MS. : The best that you can, okay?

8 : Yeah.

9 MS. : Okay. As long as you do that,
10 you would only get in trouble if you lie to us.

11 : Yeah.

12 MS. : That's why we want to make sure
13 that you are telling us, we want to know the truth.

14 : Oh, okay.

15 MS. : Whatever side it falls on,
16 whoever it helps or doesn't help or hurts, we just
17 want to know what happened.

18 Okay, not a problem, not a
19 problem.

20 MS. : We don't want you to get
21 worried about getting in trouble. We do want you,
22 we want you to just talk about it later, you are a
23 piece of the puzzle, all right? Nothing rises or
24 falls with you, nothing makes or breaks with you.
25 Even though you are on the news or media calling

1 you, that doesn't matter. You are a witness on a
2 case like any other case, okay?

3 : Okay.

4 MS. : And so we just want you to tell
5 us what happened.

6 Okay.

7 MS. We understand it happened
8 quickly, people have different vantage points,
9 different views of things.

10 Right.

11 MS. : We want to know what you,
12 saw and heard.

13 : Okay.

14 MS. So is there anything that you
15 told us here today that you want to correct, that
16 you think maybe we didn't understand correctly?

17 : No.

18 MR. : I think you said something
19 about being concerned about changing things or
20 whatever. You should have seen how many, us sitting
21 here today, this is a clean slate, okay?

22 : Okay.

23 MR. : What you have had to say
24 before doesn't make all that much difference. What
25 we are interested in is how do you recall this.

1 : Right, uh-huh.

2 MR. We want what your best
3 recollection is.

4 Okay.

5 MR. : So don't worry about trying
6 to keep things straight or not changing things. I
7 mean, if you recall things differently, then you
8 just need to let us know.

9 Right, right, right, right.

10 MR. : And I mean, as we sit here,
11 is there anything at all that, you know, as you look
12 back at it, that you are concerned at all?

13 Um, no, I told everything, the
14 whole story, everything you guys asked. I mean,
15 that's really nothing. I mean, it is just kind of,
16 it is just maybe a few questions. About if a gun
17 went off in the car.

18 MS. Look, some people heard one
19 thing, others heard another. You didn't hear it,
20 you didn't hear it. We just want to know what you,
21 yourself, heard and saw.

22 : Okay.

23 MR. : We want to know what you
24 actually know. If you're not sure, if you don't
25 recall, we need to know that, okay?

Page 132

1 Okay.

2 MR. : What is your concern about
3 that, about the shot was in the car?

4 : No, no, I mean, not too much
5 of a big concern, but it just, uh, uh, like
6 basically me just wanting to know if a shot really
7 did go off in the car.

8 MS. : We can't tell you one way or
9 the other.

10 I understand.

11 MS. : Here is the thing, it is like
12 we said before, if we tell you what someone else
13 said.

14 : Absolutely.

15 MS. : What you, yourself, saw. It is
16 natural when people start telling you things.

```
17                                     : Gotcha.
```

18 MS. : You start putting pieces
19 together.

20 : Uh-huh.

21 MS. : And you, you know, you may
22 start thinking you know something when in fact, you
23 know, you don't.

24 : I understand, I clearly
25 understand.

1 MS. Okay. So you brought up
2 before, so is reading what I refer to the
3 statement, is reading a transcript of it. The
4 reason we were asking about it is it was clearly
5 something different that you said from what you're
6 saying today. It doesn't mean you are getting in
7 trouble for that, we are just trying to figure out
8 why you said one thing on one day and why you are
9 saying a different thing today, and that is why we
10 brought it up.

11 : Okay. That is just that
12 little part.

13 MS. Right.

14 MR. And you said other things
15 before, you mentioned different --

16 : Yeah, yeah, yeah, I was
17 adding --

18 MR. : You have talked about, yeah,
19 right, I'm just talking about, you know, when you go
20 back through those statements, there is that one
21 instance we talked about, you know, where you talk
22 about the police officer being in the car when you
23 heard the first shots fired.

24 Other times you talked about that he was
25 out of the car when the first shots were fired.

1 What we are trying to figure out is just
2 how you best recall it or whether or not you are
3 sure about whether he was or, you know, at the time
4 that the shots occurred, that's all we are trying to
5 do.

6 : Okay, not a problem.

7 MR. Well, I mean, let me just
8 touch on that one more time. Can you tell us what
9 you recall about at that point as you are looking at
10 the window?

11 : As I'm looking out the window,
12 I see Mike Brown at the driver's side window of the
13 police vehicle. I see a tussle, I see his arms
14 moving, I see the officers arms moving, so I heard a
15 hard tussling.

16 Then all of the sudden they just takes
17 off, they just takes off running. I see his friend,
18 like I said, he runs to the first car that he sees,
19 runs behind the trunk of the car because the officer
20 immediately gets out of his vehicle and started
21 shooting. So I see him looking at the officers as
22 he was taking large steps going for Mike Brown.

23 About the time that I notice that the
24 officer went past his friend, that's when I came
25 outside. By the time I gets outside, I see Mike

1 Brown now facing the officer. He's bent down, got
2 his arm under his stomach and, um, like he was going
3 down, not even to surrender, to say give up, just
4 going down to bleed a little, but the officer just
5 lets out four or five more shots at him and then he
6 hits the ground.

7 MR. : All right.

8 Just like (inaudible).

9 MR. : You said several times too
10 that those first shots that officer fired, closer to
11 the car, that you heard those. Are you sure that
12 you actually saw him fire those shots or did you
13 hear those shots, or because you said several times,
14 I notice in your prior statements that you refer to
15 hearing them.

16 : Yeah, I saw him. I saw him
17 shooting at Mike Brown the moment he gets out of the
18 vehicle.

19 MR. : Okay. The moment he's
20 getting out of the vehicle?

21 : Yeah, the moment --

22 MR. : Is he fully out of the car?

23 : Yeah, he is fully out of his
24 car standing with his gun out, starts shooting, but
25 he is still in his vehicle range and his cruiser

1 range. So he ain't even get past it, you know,
2 before he started shooting. So he is just like, he
3 gets out of the car, bam, you know, starts shooting.

4 MR. : Anything else?

5 No.

6 MS. Do you have any other questions
7 for us?

8 Not at the moment.

9 MS. : Did we force you to say
10 anything you didn't want to say?

11 : Uh, no.

12 MS. Do you think we treated you
13 fairly?

14 : Yes.

15 MS. Is there anything else you want
16 us to know, anything else you want us to know?

17 : Uh, no, not at the moment, but
18 you know, maybe as time go on, I do have you guys.

19 MS. : Yes, you do. That's a good
20 point you made. I want you to know just because you
21 came in here and spoke to us doesn't mean you can't
22 feel free to call .

23 : I definitely will because I
24 don't have a lawyer neither.

25 Do you feel like you need a

1 lawyer?

2 : Maybe not, maybe not. I'm
3 just looking at why do everybody else have a lawyer.

4 : That's an excellent --

5 : Do they feel like me?

6 MS. : We can't tell you, all we can
7 tell you, you are not in any trouble if you come in
8 here and tell us what happened and the truth, okay?

9 : Okay.

10 MS. So as long as you came here and
11 told us what happened.

12 : Right.

13 MS. : Then you don't have to worry.

14 : Okay.

15 MS. Because that's all we really
16 want.

17 : Okay.

18 Can I ask you, I'm concerned
19 about it, I understand the worry.

20 : Uh-huh.

21 And I think that if you want
22 to talk to us again or one-on-one if you just want
23 to talk to , you want to talk me, you just want
24 to talk anyone, you can do that too, but I do think
25 there is more to it, I really do. And I want you to

1 feel comfortable with that because understand, you
2 are not in any trouble, do you understand that?

3 I understand.

4 : Okay.

5 MS. : Is there anything else? You
6 seem hesitant, that's why I keep asking you.

7 : Um, I mean, since, since, you
8 know, I received the call, you know, about, you
9 know, come down to the FBI or whatever, I've been,
10 you know, I can't wait to get down there, you know,
11 I need to tell you how I feel. You know, what's
12 going on, it is just me, do I need to keep doing
13 what I'm doing, go to work, you know, take care of
14 your family, you're doing, you're fine. Okay, so I
15 don't know if I need to be told that, you know, or
16 if I really need some help, you know. It is really,
17 really bothering me.

18 Like all the way it has been over a month
19 now, I haven't ate good, you know.

20 I just checked my weight today and I lost
21 some pounds.

22 : Okay.

23 At the time that I checked it
24 was like 160, 165. I checked it today, it was like
25 152.

1 Okay.

2 I've been eating like
3 horrible, like once a day, like mostly like at
4 nighttime. You know, so the whole day I eat little
5 snacks, I'm not getting full like, you know,
6 everybody supposed to eat good full like two or
7 three times a day at least, but I'm not eating much,
8 not getting as good of sleep.

9 What's on your mind?

10 : I mean, I don't know just, um,
11 maybe just what if what I already did with the
12 reporters and, you know, I be thinking like somebody
13 is looking for me, maybe. You know, I just have
14 weird feelings.

15 What type of person, what do
16 you think that you did wrong?

17 : I mean, just the point, um, I
18 did quite a few interviews and I don't think, I only
19 know there's a few witnesses. I think I just
20 notice --

21 : There is only a few witnesses
22 that went to the media, there is a big difference
23 between only a few witnesses.

24 : Okay. I don't think they
25 didn't do as many as I did.

1 : Okay.

2 But like I said, I don't know
3 if I'm just worried, by me doing that I just
4 immediately felt so worried since then and not
5 having a lawyer and seeing that on the internet.

6 MS. Are you worried about being
7 called a snitch?

8 No, I'm not worried about
9 that. I'm hoping, I don't want nothing happening to
10 me, you know. Maybe if my information is really
11 good enough or whatever, and you know, I don't want
12 nobody coming looking for me because I have good
13 information, whatever the case.

14 MS. : Gotcha.

15 : I have a weird feeling.

16 MS. : Well, I tell you this, first of
17 all, and I know if you feel like your personal
18 safety is endanger, you need to call 911, but you
19 have my name.

20 Yes.

21 : Okay. If you get any threats
22 or anything you call me. That is the main office
23 number, you can talk to anyone.

24 : Okay.

25 : If that makes you --

1 : Okay.

2 You know, anybody you want to
3 talk with.

4 : Okay.

5 : Ask for me, they'll put you
6 through.

7 : Okay, all right.

8 : But I suspect there is more
9 to it. I know there is a lot of pressure, like you
10 said, you feel like, I don't want to put words in
11 your mouth, but there may be a bit of a spotlight on
12 you?

13 Yeah, that too, that too. You
14 know, it is almost like a now, I already got bills
15 that I have to, you know, worry about it now. Now
16 this is just all up in my mind.

17 Yeah.

18 : You know, so, I mean.

19 MS. You said something before about
20 being a good enough witness, there is no such thing
21 as being a good enough witness. Everybody knows
22 what they know.

23 : Right.

24 MS. : Or they don't know, everybody
25 plays a part. There is no measure for anything, the

1 only thing we want is for people to come in and tell
2 us what happened. Nobody is good enough or bad
3 enough, they are what they are.

4 : Okay.

5 MS. You saw what you saw, heard
6 what you heard and that's it.

7 Okay.

8 MS. : Not good enough or bad enough,
9 you happen to be there and see the part that you
10 did.

11 Okay.

12 Do you feel comfortable with
13 everything you said today?

14 Yes.

15 : Okay.

16 : Okay.

17 MS. : Thank you.

18 : Thank you.

19 : All right.

20 : I hope that is good enough.

21 MS. : I just said there is no such
22 thing as good enough, did you tell us the truth?

23 : Yes, of course. I done

24 exactly what I saw and just to let you know, the

25 last interview I did with , that last

1 one. You know, I don't know if he was trying to
2 confront me or whatever, but he had the other girl,
3 he had me to listen to her story so see whether my
4 story were to change. I mean, that's what she saw
5 and this is what I saw, you know.

6 MS. : Right, so you made a good
7 point. He showed you someone else's interview?

8 : Yeah.

9 MS. And he asked you about it,
10 right? Is why you feel uncomfortable, this is why
11 we don't tell you what other people said, we just
12 want to know what you said. We are not going to ask
13 you about someone else's.

14 : I gotcha.

15 MS. : Okay.

16 : I gotcha.

17 MS. : Do you feel like we treated you
18 fairly with the questions?

19 Yes, yes.

20 MR. : You are comfortable today?

21 : Yes.

22 MR. : Do you feel like we
23 confronted you the way he did?

24 Yeah.

25 MR. : That we confronted the way

1 did, is what you are talking
2 about?

3 Oh, no, no, no.

4 MR. : All right. But you're
5 concerned about the way (inaudible), that's why you
6 quit doing media interviews?

7 : No, no, because after that, it
8 just, I just thought I did so many and all of these
9 reporters, they was coming to my house, calling my
10 phone, they coming to my momma's house. I don't
11 know how they got my momma's address.

12 They called my next door neighbor, I don't
13 know how they get her number. They was just like,
14 when I get home, it has been like a good two weeks
15 after his death, like they like, when I get home, I
16 like to straighten out my apartment. I like to
17 straighten up to make sure everything is right.

18 I've got kids, you know, I like to
19 straighten up and relax. That's the first thing I
20 like to do when I get home there may be three or
21 four waiting on me, you know, trying to get a piece
22 of me and stuff like that whatever. And, you know,
23 they throw cameras in my face and say, it is live.
24 I'm like okay, whatever.

25 But it is just after so many of them, that

1 is just when it hit me, that same night after doing
2 that show, I came back home and my fiancée came home
3 too, and we kind of had some words exchanged and she
4 didn't want to give me a kiss or whatever, but
5 normally when she don't do that, I go up and mess
6 with her, but I didn't bother her at all about that.

7 I just went into the kitchen and started
8 walking around in the kitchen and I started to fix
9 me a sandwich. As I was fixing a sandwich, I've got
10 the two (inaudible) out, but I'm just pacing back
11 and forth in the kitchen. I started sweating and
12 being real nervous.

13 So when my fiancée walking around, you
14 know, with an attitude, I stopped her in the kitchen
15 and said look, you know, right now, you know, what
16 you want right now is petty right now, I just want
17 to tell you that right now. I'm feeling very, very
18 sick right now, very, very sick. I'm shaking and
19 I'm nervous right now and I'm scared, you know.

20 It is just since that day, it has been
21 kind of different. Like I said, my stomach started
22 hurting then one morning, on Monday morning, on
23 Mondays I have to be at work about 6:00 in the
24 morning to go to the office, but I woke up like five
25 something with some real chest pains.

1 So, you know, it was just almost like, you
2 know, something trying to happen, you know. One
3 after another, whatever.

4 I don't know, like I said if I'm just
5 worried. I be on the highway and a couple of times
6 I'll be seeing like almost accidents going to happen
7 or whatever, you know. And like I said, I'm
8 worried, I be worried. It has been twice I seen
9 when I leave off work, I gets on the highway, has
10 been two times I seen a guy on a motorcycle, black
11 motorcycle, black helmet, black everything, follow
12 me. I don't know, he wasn't following me though,
13 but just, you know, I didn't see him in my rear view
14 at first, but now I see him.

15 And from St. Charles Rock Road to Lucas
16 and Hunt, it is kind of a little distance. He was
17 behind me for a minute and I got to thinking like,
18 then he zoomed past me and then started catching up
19 and then he started catching up. And he zoomed in
20 front of me and then he zoomed in front of another
21 car and I'm like oh, that could have been an
22 accident.

23 I'm just saying, I was looking what if
24 this guy maybe looking for me. I think of stuff
25 like that. So that's it, that's it, so I am

1 comfortable talking to you guys about that.

2 MR. : Other than that news
3 interview you talked about, has anybody confronted
4 you about this in a way that --

5 No, I know around my
6 neighborhood and at work, everybody is looking at me
7 as a super star, you know. When I catch some guys
8 at the store, have you been on TV. They be wanting
9 to shake my hand so. I see, you know, in that
10 community they see me as, I guess, I'm okay, you
11 know, so.

12 I do think of the Klu Klux Klan, I do
13 think of them. You know what, a friend told me
14 yesterday, I don't know if it is true or not, I
15 doubt if it's true. He said, uh, that something
16 happened to Mike Brown's family at their house, like
17 their house got shot up or something.

18 I'm asking?

19 That's what he said, he said that one of
20 Mike Brown's family's momma house or something got
21 shot up by the Klu Klux Klan or whatever, you know.
22 So that is what he tells me last night or whatever.
23 So I don't do much believe that, but still as far as
24 me, just in case because I don't have a lawyer or
25 whatever, all the information that I said on each

1 interview and stuff like that, so that's it, that's
2 it, you know.

3 Okay.

4 But I am comfortable, so I do
5 have your number, so anything else I'll make
6 contact.

7 Okay. Well, I'm going to end
8 the recording. It is 2:38 p.m.

9 (End of the recording.)

10 MS. ALIZADEH: It is 11:35 and this is
11 Kathi Alizadeh, all 12 grand jurors are still
12 present, we just completed the tape recorded fourth
13 statement of . And at this point, I'm
14 going to have go ahead and finalize the tape.
15 Immediately after this, immediately after finalizing
16 the tape, I have a witness that we are going to go
17 ahead and call.

18 Typically we play the statement before the
19 witness, but I just, since he has been here, I would
20 like to get him on and off so he doesn't have to
21 wait. And then after he testifies, we will play his
22 statement for you, which is about 30 minutes and
23 only one. And, um, then you break for lunch, maybe
24 after this witness testifies and then after lunch
25 play that 30 minute statement of his. And so at

1 this time we will end this recording and finalize
2 the disc.

3 (Recess)

4 MS. ALIZADEH: All right. This is Kathi
5 Alizadeh, all 12 grand jurors are in the room, as
6 well as Sheila Whirley who is with the St. Louis
7 County Prosecutor's Office, and at this time I will
8 ask the court reporter to pause the audio recording
9 and then we will have the witness identify himself
10 and then we will resume the audio recording for his
11 sworn statement.

12 WITNESS 10,
13 of lawful age, having been first duly sworn to
14 testify the truth, the whole truth, and
15 nothing but the truth in the case aforesaid,
16 deposes and says in reply to oral
17 interrogatories, propounded as follows, to-wit:

18 EXAMINATION

19 BY MS. ALIZADEH:

20 Q Now, as I mentioned to you, well, let me
21 first have you state your name.

22 A (Redacted)

23 Q And I told you before you came in here we
24 were going to record things, but that you were not
25 going to be recorded when you stated your name,

1 correct?

2 **A** Correct.

3 **Q** And you believe me that I'm going to keep
4 my word on that?

5 **A** Yes.

6 **Q** All right. And then after the
7 introduction portion, the court reporter will begin
8 the recording again. You will be referred to as
9 Witness Number 10, all right?

10 **A** (Nods head.)

11 **Q** And the grand jurors will refer to
12 themselves by their grand juror number.

13 If, you know, sometimes I don't know
14 if there will be any reason why you would say your
15 own name, I would try to remind you don't mention
16 your own name while we are recording because that's,
17 we are trying to protect your identity, okay?

18 **A** Okay.

19 **Q** How old are you?

20 **A** (Redacted)

21 **Q** And what's is your date of birth?

22 **A** (Redacted)

23 **Q** Okay. And whereabouts do you live?

24 **A** (Redacted)

25 **Q** And did you grow up in ?

1 **A** Yes.

2 **Q** Okay. And are you familiar with the
3 Ferguson area?

4 **A** Yes.

5 **Q** And what do you do for a living?

6 **A**

7 **Q** And what's the company you work for?

8 **A** (Redacted)

9 **Q** How long have you been working for them?

10 **A** I have been working for them for

11

12 **Q** Okay.

13 MS. ALIZADEH: At this time, , I will
14 have you go ahead and start the audio recording.

15 (Audio recording is started.)

16 **Q** (By Ms. Alizadeh) Now, Witness Number 10
17 you have been sworn and you have just introduced
18 yourself to the jurors. And you understand that
19 this is an investigation into the shooting death of
20 Michael Brown, correct?

21 **A** Correct.

22 **Q** I talked to you on the phone yesterday
23 about coming forward and testifying today, correct?

24 **A** Correct.

25 **Q** And you know you are under oath and sworn

1 to tell the truth?

2 **A** Yes.

3 **Q** You have been interviewed by the St. Louis
4 County Police Department as well as the FBI; is that
5 correct?

6 **A** Correct.

7 **Q** But that was just one interview; is that
8 right?

9 **A** Yes.

10 **Q** Have you ever been on television or gone
11 before the media?

12 **A** No.

13 **Q** Have you done any other interviews whether
14 it be with law enforcement or anybody in the
15 entertainment or media industry?

16 **A** No.

17 **Q** And so other than that statement that you
18 made previously to the County Police and the FBI, is
19 this really only the second time where you've been
20 asked to answer questions about what happened on
21 that day?

22 **A** Correct.

23 **Q** Okay. So Witness Number 10, can you tell
24 me on August 9th of this past year, a little over a
25 month ago, were you still working for the company

1 that you identified at that time?

2 **A** No, I was actually doing a side job.

3 **Q** Okay. So this was something on your own
4 that you were doing?

5 **A** Correct.

6 **Q** And were you working by yourself that day
7 or were you with anyone else?

8 **A** I was working by myself.

9
10 **Q** Okay. So was it a that
11 you were working at?

12 **A** No.

13 **Q**

14 **A**

15 It is being there
16 in that doing just that they asked
17 for me to do.

18 **Q** Okay. So what kind of work were you
19 doing, was it indoor work or outdoor work at this
20 ?

21 **A** Indoor.

22 **Q** Was it work you are familiar with, like
23 and stuff like that?

24 **A** .

25 **Q** And so you said that was the

1 you had ever been at that ?

2 **A** Correct.

3 **Q** When were you previously at that ?

4 **A** I believe in , maybe.

5 **Q** Okay. So before?

6 **A** Yes, yes.

7 **Q** And did you know the name of the
8 ?

9 **A** No.

10 **Q** And the day on August 9th when you were
11 working there, was there anyone at
12 ?

13 **A** Yes

14 **Q** And is that just that was
15 there?

16 **A** No, it was
17 and the original that once before I
18 seen once before.

19 **Q** Okay. So the original , was that
20 that was there?

21 **A** .

22 **Q** Was the was
23 that that you know of?

24 **A** I'm not sure.

25 **Q** Okay. Did you have any interaction with

1

2 **A** No.

3 Q Okay. About what time of day did you get
4 to that

5 **A** Um, I arrived roughly around

6 Q In the morning?

7 **A** Yes.

8 Q And do you remember the address of that
9 ?

10 **A** No, I'm not sure.

11 Q So are you familiar with the Ferguson
12 area?

13 **A** Yes.

14 Q And how did you get to that that
15 day? I mean, you don't have to start like where you
16 are starting at home, but did you get to that
17 residence off of West Florissant?

18 **A** Yes.

19 Q Okay. So from West Florissant, what
20 street did you turn onto?

21 **A** Let me back that up. No, I actually
22 didn't get onto the street off West Florissant, I
23 actually took

24 there is a

25 back way off you can take to get to

1 that street.

2 Q Okay. Is the near the Canfield
3 Green Apartment Complex?

4 A Yes,

5

6 Q Now, I might ask you to stand up here
7 Witness Number 10. And this is an exhibit that I've
8 marked as GJ for Grand Jury Exhibit Number 25, which
9 is a map. I showed you this map right before you
10 came in to testify; is that right?

11 A Yes.

12 Q Okay. And are you familiar, do you
13 recognize the streets or the layout as being streets
14 that are in the Canfield Green Apartment Complex?

15 A Yes.

16 Q Can you see where you were
17 working that day?

18 A Yes.

19 Q Can you point to it so the jurors can see?

20 A (Indicating)

21 Q And the number where you are pointing is

22

23 A Yes.

24 Q Okay. So does this face, now, if
25 this Canfield Drive, does the face Canfield

1 Drive?

2 **A** Yes.

3 **Q** And is this a ?

4 **A** Yes.

5 **Q** Is the off of Canfield Drive?

6 **A** Yes.

7 **Q** All right. So did you have your, you can
8 sit down now, thanks.

9 Did you have your own vehicle that
10 day?

11 **A** Yes.

12 **Q** What kind of vehicle were you in?

13 **A**

14 **Q** And with your type of work, do you have
15 things that you keep in that
16

17 **A** Correct.

18 **Q** Okay. And so you said that you were doing
19 work that day, would you have occasion
20 to have to come outside while you were working?

21 **A** Yes.

22 **Q** And where was your parked?

23 **A** It was parked in the , front face
24 towards the .

25 **Q** So you pulled straight into the

1 and the nose of your vehicle is facing the

2 **A** Yes.

3 **Q** Okay. And from the time you got there
4 around that day, did you ever leave before the
5 incident that we are here to testify about?

6 **A** No.

7 **Q** So from until something happened, was
8 there anything else memorable about that morning?

9 **A** No.

10 **Q** And then something happened that you know
11 why you are here to testify about. Can you just
12 narrate for the jurors what is the first thing that
13 you heard or saw that drew your attention?

14 **A** Well, first thing I saw was, I came
15 outside to get that I needed.
16 I was just finishing up the job. I came outside to
17 get and I seen Mike Brown and his friend
18 walking down the street closer to the curb, not on
19 the sidewalk and my initial thought was with me
20 being aware of my surroundings, they were walking
21 towards me. My initial thought was wow, that is a
22 big guy right there, and speaking on Mike Brown.

23 **Q** So let me stop you, did you know Mike
24 Brown before that day?

25 **A** No.

1 **Q** Had you ever seen him before?

2 **A** No.

3 **Q** And the other person that was with him,
4 how would you describe him?

5 **A** Short. I just recognize, I really picked
6 up on and drew in and focused on Mike Brown because
7 he was such a big guy and, um, the only thing I can
8 recall on his friend he was short, had dreads and
9 with the color dye in his dreads and that was pretty
10 much it.

11 **Q** So his short dreads were like tipped
12 color; is that right?

13 **A** Yes, yes.

14 **Q** Okay. And so when you first saw them,
15 were they walking like in the direction of the
16 apartment complex or out of the complex?

17 **A** They were walking in the direction of the
18 complex.

19 **Q** So they were walking this direction
20 towards the complex?

21 **A** Yes.

22 **Q** And at this point, when you first saw
23 them, were you near your ?

24 **A** Yes, I was actually in the back door of
25 the , um, where it is closer to the sidewalk.

1 And they were just coming up upon me and that's when
2 I, me being aware of my surroundings, I just focused
3 in on Mike Brown and his friend coming up close to
4 me.

5 Q And so when you first saw them then, were
6 they closer to West Florissant or were they past the
7 ?

8 A They were closer, like really probably I
9 would give it maybe within 10, 15 yard range of me.

10 Q And do you remember, other than their
11 sizes, do you remember anything about their clothing
12 that drew your attention?

13 A Yes, I remember Mike Brown, he had on flip
14 flops, black, and his socks really drew attention.
15 They were bright neon yellow with, it appeared to be
16 marijuana symbols on them.

17 Q Okay. Anything else that you recall
18 noticing about either one of them?

19 A Mike Brown had a St. Louis Cardinal hat
20 on, red St. Louis Cardinal hat.

21 Q Okay.

22 A That was pretty much it.

23 Q Did you notice, were either of them
24 carrying anything?

25 A No, I didn't notice that.

1 **Q** Okay. Did you notice them doing anything
2 like with each other, were they interacting in a way
3 that drew your attention?

4 **A** No, they were just talking amongst each
5 other.

6 **Q** So other than noticing, like you said, you
7 are aware of your surroundings when you are working,
8 so you see these two guys about 10, 15 feet or
9 yards, I can't remember?

10 **A** Yards, yards.

11 **Q** 10 or 15 yards walking in your direction,
12 did you feel threatened by their presence at all?

13 **A** I didn't feel threatened, I just, I don't
14 know, I was just aware of my surroundings and just
15 ready for, I'd rather be ready for anything that
16 happens instead of being a surprise to me.

17 **Q** So you noticed that this one guy, and you
18 now know the bigger guy's name is Michael Brown,
19 correct?

20 **A** Correct.

21 **Q** Have you ever learned who the small,
22 shorter guy was?

23 **A** Yes, through the media.

24 **Q** Okay. And so what do you know his name to
25 be?

1 **A** It is Mr. Johnson, I believe.

2 **Q** And so when you, when you saw them, did
3 they just continue to walk in your direction down
4 the street?

5 **A** Yes.

6 **Q** Did they stop and talk to you at all?

7 **A** No.

8 **Q** Did you wave at them or did you know if
9 you made eye contact with them at all?

10 **A** No.

11 **Q** So did they pause or stop at all?

12 **A** No.

13 **Q** So they just continued to walk down the
14 street?

15 **A** Correct.

16 **Q** Did it appear that they were walking
17 casually, leisurely, in other words, or did they
18 appear to be in a hurry?

19 **A** Just casual walking.

20 **Q** And at this point you said they were in
21 the street?

22 **A** Yes, closer to the curb.

23 **Q** Close to the curb, but still in the
24 street?

25 **A** Still in the street, yes.

1 **Q** Are there sidewalks at that location by
2 the

3 **A** Yes, yes.

4 **Q** And so they are in the street, but closer
5 to the curb?

6 **A** Yes.

7 **Q** Were they walking in, I guess what I'm
8 going to say, the correct lane of traffic. So in
9 our country and you are driving on a two way street
10 you stay to the right?

11 **A** Uh-huh.

12 **Q** So were they on the right side or were
13 they walking like against the traffic?

14 **A** No, they were walking with the traffic.

15 **Q** Okay. And so how long did you see them or
16 have them in your sight before you didn't see them
17 any more?

18 **A** Um, I would say within maybe a minute or
19 less. Like I said, I was just out getting, out
20 retrieving my tools to go back in the to wrap
21 it up. After they passed me, that's when I went
22 into the .

23 **Q** Okay. So you took your or
24 whatever, and went into the ?

25 **A** Yes.

1 **Q** When is the next time you come outside?

2 **A** I forgot something, to get something out.
3 I went out to get something else from the . I
4 would say it was maybe within a two minute time
5 span.

6 **Q** And what did you see or hear when you came
7 out the second time?

8 **A** Well, when I came out the second time, the
9 way the view of the is -- I guess I use the
10 pointer?

11 **Q** Sure, you can use that.

12 **A** My is parked actually right here.
13 The front door of the facing the street. I
14 came out of the and when I came out walking
15 towards the , this is still open right here
16 because I did not drive all the way up
17 .

18 So my view of sight as seeing the
19 police car right.

20 **Q** If you need to get up to look at the names
21 or anything, feel comfortable to do that.

22 **A** Okay. Police car was right about here.
23 (indicating)

24 **Q** Okay. And so if Canfield Drive, I will
25 describe that as a horseshoe, is that fair to say?

1 **A** Yes.

2 **Q** The police car was like right in between
3 the two legs of the horseshoe?

4 **A** Correct.

5 **Q** Which direction was it facing?

6 **A** It was facing towards me.

7 **Q** So it was facing West Florissant?

8 **A** Yes.

9 **Q** And was the car, police vehicle moving or
10 was it still when you saw it?

11 **A** It was still, it was at a slight slant.

12 **Q** Okay. And so what then did you see
13 happen?

14 **A** I seen Mike Brown was leaned over inside
15 the police officer's window. I didn't see
16 Mr. Johnson at any moment during this time.

17 **Q** So did you see where he went or anything?

18 **A** No.

19 **Q** So when you come back out, you don't see
20 him?

21 **A** No.

22 **Q** You just see Mr. Brown?

23 **A** I just see Mr. Brown inside the police
24 officer's window. It appeared as some sort of
25 confrontation was taking place. After that, that

1 took place for seconds, I'm not sure how long. I
2 know that it appeared that some confrontation was
3 taking place.

4 And one shot, the first shot was let
5 loose and after the first shot, Mike Brown came out
6 of the window and took off running.

7 With that happening, I thought
8 instantly because the police officer didn't
9 immediately react on how I would have thought it
10 would have went down. Where he didn't immediately
11 get out of his car and chase after Mike Brown.

12 So my initial thought was that wow,
13 did I just witness this young guy kill a police
14 officer.

15 So after that, Mike Brown ran some
16 distance, the police officer exited his vehicle with
17 his weapon drawn, pursuing Mike Brown, and I would
18 say Mike Brown, he stopped right here. He was
19 turning into this driveway right here, but he
20 stopped right here.

21 The officer was already in pursuit of
22 him. He stopped. He did turn, he did some sort of
23 body gesture, I'm not sure what it was, but I know
24 it was a body gesture. And I could say for sure he
25 never put his hands up after he did his body

1 gesture, he ran towards the officer full charge.

2 The officer fired several shots at
3 him and to give an estimate, I would say roughly
4 around five to six shots was fired at Mike Brown.

5 Mike Brown was still coming towards
6 the officer and at this point I'm thinking, wow, is
7 this officer missing Mike Brown at this close of a
8 range.

9 Mike Brown continuously came forward
10 in the charging motion and at some point, at one
11 point he started to slow down and he came to a stop.
12 And when he stopped, that's when the officer ceased
13 fire and when he ceased fired, Mike Brown started to
14 charge once more at him. When he charged once more,
15 the officer returned fire with, I would say, give an
16 estimate of three to four shots. And that's when
17 Mike Brown finally collapsed right about even with
18 this driveway. (indicating)

19 And during this whole time there was
20 a blue Monte Carlo parked almost right where that
21 car is while this altercation was taking place.

22 And the car drove around and stopped
23 right here and when Mike Brown collapsed in the
24 street, that's when his friend came out, I don't
25 know out of what direction he came from. All I know

1 is I seen him run across from in front of the squad
2 car and he ran across and he stopped like evenly
3 with the car that was parked right here and yelled,
4 "he just killed him, he just killed him."

5 I'm not sure if he was speaking with
6 the people that were in the car or if he knew them.
7 He never leaned over to address them, he just yelled
8 it. After he yelled it, he ran off through the back
9 fields of Canfield.

10 Q All right. Now, I'm going to start at the
11 beginning and we are going to kind of go through
12 this a little bit and I'm going to ask you more
13 detailed questions to clarify.

14 So from the time that you came
15 outside, and you said you were at the back of your
16 ?

17 A When I first seen Mike Brown.

18 Q Okay. The second time you came out, where
19 exactly were you then?

20 A I was in front, actually, at the corner of
21 the in front of the in front of my
22

23 Q Did you change your position during this
24 entire scenario?

25 A No.

1 **Q** Like did you run down towards the street
2 or anything?

3 **A** No.

4 **Q** Did you run out into the street?

5 **A** No.

6 **Q** So you just stayed where you were?

7 **A** Yes.

8 **Q** And from where you were, did you have a
9 line of sight where you could see, you described
10 Michael Brown as actually coming to a point where he
11 was almost turning onto Copper Creek Court?

12 **A** Yes.

13 **Q** Could you see that from where you were?

14 **A** Yes.

15 **Q** So when you first look down that street,
16 you said you saw Michael Brown in the officer's
17 window?

18 **A** Correct.

19 **Q** So describe for the jurors how, what you
20 mean by that?

21 **A** Half of his body, his feet was still
22 planted on the ground, his upper body was inside the
23 window in a leaning motion inside the window, his
24 upper body was inside.

25 **Q** Now so is that the first thing you see

1 when you look that he's already got his upper body
2 inside the car?

3 **A** Yes.

4 **Q** So anything that happened before that, you
5 didn't --

6 **A** I never seen it.

7 **Q** -- witness? Did you hear tires squealing
8 or anything?

9 **A** No.

10 **Q** Anybody screaming or yelling?

11 **A** No.

12 **Q** Okay. So when you saw that, what did you
13 see, could you see into the windshield of the
14 officer's car?

15 **A** No, I could just see him leaned over
16 inside the officer's car.

17 **Q** So who's him?

18 **A** Mike Brown.

19 **Q** Okay. And so you said his head was inside
20 the window?

21 **A** Yes.

22 **Q** His shoulders?

23 **A** Yes.

24 **Q** His upper body?

25 **A** Yes.

1 **Q** Okay. And could you see the officer from
2 that vantage point?

3 **A** No.

4 **Q** Could you see what was going on inside the
5 car?

6 **A** Not really, no.

7 **Q** Can you see was the vehicle moving at all?

8 **A** No.

9 **Q** Was Mike Brown moving at all?

10 **A** It appeared to be.

11 **Q** Okay. And can you describe, I don't want
12 to put the words in your mouth, I want you to
13 describe what you saw when you say it appeared to be
14 that he was moving?

15 **A** It appeared to be some sort of
16 confrontation taking place in the vehicle. I
17 couldn't make it out, I couldn't say who did what
18 within that time span within that vehicle. All I
19 know is that it just looked out of the norm with
20 somebody being leaned over inside the police
21 officer's car.

22 **Q** Okay. So did you hear anything, like
23 yelling, were they yelling at each other or anybody
24 yelling?

25 **A** No.

1 **Q** Okay. So I can be clear on this, is it
2 that you didn't hear anything or there wasn't
3 yelling?

4 **A** I didn't hear anything.

5 **Q** Okay. And so you believed there was an
6 altercation, is it a physical altercation or just a
7 verbal altercation?

8 **A** For me I would think it was a physical
9 with being, him being inside the vehicle.

10 **Q** Okay. And so, and then you said that went
11 on for a few seconds?

12 **A** Yes.

13 **Q** And then you heard a gunshot?

14 **A** Yes.

15 **Q** Have you heard a gunshot before?

16 **A** Yes.

17 **Q** And you recognize that sound as a gunshot?

18 **A** Yes.

19 **Q** And how many gunshots did you hear at that
20 point?

21 **A** One.

22 **Q** And then what did you say Mike Brown did
23 at that point?

24 **A** At that point, he exited, he took himself
25 out of the vehicle, removed himself from the vehicle

1 and ran towards the complex, deeper into the
2 complex.

3 Q So at the time that you heard that single
4 gunshot, was Michael Brown's upper body, as you
5 described, inside the police vehicle?

6 A Yes.

7 Q And so when he, how long after that shot
8 does his body come out of the vehicle?

9 A Almost immediately.

10 Q Okay. And then how long after his body
11 comes out of the vehicle does he turn and start to
12 run?

13 A Immediately.

14 Q And then you said that it took sometime
15 longer than you would have expected before the
16 officer got out of his vehicle?

17 A Yes.

18 Q And can you give me just in your best
19 estimate, are we talking seconds or minutes?

20 A No, seconds, maybe 10 to 15 seconds.

21 Q Okay. And do you remember what kind of
22 vehicle this is?

23 A Yes, it is a truck, I think maybe a Tahoe
24 like style, SUV.

25 Q A bigger SUV?

1 **A** Yeah.

2 **Q** And so when the officer got out of his
3 vehicle, did he get out from the driver's door?

4 **A** Yes.

5 **Q** And did he shut the driver's door do you
6 recall or did he leave it open?

7 **A** I don't recall that.

8 **Q** And did you, did it appear to you, when
9 you saw Mike Brown turn and run away, did you see
10 any blood?

11 **A** No.

12 **Q** Did it appear to you in any way that he
13 was somehow injured, Mike Brown?

14 **A** No.

15 **Q** Okay. When the officer gets out of his
16 vehicle, did it look to you as if he was injured in
17 any way?

18 **A** No.

19 **Q** Okay. And so how long, and you said now
20 when he gets out of the vehicle, he has already got
21 his gun drawn?

22 **A** Yes.

23 **Q** And when you say gun drawn, you mean out
24 of his holster?

25 **A** Yes.

1 **Q** In his hand?

2 **A** Yes.

3 **Q** And do you recall which hand?

4 **A** His right hand.

5 **Q** And when he first gets out of the vehicle,
6 how long before he then starts to pursue, as you
7 said, Michael Brown?

8 **A** He immediately starts to pursue.

9 **Q** And so as he begins to pursue him, can you
10 describe his pace? You said Michael Brown was
11 running, correct?

12 **A** Correct.

13 **Q** And how would you describe the officer's
14 pace?

15 **A** Running.

16 **Q** And was he, what was he doing with his gun
17 as he was running?

18 **A** Just carrying as he was running towards
19 Mike Brown.

20 **Q** Okay. Can you stand up for a second and
21 show me where, if you use your right hand and make
22 like a gun thing with your right hand. How was he,
23 when he was running, how was he, hand running, how
24 was that gun?

25 **A** Like in a running, just as you run

1 normally.

2 **Q** Okay. So he wasn't walking with the gun
3 pointed in the direction of Michael Brown?

4 **A** No.

5 **Q** Or pointed in the direction of Michael
6 Brown?

7 **A** No.

8 **Q** Okay. You can sit back down.

9 And so when the officer started
10 running after Michael Brown, can you give me an
11 estimate as to how far Michael Brown was ahead of
12 the officer, in other words, he got a little bit of
13 a head start, correct?

14 **A** Correct.

15 **Q** How far was he in front of the officer
16 when the officer started running?

17 **A** I would say the police car is right here,
18 so Mike Brown maybe was about this far before the
19 officer exited his vehicle and within that time I
20 would say the officer maybe was here when Mike Brown
21 stopped there.

22 **Q** Okay. So you initially describe that when
23 the officer got out of his vehicle, Mike Brown was
24 close to where this like, this car is on this map?

25 **A** Yeah, I would say.

1 **Q** More around Caddiefield Road?

2 **A** Yes.

3 **Q** Okay. And then the officer immediately
4 pursues him and does Michael Brown continue to run
5 down Canfield?

6 **A** Correct.

7 **Q** And then does the officer close the gap or
8 do they remain, you know, do they remain that
9 distance apart or does the officer close the gap?

10 **A** He starts to close the gap when Mike Brown
11 stops right here. And I would say the officer is
12 right at the D, for drive. (indicating)

13 **Q** Did you hear or see the officer fire his
14 weapon as Mike Brown was running away?

15 **A** No.

16 **Q** Do you know, I don't want you to guess,
17 other than maybe if you observed something that
18 caused you to assume, but do you know why Mike Brown
19 stopped and turned around?

20 **A** No, I'm not sure. That is something that
21 I wrestle with to this day, I'm not sure. I'm not
22 sure if he knew the people that was in that car and
23 he thought maybe he had time to go back to wrestle
24 with this officer. To this day, why would he turn
25 around and not give himself up.

1 **Q** And so during the time the officer is
2 running after him, do you hear the officer saying
3 anything?

4 **A** No.

5 **Q** And do you hear Mike Brown saying
6 anything?

7 **A** No. I'm at a distance where I don't hear
8 anything. All I can do is just see what's going on.

9 **Q** So you're not saying that there wasn't
10 anything said, you just didn't hear anything?

11 **A** Correct.

12 **Q** Okay. And so now you testified that when
13 Mike Brown gets to around the corner, or the corner
14 of Canfield Drive and Copper Creek Court is where he
15 turns around; is that right?

16 **A** Yes.

17 **Q** And does he, the whole time before he
18 turns around, is he running the whole time?

19 **A** Yes.

20 **Q** Running with his back to where the officer
21 is?

22 **A** Correct.

23 **Q** And then you say he turns around and what
24 does the officer do when Michael Brown stops and
25 turns around?

1 **A** He stops.

2 **Q** So at that point, are they still the same
3 distance or is it a little closer gap?

4 **A** The officer is right there, Mike Brown
5 stops right there. (indicating)

6 **Q** And so you indicated that the officer was
7 right about where the D or the abbreviation for
8 drive on Canfield Drive would be?

9 **A** Correct.

10 **Q** And Mike Brown, you indicated, was maybe
11 in the grassy area or even on the sidewalk?

12 **A** Correct.

13 **Q** At the corner of Copper Creek Court and
14 Canfield Drive?

15 **A** Yes.

16 **Q** Okay. And then what did you see happen
17 next after Mike Brown turned around, where were his
18 hands?

19 **A** Down by his side.

20 **Q** Now, you indicate that he did some kind of
21 body gesture?

22 **A** Correct.

23 **Q** And so, of course, you know that this has
24 been a point that people have talked about, correct?

25 **A** Yes.

1 **Q** Can you describe for them what you mean
2 when you said you saw him do a body gesture. If you
3 need to stand up to demonstrate, you can do that
4 too?

5 **A** I can't say for sure what sort of body
6 gesture, I cannot recall fully. All I know is it
7 was not in a surrendering motion of I'm
8 surrendering, putting my hands up or anything, I'm
9 not sure. If it was like a shoulder shrug or him
10 pulling his pants up, I'm not sure. I really don't
11 want to speculate things and that's what I have to
12 say for that.

13 **Q** Okay. So turn, Mike Brown turns around,
14 makes that gesture, then how long before he then
15 moves in the direction of the officer?

16 **A** Immediately after he did his body gesture,
17 he came for force, full charge at the officer.

18 **Q** And full charge, I guess, is running?

19 **A** Correct.

20 **Q** And was he, could you hear him say
21 anything or make any noise?

22 **A** No.

23 **Q** And is it because you were so far away you
24 didn't hear anything or you saying that there was no
25 noise?

1 **A** No, I was so far away I could not hear
2 anything.

3 **Q** Okay. And let me ask you this, how is
4 your vision?

5 **A** Pretty good.

6 **Q** Okay. Do you wear glasses or contacts?

7 **A** No.

8 **Q** And how about your hearing, is that pretty
9 good as well?

10 **A** Yes.

11 **Q** All right. And so as you then see Mike
12 Brown begin to charge at the officer, how far does
13 he get before you said the officer fires a number of
14 shots?

15 **A** The officer is right here. I would say
16 Mike Brown gets to right there, even with the car
17 before the officer starts to fire.

18 **Q** Okay. And just for the record, when you
19 say even with the car, we are talking about the car
20 that's on this map?

21 **A** Yes.

22 **Q** That's in the map, it is just a random
23 vehicle that happen to be on that street when they
24 took this picture, correct?

25 **A** Correct.

1 **Q** That car wasn't actually there that day?

2 **A** No.

3 **Q** Now, you have talked about there being a
4 car in that vicinity?

5 **A** Correct.

6 **Q** Okay. But we're just talking about the
7 car that's on the map?

8 **A** Yes.

9 **Q** So you say Mike Brown got about even with
10 that white car that's on the map?

11 **A** Yes.

12 **Q** And then how many shots did you think you
13 heard?

14 **A** Um, five to six shots.

15 **Q** All right. And could you see the officer
16 with his gun in his hand?

17 **A** Yes.

18 **Q** Are you sure it was the officer that was
19 firing?

20 **A** Yes.

21 **Q** And was he firing in the direction of Mike
22 Brown?

23 **A** Yes.

24 **Q** And then you said at that point does Mike
25 Brown continue to go forward or does he stop at that

1 point?

2 **A** He continues to come forward.

3 **Q** And you made mention, I'm not sure if it
4 was at that point, is it at this point that you
5 thought oh, my God, he's missed him at that close
6 range?

7 **A** Yes.

8 **Q** So when you heard those five or six shots,
9 did you see any blood on Mike Brown that you could
10 see?

11 **A** No.

12 **Q** Did you see him react in any way that
13 might make you think that he was hit, like, you
14 know, flinching or anything?

15 **A** It was more kind of a flinch, yes.

16 **Q** Okay.

17 **A** It was more of a flinch and, um, with my
18 thoughts of, I thought he was missing him because me
19 thinking if you get shot, you are going to go down.
20 With those multiple shots and he was still standing,
21 that's the reason why I thought he was missing.

22 **Q** Okay. And then, but you said he continued
23 to come?

24 **A** Correct.

25 **Q** Did he slow his pace or did he, was he

1 still at a charge?

2 **A** He gradually slowed his pace. And it
3 became, it came to a stop and when he stopped, the
4 officer ceased fire and he began to charge once
5 more, and that's when the officer with fatal rounds.

6 **Q** So when he became, when he stopped, about
7 how many seconds or fraction of seconds do you think
8 it was before he began to charge again?

9 **A** I would give it maybe two seconds.

10 **Q** Okay. And then how far did you get on
11 that, after stopping and then he's charging again,
12 how far did he get about, if you can estimate feet,
13 that's fine, or if you want to say how many steps he
14 may have taken, that's fine too?

15 **A** Maybe five to six steps.

16 **Q** And then when he, you said, and then the
17 officer began shooting again?

18 **A** Correct.

19 **Q** And about how many rounds do you think you
20 heard then?

21 **A** Three to four.

22 **Q** You said that was the fatal rounds, did
23 you see Mike Brown then --

24 **A** Collapse.

25 **Q** -- collapse onto the pavement?

1 **A** Correct.

2 **Q** And did you, after he collapsed, did the
3 officer continue to fire?

4 **A** No.

5 **Q** And did you see the officer, did he go up
6 to Mike Brown's body at that point?

7 **A** At that point, something else had caught
8 my attention, Mr. Johnson caught my attention at
9 that time when he ran across the street.

10 **Q** Okay.

11 **A** Okay.

12 **Q** At that point you are not necessarily
13 looking at the officer and Mike Brown, you are
14 focusing on Mr. Johnson?

15 **A** Correct.

16 **Q** And you recognized him as the shorter guy
17 who had been with Mike Brown that you had seen
18 earlier?

19 **A** Yes.

20 **Q** And so you said he ran around like in
21 front of the police vehicle?

22 **A** Correct.

23 **Q** And then ran toward this area where you
24 said you had seen this car?

25 **A** Yes.

1 **Q** And this was a car that had been over
2 here?

3 **A** Yes.

4 **Q** And had pulled around this horseshoe
5 driveway, correct?

6 **A** Correct.

7 **Q** Around Building Number 18?

8 **A** Correct.

9 **Q** And you heard Dorian Johnson say what?

10 **A** "He just killed him, he just killed him."

11 **Q** Okay. And then you said he then ran into
12 the back of the complex, did you ever see him again?

13 **A** No.

14 **Q** Okay. Were you, what did you do after you
15 saw that?

16 **A** After I saw that, I went into the
17 I was working at, and told the
18 what I just witnessed and stayed in for maybe
19 minutes speaking with , and I came
20 back out and that's when I seen they were taping off
21 the scene.

22 **Q** So by the time you came back out, other
23 police officers were there?

24 **A** Yes.

25 **Q** Was the police officer who was involved in

1 the shooting, was his car still in the street?

2 **A** Yes.

3 **Q** And about, was it all Ferguson vehicle's
4 at that point or was County already there?

5 **A** Ferguson.

6 **Q** And then did you stand outside and kind of
7 watch what was going on for a while?

8 **A** Yeah, when I came back out, they were
9 taping off the scene. I came back, I walked down
10 here to right there where the body was pretty much
11 even with that street. And I was just, just in
12 shock and speaking with another resident. I don't
13 know if was a resident, another that was out
14 at the scene talking with

15 **Q** So you were speaking to somebody else who
16 was just a bystander that was looking at what had
17 happened?

18 **A** Correct.

19 **Q** You didn't know that person?

20 **A** No.

21 **Q** Did you later learn who it was?

22 **A** No.

23 **Q** Have you ever seen again?

24 **A** No.

25 **Q** Now, are you aware, I mean, did you notice

1 that day that there were people with cell phones
2 that were like filming or taping, not taping, we
3 don't use tape, but recording what was going on
4 while, the aftermath I'll call it?

5 **A** Yes.

6 **Q** Now, at some point in this investigation
7 have officers involved in the investigation that you
8 talked to, did they talk to you about whether or not

9
10 **A** No.

11 **Q** Okay.

12

13 **A**

14 **Q**

15

16 **A**

17

18

19 **Q**

20

21 **A** Yes.

22 **Q** And is it the aftermath, so it is after
23 the shooting?

24 **A** Yes.

25 **Q**

1

2 **A** Yes.

3 **Q** All right.

4

5

6 **A**

7

8

9

10 I did contact the FBI to figure out,
11 um, what precautions I needed to take.

12 **Q** Okay. So now you mention that you talked
13 to the police and gave a tape recorded interview
14 after this incident, correct?

15 **A** Yes.

16 **Q**

17

18

19 **A** No.

20 **Q**

21

22

23 **A** Correct.

24 **Q**

25

4 **A** Monday, Monday.

6 **A** Yes.

9 **A** Uh-huh.

12 **A** Because when I went down on the scene
13 afterwards, speaking with that I was
14 speaking to. I wasn't giving a thorough accounting
15 on what I had witnessed to , I was, I couldn't
16 say giving just a glimpse of what I witnessed
17 because just observing the chaotic, how it got so
18 chaotic so quick, and different point of views on,
19 it didn't add up to what I actually witnessed.

25 I began to walk back towards the

9 And continued walking past and at
10 this point they are with the camera
11 still, and they became violent and, um, one of the

23 So I then turned and walked back
24 towards and that's when they started
25 to yell racial slurs at me and it was just, it was

1 just ignorant.

2 I felt uncomfortable, I fully felt
3 uncomfortable when I actually did go forward to the
4 police station because, um, I first called in Sunday
5 after I seen all the rioting. I just felt bad about
6 the situation.

7 I knew that I needed to come forward
8 to let the truth be told. And after seeing the
9 rioting, I called St. Louis County Police, I just
10 called the 911 and they took down my information
11 and, um, Monday morning I just felt like it wasn't,
12 I was just going to be pushed to the side. So I
13 felt like I needed to do more.

14 I called Ferguson Police Department,
15 I had to leave a message there and I still wasn't
16 settled about it.

17 So I went down to the police station
18 and I felt uncomfortable then just walking past all
19 the protesting that was going on, but I knew it was
20 the right thing to do. It is an unfortunate
21 situation, but I know God put me in this situation
22 for a reason.

23 Q Now, Witness Number 10, you said that when
24 you walked back, there were

25

1

2 **A**

3 **Q**

4 **A** Yes.

5 **Q** Were these, did these appear to
6 be people that just lived in the area or were they
7 like reporters?

8 **A** They appeared to be people that lived in
9 the area.

10 **Q** Okay. And did you know
11 had you seen them before?

12 **A** No.

13 **Q** Ever seen them since?

14 **A** No.

15 **Q** Have you seen any recording of that
16 incident where they had appeared to be recording
17 you, have you seen that on the internet or anything?

18 **A** No,

19

20 **Q**

21

22 **A**

23

24 **Q** Okay. The person you were talking to
25 earlier was not recording?

1 **A** No, he was not.

2 **Q** It was somebody else?

3 **A** Yes.

4 **Q**

5

6 **A** Correct.

7 **Q** So when you were down after the shooting
8 and the crowd begin to build, could you hear people
9 saying words to the effect, he had his hands up, the
10 police killed him, they didn't need to shoot him,
11 that kind of stuff?

12 **A** Correct.

13 **Q** And is that the kind of things that you
14 were hearing that you said made you feel
15 uncomfortable?

16 **A** Correct.

17 **Q** And you came forward because you felt you
18 had to do the right thing?

19 **A** Correct.

20 MS. ALIZADEH: Anybody at this point,
21 Sheila?

22 **A** I came forward to bring closure to the
23 family and also for the police officer because, um,
24 with me knowing actually what happened, um, and I
25 know it is going to be a hard case and a hard thing

1 to prove with so many people that's saying the
2 opposite of what I actually seen. I just wanted to
3 bring closure to the family not thinking that hey,
4 this is, they got away with murdering my son.

5 I do know that there is corruption in
6 some police departments and I believe that this was
7 not the case. And I just wanted to bring closure to
8 the family.

9 Q Now, Number 10, do you live in Ferguson?

10 A No.

11 Q Okay. Have you ever had any experiences
12 with the Ferguson Police Department?

13 A No.

14 Q Do you know any Ferguson police officers?

15 A No.

16 Q Did you know this police officer that was
17 involved in the shooting?

18 A No.

19 Q Did you know Michael Brown's family or any
20 of his relatives before this?

21 A Um, yes, I did. It came about when I was
22 standing outside during the aftermath, I recognized
23 his stepfather, Michael Brown's stepfather. At that
24 moment it didn't really sink in, I thought I
25 recognized him at that moment, but it came about

1 when I seen it in the papers, his name and that just
2 confirmed that was him. But I haven't reached out
3 and talked to him or anything.

4 Q All right. Michael Brown's stepfather,
5 would you consider him a friend of yours?

6 A No.

7 Q You just know him?

8 A Yes.

9 Q And you haven't talked to any of the
10 family members of Michael Brown since this happened?

11 A No.

12 Q (By Ms. Whirley) With the stepfather, how
13 did you know him?

14 A (Redacted)

15 MS. ALIZADEH: Just hang on a second.

16 MS. WHIRLEY: Well, let me ask it another
17 way.

18 MS. ALIZADEH: Hang on a second. Did you
19 have something?

20 If you will excuse me, I don't know if you
21 have a question you want to ask me?

22 MS WHIRLEY: Knowing the stepfather, was
23 there a bad relationship or anything negative about
24 that.

25 A No.

1 MS WHIRLEY: Okay. Now, could you put a
2 mark, not necessarily a mark, but use that pointer
3 and show us one more time where you were when the
4 first time you saw shots fired?

5 A on the corner.

6 Q (By Ms. Whirley) And you were standing
7 there?

8 A Yes.

9 Q And shots were being fired where, show us
10 that on the map?

11 A The truck was right about here.
12 (indicating)

13 Q How far away would you say that distance
14 is?

15 A I would give it 50 to 75 yards.

16 Q Yards, okay. And when the officer first
17 got out of the car, you said, was his gun drawn or
18 not?

19 A When he first got out of car, yes, his
20 guns was already drawn.

21 Q His gun was drawn?

22 A Yes.

23 Q As he ran pursuing Michael Brown, he was
24 not shooting, I recall you saying that, correct?

25 A Yes, correct.

1 **Q** Michael Brown turns around and starts
2 charging him, you said that's when the shooting
3 started?

4 **A** Correct.

5 **Q** You couldn't hear what they were saying?

6 **A** No, ma'am.

7 **Q** When you say charge, could you demonstrate
8 what you saw? Show us what you mean by charging?

9 **A** (Indicating.)

10 **Q** Like running toward him quickly?

11 **A** Yes, in a tackle motion charge.

12 **Q** Okay. What was he doing with his hands?

13 **A** As a normal --

14 **Q** You could see his hands?

15 **A** Yes.

16 **Q** Did you ever see a weapon or anything?

17 **A** No. When he first ran from the car, I
18 did, that's the only time I did hear something. I
19 thought I heard something metallic hit the ground.
20 I'm not sure what it was, that's the only time I did
21 hear something.

22 **Q** Now, when did you hear that?

23 **A** When Mike Brown came from out of the
24 vehicle and ran.

25 **Q** Okay. You could hear that, but you

1 couldn't hear what they were saying?

2 **A** No.

3 **Q** And you never heard any conversation
4 between the officer and Mike Brown?

5 **A** No.

6 **Q** So when he stopped after the first round
7 of gunfire and turned around, you said he charged
8 and then the officer shot again or was that the
9 first round once he charged?

10 **A** The first round was when he was in the
11 car.

12 MS WHIRLEY: Okay.

13 **A** And after that, Mike Brown, he followed
14 pursuit of Mike Brown and Mike Brown stops and turns
15 and did some sort of body gesture and charged at the
16 officer. And that's when the second firing session
17 took place.

18 MS WHIRLEY: And after the first, not the
19 first shot in the car, but when he charged him and
20 the shots were fired, you said Mike Brown flinched
21 as if he might have been hit?

22 **A** Correct.

23 MS WHIRLEY: Okay. But he still charged
24 in the same manner that you showed us?

25 **A** He started, he like, I don't know he was

1 flinching, but still in a charge motion.

2 MS WHIRLEY: Was it slower or any
3 different?

4 A It appeared to be a slight difference.

5 MS WHIRLEY: Like maybe he was hit, that
6 was your impression?

7 A Yes, but at that time I'm not sure. I
8 thought he wasn't being hit because with me, with my
9 thoughts was if you are being hit that you are going
10 to fall or show some sort of I'm hit besides a
11 flinch. That appeared to me, I don't know, dodging
12 or hit, I'm not sure.

13 MS. WHIRLEY: And can you show us, you
14 said that after he charged him a second time, he was
15 charging slower that time, but still charging,
16 correct?

17 A Correct.

18 MS. WHIRLEY: You said he collapsed, Mike
19 Brown collapsed after that second round or shot, I
20 don't mean the one in the car, I guess it is the
21 third round, third time he is shooting he collapsed?

22 A Correct.

23 MS WHIRLEY: I don't want you to fall on
24 the ground or anything, I want you to like show us
25 like what he was doing with his hands as he was

1 collapsing.

2 **A** I cannot recall that. I just know he
3 collapsed.

4 MS WHIRLEY: Okay. You didn't really, you
5 couldn't see his hands when he was collapsing?

6 **A** I can't recall that.

7 MS WHIRLEY: Okay.

8 **A** I know he was coming in a charging motion
9 still and the final rounds were being fired within a
10 charging motion and that's when he collapsed.

11 MS WHIRLEY: But you didn't see his hands
12 when he was collapsing or you don't remember seeing
13 his hands when he was collapsing.

14 **A** I did not see that. All I seen was the
15 charging motion and him being, coming as a threat.
16 And the final shots were fired and he collapsed,
17 that's all I seen was the collapse.

18 MS WHIRLEY: Was there anything blocking
19 your vision of seeing his hands when he was
20 collapsing?

21 **A** No.

22 MS WHIRLEY: You just don't remember
23 seeing his hands?

24 **A** No.

25 MS WHIRLEY: Okay. Can you show us on the

1 map how close you were to Dorian Johnson, show us
2 where you were and where Dorian Johnson was when he
3 said, "they killed him, they kill him."

4 **A** Okay. I was still right there at the
5 corner of the And Dorian
6 Johnson came from somewhere over this way, and only
7 reason why I know that is because he had to cross
8 the street and it was in front of the squad car. So
9 he came from over this way and -- (indicating)

10 MS WHIRLEY: And that's where he was, show
11 us, where was Dorian when he is saying, "they killed
12 him?"

13 **A** Right there. (indicating)

14 MS WHIRLEY: Right there.

15 **A** Yes.

16 MS WHIRLEY: Where was the police officer
17 and Mike Brown when they first started the pursuit,
18 the same general area?

19 **A** Yes.

20 MS WHIRLEY: But you couldn't hear Mike
21 Brown and the police officer saying anything?

22 **A** No, that's because, Dorian, he was yelling
23 it, like he just seen his friend die and he was just
24 yelling it loud.

25 MS WHIRLEY: And the police officer wasn't

1 yelling at Mike Brown as he was pursuing him?

2 **A** I'm not sure, I couldn't hear.

3 MS WHIRLEY: You couldn't hear anything?

4 **A** No.

5 MS WHIRLEY: Okay.

6

7 **A**

8

9 MS WHIRLEY:

10

11 **A** Yes.

12 MS WHIRLEY: Saying some stuff, what were
13 you saying?

14 **A** I was saying that, um, he charged him, he
15 charged at him. The officer already had his gun
16 drawn on him and he charged at him and he shot at
17 him at least five to six times. And the seemed
18 to be surprised when he asked who shot him, I said
19 the police did.

20 MS WHIRLEY: All right. That's all I have
21 right now.

22 : I have a couple
23 questions, of course, You said that they
24 were violent, the that were asking you
25 about it afterwards, that they became violent. Did

1 they become violent towards you, in their words, in
2 their actions?

3 **A** Verbal.

4 Verbal.

5 **A** Verbal.

6 : Verbal?

7 **A** Yes.

8 : They called you names?

9 **A** Yes.

10 : You said you heard a
11 sound that was like metallic hitting the ground, you
12 don't know just because I know my friends, you don't
13 know that anything hit the ground, that's just what
14 it sounded like to you?

15 **A** Yes, correct.

16 : When he was collapsing
17 you said you couldn't see his hands, that doesn't
18 mean you couldn't see his arms, correct? You could
19 tell the difference between him having his hands up?

20 **A** Correct.

21 And him having his arms
22 down. Just because you couldn't see his hands,
23 doesn't mean you couldn't see where they were?

24 **A** Correct.

25 Okay. And you said

1 earlier that you didn't see anything in anyone's
2 hands as far as Mr. Johnson or Mr. Brown?

3 **A** Correct, when I first saw him.

4 : When you first saw them?

5 **A** Yes.

6 : But you also said it is
7 because you were focused on their --

8 **A** On their appearance.

9 : On their appearance and
10 your surroundings?

11 **A** Yes.

12 : You're not saying that
13 they didn't have anything in their hand, you just
14 didn't see it?

15 **A** Correct.

16 : Okay.

17 If I
18 could dovetail off of 's original question
19 about the violence that was directed to you. If I
20 could ask you just a personal question, are you
21 ?

22 **A** Yes.

23 : You are, okay.

24 **A** Yes.

25 : And this is like bringing

1 an extra level of conflict for you to come forward?

2 **A** Um, not really. Within my family
3 that's about it. They fear for my safety or our
4 family's safety, that's about it.

5 You said that there were
6 some racial epithets directed towards you, is there
7 anything that you can, you feel comfortable telling
8 us that was directed to, what was said to you?

9 **A** Um, they said you , they
10 called me a , and just racial
11 slurs.

12 : Did you at any time, if I
13 could ask, did you express the fact that you're
14 ?

15 **A** No.

16 : You did not?

17 **A** No, I just ignored it and kept walking
18 because I didn't want it to just blow up to
19 something even more because it is already tension in
20 the air.

21 : Okay, thank you.

22 **A** No problem.

23 . In your
24 opinion, let's go back to the times when Michael
25 Brown stopped and turned around and allegedly began

1 to charge the police officer, is it in your opinion,
2 do you believe the police officer's life was
3 potentially in jeopardy at this point?

4 **A** Yes.

5 : Thank you.

6 MS. ALIZADEH: Anyone else have a
7 question?

8 . Could you
9 describe what vehicles were in the area while this
10 was going on, were there cars lined up behind the
11 police vehicle and you said that Dorian ran to a
12 vehicle that had been on the other side and then
13 drove around?

14 **A** There was only one vehicle on the street
15 within that distance between where the incident took
16 place, and that was the vehicle, a little Monte
17 Carlo and it came around after, I want to say when
18 the officer, before the officer fired, I mean not
19 fired, but I'm not sure at what point, I can
20 pinpoint at what point that they came around, but
21 they did drive around, come out of the, this curb
22 and drive around and stop right there.

23 Okay, thank you.

24 MS. ALIZADEH: Can I clarify, I just want
25 to ask you. You said it was a Monte Carlo?

1 **A** Correct.

2 MS. ALIZADEH: Are you good about
3 recognizing makes and models of cars?

4 **A** Uh, yes.

5 MS. ALIZADEH: Have you ever had a Monte
6 Carlo?

7 **A** No.

8 MS. ALIZADEH: When you say it was blue,
9 are we talking dark blue, baby blue, do you recall?

10 **A** I cannot recall as far as the deep blue or
11 any of that, I know it was a newer Monte Carlo.

12 MS. ALIZADEH: And you saw, that's the
13 only car you remember seeing there is a blue Monte
14 Carlo?

15 **A** Correct.

16 MS. ALIZADEH: Okay.

17 : . Um, let's
18 go back to when you initially saw the struggle with
19 Michael Brown inside the car, where was Dorian or
20 could you tell where he was when this was going on?

21 **A** No. Like I said, I did not see Dorian
22 Johnson, um, after the fact, after Michael Brown was
23 collapsed in the street, and that's when he came
24 across the street in front of the squad car and
25 stopped right about there and yelled that he just

1 killed him. That's the only time after first had
2 initial contact, well, not contact, but sight of
3 Dorian Johnson.

4 : So did you ever see
5 anything in Michael Brown's hands or Dorian's hand,
6 I know you said initially when they came around the
7 house, you didn't see anything, but what about
8 during the struggle, did you ever see anything in
9 their hands?

10 **A** No.

11 : Okay. And you said you
12 heard one gunshot at the car?

13 **A** Correct.

14 : And the rest were --

15 **A** Down.

16 : Down the road or whatever?

17 **A** Yes.

18 MS. ALIZADEH: Anyone else have any
19 questions?

20 So Witness Number 10, thank you for
21 appearing. If at any time in the future this grand
22 jury has additional questions for you, would it be
23 all right for me to contact you?

24 **A** Yes.

25 MS. ALIZADEH: That will end the testimony

1 of Witness Number 10.

2 (End of the testimony of Witness 10.)

3 MS. ALIZADEH: This is Kathi Alizadeh, it
4 is 1:33 p.m. on September 23rd. The grand jurors
5 are all 12 present, as well as myself and Sheila
6 Whirley and the court reporter who is taking down
7 everything.

8 We had a witness who was here and in the
9 waiting room.

10 MS WHIRLEY: We did have one witness, and
11 is her name and we may play some of
12 that information because you had asked about
13 . We were here, we were running behind and
14 she left. I contacted, I tried to contact her to
15 get her back here and I'm not sure if she was
16 running too late for work or what, but we're going
17 to have to likely reschedule her because we also
18 have a 2:30 timeframe we are working with too.

19 So she's not going, you're not going to
20 hear from her, we were hoping to do it today. In
21 light of that, what we are going to do is let you
22 hear the recording from --

23 MS. ALIZADEH: Witness Number 10.

24 MS. WHIRLEY: Witness Number 10, thank
25 you. And then if we have enough time, you will hear

1 s recorded statement and then when
2 see her, you will match the two together, all right.

3 MS. ALIZADEH: All right. So at this time
4 I'm going to pass out a transcript of an interview
5 that was conducted on August 11th by the County
6 Police Department and it is the interview of Witness
7 Number 10. And for that reason, again, we will
8 pause the audio recording that the court reporter is
9 doing right now while we are playing the statement.

10 The statement is contained on Grand Juror
11 Number 24.

12 As soon as you say we are ready, we will
13 turn off the audio recording that is happening now
14 and play the recorded statement of Witness Number
15 10.

16 Okay. Would you turn off the audio
17 recording at this time.

18 (This is the recorded statement of Witness
19 Number 10.)

20 DETECTIVE : This is Detective
21 with the St. Louis County Police
22 Department's Bureau of Crimes Against Persons,
23 . Also present with me is Detective
24 of the Bureau of Crimes Against
25 Persons and we are at the City of Ferguson Police

1 Department in an interview room Mister, would you
2 say your name for the recorder, please?

3 WITNESS 10: (Redacted)

4 DETECTIVE : Okay. And (redacted)
5 obviously, you realize this is being recorded,
6 correct?

7 WITNESS 10: Correct.

8 DETECTIVE Okay. And you're okay
9 with that?

10 WITNESS 10: Yes.

11 DETECTIVE Okay. And this is in
12 reference to St. Louis County Complaint Number
13 14-43984 and Ferguson Police Department Complaint
14 Number 14-12391, which is an incident that occurred
15 on Canfield Drive on August 9th, 2014.

16 (Redacted), I'm going to get a little bit
17 of information from you here, okay? (redacted)

18 WITNESS 10: Correct.

19 DETECTIVE : Okay. And spell your
20 last name?

21 WITNESS 10: (Redacted)

22 DETECTIVE Just like the
23 What is your date of birth?

24 WITNESS 10: (Redacted)

25 DETECTIVE : What is your home

1 address?

2 WITNESS 10: (Redacted)

3 DETECTIVE : (Redacted)

4 WITNESS 10: (Redacted)

5 DETECTIVE : And where's that at?

6 WITNESS 10: (Redacted)

7 DETECTIVE : (Redacted)

8 WITNESS 10: (Redacted)

9 DETECTIVE : And what's your cell
10 phone.

11 WITNESS 10: (Redacted)

12 DETECTIVE : (Redacted)

13 WITNESS 10: Yes.

14 DETECTIVE : And your social

15 security number?

16 WITNESS 10: (Redacted)

17 DETECTIVE : (Redacted)

18 WITNESS 10: (Redacted)

19 DETECTIVE : (Redacted)

20 WITNESS 10: Yes.

21 DETECTIVE : And you're employed

22 where.

23 WITNESS 10: (Redacted)

24 DETECTIVE : As a ?

25 WITNESS 10: Yes.

1 DETECTIVE : Is there a business
2 address for that?

3 WITNESS 10: Um, this is the address, but
4 I don't, I'm not sure.

5 DETECTIVE : Okay. You know a phone
6 number?

7 WITNESS 10: (Redacted)

8 DETECTIVE : (Redacted)

9 WITNESS 10: Right where the
10 are at. Where, um, say you get off of --

11 DETECTIVE : there.

12 WITNESS 10: (Redacted)

13 DETECTIVE : Okay.

14 WITNESS 10: Right before you go down the

15

16 DETECTIVE (Redacted)

17 WITNESS 10: Yeah.

18 DETECTIVE Okay. Um, do you have
19 a phone number?

20 WITNESS 10: Is --

21 DETECTIVE : For employer.

22 WITNESS 10: For -- for -- for -- let me
23 see. Let me see if I can pull it up.

24 DETECTIVE : (Redacted) What is
25 your middle initial?

1 WITNESS 10: (Redacted)

2 DETECTIVE Okay.

3 WITNESS 10: I thought I had the office in
4 here. I ain't seeing it.

5 DETECTIVE That's okay.

6 WITNESS 10: All right.

7 DETECTIVE Okay. So, um, we
8 received a call from Ferguson saying that you were
9 here and did you come here --

10 WITNESS 10: Yes, voluntarily.

11 DETECTIVE -- okay, okay. You
12 came here on your own?

13 WITNESS 10: Yes.

14 DETECTIVE And who did you talk to
15 initially?

16 WITNESS 10: Um, I'm not sure. It's a
17 police officer outside.

18 DETECTIVE : Okay. And what did you
19 tell that officer?

20 WITNESS 10: I need to -- to speak with
21 someone about the, um, ongoing investigation about,
22 um, what happened, at Canfield to Mr. Brown.

23 DETECTIVE : Okay. So after that,
24 I'm assuming they escorted you --

25 WITNESS 10: Yes.

1 DETECTIVE : -- into the building
2 then and you -- you waited for us; is that right?

3 WITNESS 10: Yes.

4 DETECTIVE : Okay. Um, would you
5 please retell, and I'm just going to set the
6 recorder over there. Would you please just retell
7 your account of a, were you present when it happened
8 or --

9 WITNESS 10: Yes.

10 DETECTIVE : Okay. Would you just
11 retell your account of what took place?

12 WITNESS 10: Okay. Um, well, I walked
13 out, I was working at a right
14 where Canfield meets .
15 The was actually on the on, it
16 would be, I would be facing, the police car would be
17 facing towards me and the

18
19 right there

20 DETECTIVE So, just so I
21 understand, uh, what you're saying, Canfield
22 Apartments, Canfield by in large runs east and west,
23 okay. If you were to travel west, uh, out of, on
24 Canfield, you would run into West Florissant.

25 WITNESS 10: Okay.

1 DETECTIVE : Before you run into
2 West Florissant, you run into a area of
3 ?

4 WITNESS 10: Correct.

5 DETECTIVE So is that the area
6 that you were working on.

7 WITNESS 10: Yes, I was working on the,
8 the on your, if you were traveling east
9 and going into Canfield, would be on your
10 .

11 DETECTIVE : So --

12 WITNESS 10: The that's, well,
13 the considering you're going into
14 Canfield. It would be the
15 and it's an

16 And the police, um, as I was saying, I was going, I
17 was working at that and I walked
18 outside. I seen the two young guys walking down the
19 street on the same sidewalk I was on and --

20 DETECTIVE Can I clarify just a
21 couple things? Roughly what time was this?

22 WITNESS 10: Roughly, I want to say 8:40,
23 I mean not 8:40, 11:40, 11:40 is when that, when I
24 first seen these two guys. And my initial thought
25 was, wow that's a big dude because Mr. Brown, Mike

1 Brown. My initial thought was he's a big guy. He's
2 tall and like stocky build, and that's it.

3 He -- he, they both walked past me. I
4 took went into I came back
5 outside to get some more stuff and I
6 looked down the street and I seen the police car at
7 a slant and I seen Mr. Brown in the window of the
8 police car. It looked, it appeared as they were
9 wrestling through the window. And one gunshot had
10 let off and Mr. Brown took off running.

11 And my first thought was like, oh, my
12 gosh, did I actually just witness a police officer
13 being murdered because it took a while for the
14 police officer to get out of the car and pursue the
15 suspect.

16 And I want to say maybe six seconds, but
17 it seemed like it was forever after the -- the first
18 gunshot. So the police officer exited the vehicle
19 with his weapon drawn, pursuing Mr. Brown.
20 Mr. Brown was quite a distance and he stopped. And
21 when he stopped, he didn't get down on the ground or
22 anything, he turned around and he did some type of
23 movement. I never seen him put his hands up or
24 anything. I can't recall the movement that he did.
25 I'm not sure if he pulled his pants up or whatever

1 he did, but I seen some type of movement and he
2 started charging towards the police officer.

3 The police officer then returned fire, not
4 returned fire, open fire on Mr. Brown. Um, if I had
5 to guess, the shots and, um, the distance between
6 him and Mr. Brown, it would have to be five to
7 ten yards.

8 And the shots that were fired was four,
9 five or six shots fired, and Mr. Brown was still
10 standing up. Um, and my thoughts was wow, he's
11 missing this guy this close, is he hitting him or
12 because Mr. Brown there was no reaction from him to
13 show that he was being hit.

14 Um, after that, Mr. Brown then paused,
15 he -- he -- he stopped running and when he stopped
16 running, the police officer stopped firing. And
17 then Mr. Brown continued, started again to charge
18 towards him and after that, the police officer
19 returned fire and, um, well, not returned, I'm using
20 the wrong term, he started to fire once more at him.

21 Um, if I had to guess the rounds that were
22 fired then, it would be four to five more shots.
23 And after that, Mr. Brown collapsed and fell to the
24 ground.

25 DETECTIVE : Okay. What happened

1 then?

2 WITNESS 10: Um, what happened then after
3 that, um, I didn't see, it was, it was a blue Monte
4 Carlo, a newer model Monte Carlo two door. Um, it
5 was closer to the scene where the shooting was at,
6 that occurred. They then drove off and made a -- a
7 left into the apartments and drove around the
8 apartment and then came and stopped.

9 And, um, Mr. Brown's friend that he was
10 walking with earlier, I didn't see him the whole
11 time that, um, this was all going on with a
12 confrontation with the police and the shooting and
13 everything.

14 At the end, after Mr. Brown had dropped,
15 and, um, I seen the, his friend come out of nowhere
16 and run across the street. And, um, said that Dog,
17 they -- they just killed him, they just killed him,
18 and he ran the back fields of Canfield, the back
19 open field.

20 And, um, I must say that also after the,
21 um, confrontation, after the gunshot when Mr. Brown
22 did run, I thought I heard something metal hit the
23 ground. And I'm not sure what it was, but I thought
24 I heard something hit the ground.

25 And, um, after that, I believe, I'm not

1 sure, um, if I went in to go tell the
2 people that I was working with that I just -- what I
3 witnessed. And I came back out and they were taping
4 the scene off and I decided, I went down there
5 closer to where the body was and I stayed down there
6 for maybe ten, five to ten minutes. And I was
7 speaking with the that was down there
8 on the scene. I was telling what happened and
9 after me telling what happened and I'm hearing
10 everybody, their side of the story, oh, the police
11 officer shot that kid for no reason. He had his
12 hands up.

13 And me knowing and seeing what actually
14 took place, that wasn't true. And there was
15 different sides to the story, and every side it
16 wasn't true. I felt uncomfortable in that
17 situation, so I decided to walk back to I
18 was at originally at.

19 And, um, while I was walking to the
20 had a video camera and they turned
21 towards me asking me, um,

22
23 But I don't think they
24 heard me what I had told the earlier. And
25 I responded as and just kept walking.

1 And they still on just still video recording
2 me and saying, um, I
3 responded,
4 .

5 And after that, they -- they became, uh,
6 in an aggressive tone and um, was saying,
7 um, just called me other
8 names, racial and racist slurs to me.

9 And that whole time, well, before they
10 yelled the racial slurs, I yelled, um, back to them,
11 I said,

12 And after that, I just left it and went on
13 my way.

14 DETECTIVE Okay. I'm going to go
15 back and just ask you a couple clarifying questions,
16 okay.

17 Um, so, I guess, so let's first start off,
18 who were you working with, uh, that day?

19 WITNESS 10: I was working, um, for
20 And, um, I'm not sure of
21 um, that was there. I was hired as a
22 to come in and do
23 .

24 DETECTIVE : So will you, was, you
25 were not working for (redacted) that day?

1 WITNESS 10: No, no.

2 DETECTIVE You were doing kind of
3 a side job?

4 WITNESS 10: Yeah, doing a side job, yeah.

5 DETECTIVE Okay. And did you have
6 anybody with you that you were working with that
7 day?

8 WITNESS 10: No.

9 DETECTIVE Okay. I guess when you
10 say you went in, oh, when you said you went in to
11 tell the people you were working with --

12 WITNESS 10: Yeah.

13 DETECTIVE -- you meant tell the
14 people --

15 WITNESS 10: That -- that was the

16 .

17 DETECTIVE : I gotcha. Okay. Who
18 were the there.

19 WITNESS 10: Like I say, I'm not sure what
20 their names are.

21 DETECTIVE Was it a female, a
22 male?

23 WITNESS 10: It was a

24 DETECTIVE Okay. And then, um,
25 you said that you saw, uh, two guys walking down the

1 street, right?

2 WITNESS 10: Yeah.

3 DETECTIVE Do you remember what
4 they were wearing?

5 WITNESS 10: Um, if I'm not mistaken,
6 Mr. Brown had a tan, tan pants, a red hat, flip
7 flops, it might have, may have been tan shorts,
8 yeah, it had to be tan shorts. Because I'm not sure
9 of the color, I know they were shorts because his
10 socks drew my attention because they were bright
11 yellow and, um, black, looked like marijuana leafs.
12 And, um, he had a red hat on. I'm not sure of the
13 shirt.

14 And his friend that was walking with, I'm
15 not sure what he was wearing, the only thing I can
16 pick up from him was he had, um, smaller dreads that
17 were, looked like the tips of the dreads was dyed,
18 uh, like a bleach, bleach dyed or whatnot.

19 DETECTIVE And so, um, Michael
20 Brown was the one that you thought to yourself, um,
21 that's a big guy?

22 WITNESS 10: Yeah, it is.

23 DETECTIVE Is that right?

24 WITNESS 10: Yeah.

25 DETECTIVE : Okay. And which way

1 were they walking?

2 WITNESS 10: They were walking, you said
3 west, would be out to West Florissant?

4 DETECTIVE West, yeah, it's
5 towards West Florissant. East is towards the
6 complex.

7 WITNESS 10: Okay. So east, yeah, east.
8 They were walking east when I first, yeah, when I
9 seen them.

10 DETECTIVE How far away were they
11 when you first saw them?

12 WITNESS 10: Um, when I first saw them, I
13 mean, I could have shook the guys' hand if I wanted
14 to.

15 DETECTIVE : Okay.

16 WITNESS 10: That's how close they were.

17 DETECTIVE : Okay. Do you know
18 either of these guys?

19 WITNESS 10: No.

20 DETECTIVE : Okay. Had you ever
21 seen them, one of them before?

22 WITNESS 10: No.

23 DETECTIVE Okay. Uh, so they're
24 walking east and I don't, if I say something that's
25 incorrect, please correct me, okay?

1 WITNESS 10: Uh-huh.

2 DETECTIVE : They're walking east
3 essentially in front of that you're
4 working at?

5 WITNESS 10: Yes.

6 DETECTIVE : They continue east into
7 the complex?

8 WITNESS 10: Yes.

9 DETECTIVE Okay. And you said you
10 went inside to drop off equipment?

11 WITNESS 10: Yes.

12 DETECTIVE : Okay. And then when
13 you come back outside, right?

14 WITNESS 10: Uh-huh.

15 DETECTIVE : You, if your, if
16 you are working on is on the side, if
17 you look to your then, it would be, you would
18 be looking into the complex; is that right?

19 WITNESS 10: Yes, I would be looking into
20 the east, east.

21 DETECTIVE : Into the complex?

22 WITNESS 10: Yeah, yeah.

23 DETECTIVE : or to the
24 would be looking into the complex?

25 WITNESS 10: Yeah, yeah.

1 DETECTIVE Okay. And approximately
2 how far away were you at to where you saw
3 that police car at?

4 WITNESS 10: Okay, distance wise --

5 DETECTIVE : And if you don't know,
6 you know --

7 WITNESS 10: It's a guess maybe, 100 yards
8 I would say, maybe less.

9 DETECTIVE : Okay, all right. So
10 you look and you see the police car and where is the
11 police car at?

12 WITNESS 10: It is in the middle of the
13 street at a slant.

14 DETECTIVE : Okay. And what kind of
15 car is it, do you know?

16 WITNESS 10: It's, um, I'm not sure what
17 type of car, but I know it is a truck, it's a truck.

18 DETECTIVE Okay. Um --

19 WITNESS 10: Maybe like Suburban style or
20 that, a long truck, SUV.

21 DETECTIVE And that truck that's
22 parked at a slant would be facing which direction?

23 WITNESS 10: It would be facing west.

24 DETECTIVE : West, okay. And
25 explain to me again what you see at that point?

1 WITNESS 10: I see Mr. Brown leaned over
2 inside the police car, um, at maybe, I see his back
3 at his, um, probably below you, what you call, like
4 under your armpit.

5 DETECTIVE Beneath your armpits?

6 WITNESS 10: Yeah, a little bit deeper
7 than, right below your armpits. That's how much of
8 his body is inside the car.

9 DETECTIVE : Okay. So you, when
10 you, you were using your hands, you went here and
11 then you kind of went here, which --

12 WITNESS 10: Like when I seen this much of
13 his body outside the car, so the rest of his body
14 from here up is inside the car.

15 DETECTIVE : Okay. And just for the
16 purposes of the recording, uh, so his feet are
17 where?

18 **A** On the ground.

19 DETECTIVE : Okay. And he is
20 standing, uh, where at?

21 WITNESS 10: At the, uh, driver's door --

22 DETECTIVE : Okay.

23 WITNESS 10: -- of the police car.

24 DETECTIVE His feet are on the
25 ground, he's at the driver's door of the police car.

1 WITNESS 10: Yeah.

2 DETECTIVE : And, uh, he's leaning?

3 WITNESS 10: Inside the window.

4 DETECTIVE Instead the -- the.

5 WITNESS 10: The police car.

6 DETECTIVE : Which, which window?

7 WITNESS 10: The driver's window.

8 DETECTIVE : Okay. So he's leaning
9 inside the driver's side window. And -- and -- and
10 I'm not, obviously, I don't expect any of this to be
11 exact, you know, down to the millimeter.

12 WITNESS 10: Uh-huh.

13 DETECTIVE : But roughly armpit or
14 maybe a little bit lower?

15 WITNESS 10: Yeah.

16 DETECTIVE That upper portion of
17 his body is in the -- the window, is that a fair
18 statement?

19 WITNESS 10: Yes.

20 DETECTIVE : Okay. And so, uh, is
21 the door opened, closed?

22 WITNESS 10: No, the door is completely
23 closed.

24 DETECTIVE Okay. And, uh, do you
25 see anybody in the driver's seat of that car?

1 WITNESS 10: I -- I couldn't make it out,
2 I couldn't. All I seen was Mr. Brown's body.

3 DETECTIVE Okay. And what was his
4 body doing.

5 WITNESS 10: At that distance, I -- I -- I
6 couldn't tell. It looked like a confrontation and
7 all I could assume it was some type of confrontation
8 was going on in that car.

9 DETECTIVE Okay. Why -- why did
10 you assume there was a confrontation?

11 WITNESS 10: Because afterwards the
12 gunshot, there was a gunshot, one gunshot, and he --
13 he ran off.

14 DETECTIVE : Okay. So, and again,
15 please correct me if I'm saying anything that even
16 remotely doesn't reflect what you're saying, I just
17 want to make sure I understand, okay?

18 You see him in the car, you can't
19 necessarily tell what's going on, but after hearing
20 the gunshot and you seeing him run off, you make an
21 assumption that there's some sort of confrontation
22 or conflict inside the car, right?

23 **A** Yes.

24 DETECTIVE Okay. So how, roughly
25 how long do you think that he is, that Michael Brown

1 is in the car?

2 WITNESS 10: Um, maybe at least ten
3 seconds from what I seen.

4 MS WHIRLEY: All right. It's at 2041, the
5 recording. We are going to stop the recording
6 because the witness is here and we would like to get
7 her on because we have time constraints.

8 Now is here and we wanted
9 to bring on her testimony. We'll look at her
10 statements later because of our time this afternoon,
11 but I will go get her, and I don't know exactly what
12 time it is now, what time do you have? It is about
13 1:59 p.m. Is he going to keep recording?

14 MS. ALIZADEH: Yes, and I just wanted to
15 say because we weren't recording at the time, we
16 interrupted the statement of Witness 10 because of
17 the next witness being here. What did you start it,
18 where did you say you stopped it?

19 MS WHIRLEY: At 2041.

20 MS. ALIZADEH: I'll make a note that I
21 have to fix that.

22 So we are going to just bring the next
23 witness in who needs to leave.

24 ,
25 of lawful age, having been first duly sworn to

1 testify the truth, the whole truth, and
2 nothing but the truth in the case aforesaid,
3 deposes and says in reply to oral
4 interrogatories, propounded as follows, to-wit:

5 EXAMINATION

6 BY MS. WHIRLEY:

7 **Q** I'm Sheila Whirley, and Kathi Alizadeh is
8 also present, the grand jurors are present, and the
9 court reporter, introduce yourself to the grand
10 jurors, please?

11 **A** I'm .

12 **Q** All right, . Could you
13 spell your name and speak louder for us?

14 **A** ,

15

16 **Q** All right. And that microphone is not
17 going to amplify your voice or make it louder, it is
18 just recording, so try to talk sort of loud like me,
19 please?

20 **A** I'm sorry, I'm soft spoken.

21 **Q** Okay. You know why we are here today,
22 ?

23 **A** Yes, I do.

24 **Q** Tell us where you live in general, you
25 don't have to give your exact address unless you

1 want to?

2 **A** I live in .

3 **Q** All right. Now, you recall August the 9th
4 of 2014, correct?

5 **A** Yes.

6 **Q** It was a Saturday?

7 **A** Yes.

8 **Q** You had occasion to be at Canfield Green?

9 **A** Yes.

10 **Q** Is that right? And does this map look
11 familiar?

12 **A** Yes, that's the Canfield Green Apartments.

13 **Q** That's the complex?

14 **A** Yes.

15 **Q** Represented on that map, and that's Grand
16 Juror Exhibit Number 25 for purposes of
17 identification. What time of day was it that you
18 went to Canfield?

19 **A** It was around noon-ish whenever I went. I
20 was supposed to be there a little earlier, I ended
21 up there at noon to pick up she works for
22 me.

23 **Q** Okay. So you were picking up an employee?

24 **A** Yes.

25 **Q** What do you do for a living?

1 **A** I do marketing.

2 **Q** And are you a supervisor?

3 **A** Yes, I have a marketing firm on

4 .

5 **Q** It is your firm?

6 **A** Yes.

7 **Q** Okay. How many employees do you have?

8 **A** Right now I have three.

9 **Q** And was one of them?

10 **A** Yes.

11 **Q** Okay. And you said her name was
12 how do spell that?

13 **A** .

14 **Q** What's her last name?

15 **A** .

16 **Q** Can you spell that?

17 **A** , .

18 **Q** , , okay. So you are
19 picking up and she lived in Canfield
20 Green?

21 **A** Yes.

22 **Q** Do you recall her address?

23 **A** I don't.

24 **Q** Okay. Can you see on this map, there
25 should be a pen there that you would operate, you

1 see how it works?

2 **A** Yes.

3 **Q** Could you point on the map where
4 lived, first of all, do you know where she lived
5 looking at the map?

6 **A** Yes, she lives right here, this apartment
7 right here. (indicating)

8 **Q** ?

9 **A** Yes.

10 **Q** Okay. Is that Canfield Drive?

11 **A** Yes, Canfield Drive.

12 **Q** And coming to pick her up that day, did
13 you call her first or did you she know what time you
14 were coming?

15 **A** I called her. I called her when I was on
16 my way and I called her as I was coming down the
17 street right when I turned onto Canfield is when I
18 started calling her.

19 **Q** So when you were coming this way you
20 called her?

21 **A** Yes.

22 **Q** And did you talk to her?

23 **A** No.

24 **Q** What happened, did you leave her a
25 message?

1 **A** No, so as I was pulling up and I'm calling
2 her phone, that's whenever I heard the tires
3 squeaking as I was turning. As I get closer, I see
4 a cop and the kid wrestling through the window.

5 **Q** Okay. So when you say you called her, but
6 you didn't talk to her, what happened in that call?
7 Did you just hang up, that's what I'm trying to
8 figure out?

9 **A** Yeah, I hung up the phone like, so I'm
10 trying to call her and when I see this, I start
11 going through my phone forgetting I'm on the call,
12 trying to get to my camera. And I never spoke with
13 her at all. By the time I look back at my phone
14 again, it was disconnected, the call had
15 disconnected.

16 **Q** Did you get to your camera?

17 **A** No.

18 **Q** Okay. Did you record any of this, you
19 know, what we are talking about, the shooting of
20 Michael Brown?

21 **A** No, I didn't record any of shooting. I
22 recorded right after it happened.

23 **Q** So tell us again, you are driving down
24 Canfield Drive and what do you hear?

25 **A** I hear tires squeaking.

1 **Q** And then what?

2 **A** I didn't see anything at that time, but as
3 I get closer coming around this curve on Canfield, I
4 see the cop's SUV in the middle of the street and
5 the kid wrestling through the window with the cop.

6 **Q** And show us on that map where, Grand Jury
7 Exhibit 25, where approximately you saw the police
8 car?

9 **A** Okay. The police car was right here, in
10 this area right here. (indicating)

11 **Q** Do you know which way it was facing?

12 **A** It was facing, coming the way that I was
13 coming. So it was facing going that away and I was
14 going that way.

15 MS. ALIZADEH: Let me ask, I think Sheila
16 at one point you made it look like she was going on
17 a certain direction, which direction were you
18 traveling?

19 **A** Is it okay if I can stand up?

20 MS WHIRLEY: Yeah, please.

21 **A** I was coming in on this direction, I was
22 coming in through this way.

23 MS. ALIZADEH: Okay.

24 **A** The car was facing going that way, I don't
25 know if it is east or west.

1 MS WHIRLEY: Okay.

2 Q (By Ms. Whirley) So what street is this
3 out here that you came off of to get onto Canfield
4 Drive?

5 A West Florissant.

6 Q West Florissant, okay. So you are coming
7 from West Florissant traveling east on Canfield
8 Drive?

9 A Yes.

10 Q And the police car was facing west?

11 A Yes.

12 Q And it was, was it straight or what was
13 the, how was it situated?

14 A It was kind of catty-corner, it wasn't
15 straight, it was like a little over both sides of
16 the line, yellow line.

17 Q Okay, all right. Kind of in the middle of
18 the street?

19 A Yeah.

20 Q Tell us what you saw again?

21 A I saw the cop and the kid kind of like
22 wrestling through the window, it was like a tug of
23 war. The kid was kind of pulling out the, cop was
24 pulling in, like it was like going back and forth.

25 Q When you say the kid, who are you

1 referring to?

2 **A** Michael Brown.

3 **Q** You know that is who it is, Michael Brown?

4 **A** Yes.

5 **Q** Had you known Michael Brown before this
6 day?

7 **A** No.

8 **Q** Had you ever met him?

9 **A** No.

10 **Q** Ever seen him?

11 **A** No.

12 **Q** Had you been to this Canfield Green
13 complex before?

14 **A** Yeah, I picked up a lot there since
15 she's moving, she's only been there over a month. I
16 picked her up a few times and dropped her off at
17 home.

18 **Q** She had only been living there
19 approximately a month?

20 **A** Yeah.

21 **Q** You had known her longer than that?

22 **A** Yes.

23 **Q** Okay. How long had she worked for you?

24 **A** She worked for me since January.

25 **Q** Okay. All right. So you see the tug of

1 war, as you put it, and then what happens?

2 **A** As I'm trying to get to my camera and my
3 phone, that's when the shot --

4 **Q** You need to speak up louder, please.

5 **A** I'm sorry. As I'm trying to get to my
6 camera and my phone, that's when a shot came out and
7 I just got out of the way, I started trying to get
8 out of the way, and I went to the left side.

9 **Q** Where were you when you heard the shot?

10 **A** I was right here, like okay, they were
11 right here and I pulled right in front of here.
12 (indicating)

13 **Q** What kind of car were you in?

14 **A** I was in a

15 **Q** A ?

16 **A** Yes.

17 **Q** Okay.

18 **A** So whenever the shot came out, it came
19 from the car and I started turning this way, that's
20 when I saw the kid like yank away like this and take
21 off running. And I came around, parked right here,
22 got out, came across the grass. The kid was running
23 this way, the cop came behind him and was shooting.
24 I saw the kid's body jerk and turn around like this
25 with his hands up.

25 Q Is anyone with Michael Brown, that you

1 know, that you see?

2 **A** At that time I didn't see anybody besides
3 him, but I saw someone kneeling by the white car,
4 the white Monte Carlo.

5 **Q** Okay. They were knelt?

6 **A** Like knelt down.

7 **Q** Okay, all right. But you didn't see them
8 do anything?

9 **A** I didn't see them together at all at the
10 time.

11 **Q** Okay. So when the shot goes off, Michael
12 Brown runs, show us again which way?

13 **A** He runs this way.

14 **Q** Okay. And the officer, what does he do?

15 **A** He comes behind him shooting.

16 **Q** So did you see the officer get out of the
17 car?

18 **A** I didn't see him exit the car, I was on
19 the other side of the car at the time.

20 **Q** Okay. So where were you when you saw the
21 officer shooting?

22 **A** I was coming across this grass and the
23 officer started pursuing Michael coming this way.

24 **Q** You could clearly see the officer running
25 after him?

1 **A** Yes.

2 **Q** And you could see the officer shooting?

3 **A** Yes.

4 **Q** Okay. And Michael is running and his back
5 is to the officer?

6 **A** Yes.

7 **Q** And the officer is shooting?

8 **A** Yes.

9 **Q** Do you have any idea how many shots were
10 fired by the officer?

11 **A** Not at all.

12 **Q** Okay.

13 **A** I didn't count that at all.

14 **Q** Okay. And then what happens after he is
15 shooting at the officer, I mean, the officer is
16 shooting at Michael Brown?

17 **A** I saw his body jerk and stopped and turned
18 around and put his hands up, and that's when the
19 officer continued to walk and shoot until he went
20 all the way down.

21 **Q** Okay. Can you hear anybody say anything?

22 **A** I can't hear anything from anybody.

23 **Q** Okay. And show us again where you are?

24 **A** At the time that he, Michael went down?

25 **Q** Yeah, that's right, let me make it clear

1 because you said, you showed us where you were when
2 you saw him running?

3 **A** Yes.

4 **Q** The officer is pursuing Michael, he is
5 shooting you said?

6 **A** Yes.

7 **Q** When Michael turns around, where is
8 Michael? He stopped running and he turned around?

9 **A** He was right here. (indicating)

10 **Q** And where are you?

11 MS. ALIZADEH: Wait a minute, can you
12 point again because I can't see where you are
13 pointing?

14 **A** Okay, I'm sorry, which part?

15 MS WHIRLEY: When Michael stops running
16 and turns around, where is he?

17 **A** He is right here. (indicating)

18 **Q** (By Ms. Whirley) Where are you?

19 **A** I'm right here coming across this grass.

20 **Q** How close would you say that is in your
21 opinion?

22 **A** I don't know how to measure by feet.

23 **Q** Okay. Look at me. Tell me when we're as
24 close as you were to where Michael was, if that's
25 possible in this room.

1 **A** Okay. So I can say from me to Michael is
2 right kind of like at her, where she is standing.

3 **Q** Where she is standing, you can see that
4 close?

5 **A** Yeah.

6 **Q** Okay. Now, he turns around and you say he
7 puts his hands up?

8 **A** Yeah.

9 **Q** Does he appear to be hit by any bullets or
10 anything?

11 **A** I didn't see any blood or anything until
12 it started pouring on the ground as he's laying
13 there. Whenever the bullets was hitting him, I was
14 thinking like are these rubber bullets. I can't say
15 exactly where he was hit.

16 **Q** Okay.

17 **A** I just saw the one in his face when he hit
18 the ground.

19 **Q** When he first turned around and had his
20 hands up, you couldn't really see whether he was
21 shot, you couldn't tell whether he was shot or not?

22 **A** No, I couldn't.

23 **Q** But you couldn't hear him say anything to
24 the officer?

25 **A** No.

1 Q Was the officer saying anything to him?

2 **A** I didn't hear the officer say anything to
3 him, I didn't hear conversation from either party.

4 Q Okay. So we know you were like from this
5 distance to that distance and can anybody give an
6 estimate of how far that would be?

7 About 20 feet.

8 Q (By Ms. Whirley) Now, from the officer,
9 how far was the officer from Michael Brown when
10 Michael Brown turned around and raised his hands,
11 the same, a similar distance or something different?

12 **A** Similar distance because I was closer to
13 the officer than I was to Michael when he turned
14 around.

15 Q Okay. So that's Michael 20 feet away or
16 so, I'm the officer, let's say, just for purposes of
17 the transcript.

18 **A** The officer was over that away.

19 **Q** Like this way?

20 **A** Yes.

21 Q How far?

22 **A** Like they were about that distance.

23 Q About where I am now? So another 20 feet
24 or so?

25 **A** Yeah, maybe so.

1 **Q** Okay. You can see both the officer and
2 Michael Brown?

3 **A** Yes.

4 **Q** From approximately 20 feet away?

5 **A** Yes.

6 **Q** Okay. And if I didn't ask you this, how
7 close was the officer to Michael Brown, not you to
8 them, but the officer and Michael Brown, how close
9 were they? Were they closer than you were to them?

10 **A** They were closer to each other than I was
11 to them.

12 **Q** That's my question. Any idea how close,
13 like me and you again?

14 **A** I can't say exactly, it was movement.

15 **Q** Okay.

16 **A** So I can't say exactly like where they
17 stood at what point.

18 **Q** That's fair.

19 **A** They were constantly moving.

20 **Q** He turns around with his hands up and then
21 what does the officer do?

22 **A** He continued to come up on him.

23 **Q** Like show me?

24 **A** He just continued to come up on him and
25 shoot him. He never got like, he was further back

1 from him, but he kept shooting him until he fell
2 down to the ground.

3 Q Did Michael Brown ever move back or come
4 forward?

5 A Like he came forward.

6 Q He came forward. Did he come forward in a
7 charging motion?

8 A No, like he just went forward like his
9 body was just going down and he was shooting him.

10 Q So from where you were, it didn't appear
11 that Michael Brown was threatening the officer?

12 A No, no.

13 Q You didn't think --

14 A No, he wasn't coming towards him whenever
15 he turned around. He just start like, as soon as he
16 turned around like, that's whenever like the bullets
17 start hitting him. I can't say exactly where, but
18 he just started going down from that point.

19 Q Okay. Did it appear at any time that
20 Michael Brown had a weapon?

21 A No, I couldn't see anything in his hand
22 while he was running. I can't even say where his
23 hands were at this point.

24 Q Okay. I was going to ask you that
25 question when he was going down, did you see his

1 hands?

2 **A** Yeah, they were, they were the whole time.
3 (indicating)

4 **Q** His hands was up when he turned around,
5 when he was going down you said the officer was
6 shooting at him?

7 **A** When he went down, he went down to the
8 ground like this. (indicating)

9 **Q** Okay. And from your perspective, in your
10 opinion, you didn't think that the officer was ever,
11 his life was not threatened?

12 **A** I can't say, before I pulled up to this
13 car, I can't say what happened before I got there.

14 **Q** Right.

15 **A** So I don't know what happened between them
16 before I pulled up, but I can only say what I saw.
17 From what I saw, he was trying to get away, he was
18 pulling away at the window.

19 **Q** Okay. And you saw it from the time that
20 he ran from the car window until he laid dead on the
21 ground?

22 **A** Yes.

23 **Q** And between that timeframe, he never
24 appeared, in your opinion, to be threatening the
25 officer?

1 **A** No, he was trying to get away from what I
2 saw.

3 MS WHIRLEY: Okay, Kathi?

4 MS. ALIZADEH: Yeah. Hi, .

5 **A** Hi.

6 MS. ALIZADEH: I know we haven't met, my
7 name is Kathi Alizadeh, I'm with the prosecutor's
8 office as well.

9 **A** Uh-huh.

10 MS. ALIZADEH: Miss Whirley and I are
11 working together on this investigation, so we kind
12 of tag team. It is not that I'm asking you certain
13 questions and she's asking you certain questions,
14 but I want to clarify something here. So when you
15 say, I'm going to use this pointer, and you tell me
16 if I'm right. You said the officer's car was
17 somewhere around in here, correct?

18 **A** Yes.

19 MS. ALIZADEH: And you came in from this
20 direction?

21 **A** Yes.

22 **Q** (By Ms. Alizadeh) And then you turn around
23 this horseshoe, which is Canfield Drive, correct?

24 **A** Yeah, I turned into here and I didn't go
25 all the way around it.

1 **Q** Did you park right, like right around
2 here?

3 **A** Yes, that's where I parked.

4 **Q** Okay. And then you walked through the
5 grass?

6 **A** Yes.

7 **Q** Now, you said that Michael Brown was
8 running in this direction, correct?

9 **A** Yes.

10 **Q** So that is down Canfield Drive, and he is
11 running towards Copper Creek Court, this is Copper
12 Creek Court right here? (indicating)

13 **A** Yes, he never made it that far.

14 **Q** You said he never made it this far?

15 **A** Yes.

16 **Q** Which is, I've got the laser pointer,
17 right on the corner of Canfield Drive and Copper
18 Creek Court, he never made it that far?

19 **A** Yeah.

20 **Q** And so you say that at the location where
21 he ended coming, you know, came to rest, his body
22 was in the street?

23 **A** Uh-huh.

24 **Q** Um, how much distance farther had he run
25 before he fell down into the street, do you know

1 what I'm saying? So he runs and then he turns
2 around?

3 **A** Uh-huh.

4 **Q** And does he take any steps or come towards
5 the officer at all?

6 **A** Whenever he stopped and turned around at,
7 that's where he fell dead at.

8 **Q** Okay.

9 **A** I didn't see him take any more steps.

10 **Q** Let me ask you this, is it possible as you
11 were trying to make your way in this direction and
12 watching what was going on, you could have missed
13 him being close to this corner to where he would
14 have come 20 feet back toward the officer?

15 **A** No, I can't. So whenever I was over this
16 way, I saw him running past here, but for me to come
17 across here and him to come all the way, that's not
18 enough time I don't think. I didn't see him go that
19 far, not at all. Because whenever I came across
20 this, whenever I saw the officer coming this way and
21 he was still coming right there, so he never made it
22 that far.

23 **Q** Okay. So let me tell you something, go
24 ahead and sit down. So as you park your car, do you
25 recall which slot you were in right here?

1 (indicating)

2 **A** No, I don't. I was right in one on that
3 side though.

4 **Q** On what side?

5 **A** On the side.

6 **Q** Closest to the street?

7 **A** Yes.

8 **Q** Closest to Canfield Drive?

9 **A** I was in one of those three, I can't
10 remember exactly where I parked.

11 **Q** From where you were parking and you have
12 to get out of your car, is it possible that you lose
13 sight of him for a time period or that you can't see
14 from your location to where he could have been at
15 that corner?

16 **A** No.

17 **Q** Okay. So let me ask you this, have you
18 been out on that street since then?

19 **A** No, I don't.

20 **Q** Okay. Since then you haven't seen the
21 flowers and memorial?

22 **A** I seen pictures in the news and stuff like
23 that, not myself actually being there, no.

24 **Q** Do you have any reason to know why Michael
25 Brown's blood might have been located in this area?

1 **A** No.

2 **Q** He came to rest right about here, would
3 that be fair to say?

4 **A** Yeah.

5 **Q** Right, almost right across from
6 Caddiefield Drive?

7 **A** Yes.

8 **Q** So you don't know how it would have been
9 possible for his blood to be 20 and 22 feet that
10 direction toward Copper Creek Court?

11 **A** No, I don't.

12 **Q** Okay. Is it possible that you in trying
13 to get out of your car, were you dressed for work?

14 **A** Yes, I was.

15 **Q** Were you wearing heels?

16 **A** No, I had on khakis and a T-shirt.

17 **Q** Okay. So is there, is it possible that,
18 you know, you trying to run through the grass or get
19 in this direction, you missed a part of that?

20 **A** I can't see me missing that part because
21 whenever I was coming across, I still had sight of
22 them. I didn't see him go that far.

23 **Q** Okay. But you say you saw him turn
24 around?

25 **A** Yes.

1 **Q** And from the point he turned around, he
2 didn't really go any further closer to the officer?

3 **A** No.

4 **Q** And he had his hands up at that point?

5 **A** Yes.

6 **Q** Okay. That day, August 9th, pretty hot
7 outside?

8 **A** Yeah.

9 **Q** Did you have your car windows up and the
10 air conditioner on?

11 **A** No, the air is out on my work van, so I
12 had windows down.

13 **Q** Okay. You had the windows down?

14 **A** Yes.

15 **Q** When you pulled in here and you saw
16 Michael Brown and he was struggling with the
17 officer, or what was your description?

18 **A** It was like a wrestling.

19 **Q** Wrestling. So he's at the officer's car
20 window?

21 **A** Uh-huh.

22 **Q** And do you see any part of Michael Brown's
23 body inside the police vehicle?

24 **A** Like maybe his arms and stuff going back
25 and forth through the window, like being pulled back

1 and forth.

2 **Q** Okay. How about his head, did you ever
3 see his head in the window?

4 **A** I saw his head in the window, but not like
5 kneel down into the window kind of thing, it was
6 like kind of pulled back and forth like at the
7 window.

8 **Q** So Michael Brown, do you know how tall he
9 was?

10 **A** No, he's really tall though, he was a man
11 when I first saw him, I didn't know he was a kid.

12 **Q** He is taller than the roof of the vehicle,
13 correct?

14 **A** Yes.

15 **Q** So in order for his head to be in the
16 vehicle, he would have to have been at some point
17 bent over a little bit, correct?

18 **A** Yeah.

19 **Q** His head couldn't --

20 **A** Yeah.

21 **Q** Right, right.

22 **A** It went, yeah.

23 **Q** And you said that you thought his head
24 might have been in the vehicle at some point?

25 **A** Yeah, coming like back and forth through

1 the window.

2 Q Okay. Could you see anybody if there was
3 anybody hitting anybody else?

4 A I couldn't see that.

5 Q Couldn't tell?

6 A No.

7 Q Okay. And how many seconds from the time
8 that you pull up and you see this going on at the
9 vehicle to the time that Michael Brown is lying in
10 the street?

11 A I don't know.

12 Q Can you give me an estimate?

13 A It was less than two minutes.

14 Q Okay. And just to be clear, you heard one
15 gunshot while Michael Brown was by the vehicle?

16 A Yes.

17 Q And then he runs and the officer chases
18 him while firing his weapon?

19 A Uh-huh.

20 Q Can you give me an idea how many times the
21 officers fires his weapon while he is chasing him?

22 A No, I can't. I don't know exactly, it is
23 about five or six times.

24 Q Okay. And then does he continue to fire
25 as Michael Brown is turning around, or is there a

1 pause in the gunshots?

2 **A** There was a pause.

3 **Q** Okay. So Michael Brown, does the pause
4 happen when he turns around or before or after?

5 **A** Like during the time, I can't say exactly
6 when the pause happened because there were several
7 pauses. I can't say this happened and then a pause,
8 this happened and then a pause, I wasn't paying
9 attention like when the gunshots came and when it
10 stopped.

11 **Q** Okay. And I know, it is tough, I mean,
12 this is all very chaotic, and you're seeing
13 something, you probably can't even believe what you
14 are seeing, right?

15 **A** Yeah.

16 **Q** So as best we can, you know, everybody
17 that says that they saw this we are trying to get as
18 many details as we can out of them.

19 **A** Uh-huh.

20 **Q** I'm not here to say one person is right,
21 and one person is wrong, okay. Just the best of
22 your recollection.

23 You said you maybe heard how many
24 shots, five or six shots as he was running?

25 **A** Yeah, more than five or six shots.

1 **Q** More than five or six?

2 **A** Yeah.

3 **Q** And then at some point there is a pause in
4 the gunfire and then you hear more gunfire?

5 **A** Yes.

6 **Q** How many guesstimates would you say you
7 heard then?

8 **A** Probably four or five more, I don't know.

9 **Q** Okay. And then after that round of
10 gunfire, do you hear any more gunshots?

11 **A** No, afterwards, no.

12 **Q** So it is that last round of four or five
13 gunshots that Michael Brown then collapses in the
14 street?

15 **A** Yeah. Around about that many times, I
16 can't say exactly how many times he shot each time
17 at all.

18 **Q** Okay.

19 **A** I never counted.

20 **Q** Okay. And that's fair. Did you ever see,
21 after Michael Brown went down on the pavement, did
22 you ever see the officer shoot him again?

23 **A** No.

24 **Q** Did you see the officer go up to him?

25 **A** Huh-uh.

1 **Q** Okay. At some point did you see Dorian
2 Johnson running away ever?

3 **A** I didn't see him. Only time I saw him was
4 on the side of that red car, I didn't look back to
5 see him at all. I didn't see him any more after.

6 **Q** On the side of what car?

7 **A** At the side of the little white car.

8 **Q** The Monte Carlo?

9 **A** The Monte Carlo.

10 **Q** You didn't see where he went after that?

11 **A** No, I didn't.

12 **Q** Did eventually, did come down from
13 her apartment?

14 **A** I went upstairs to her.

15 **Q** Did you girls eventually go down to the
16 street?

17 **A** I went, I came down whenever the officer
18 said it was okay to come down, because the
19 investigators were there, they wouldn't even let me
20 come down at all, and they told us we had to stay up
21 on the porch because they were trying to block it
22 off, and we had to stay up and they were applying
23 the tape.

24 **Q** While the officers still had things taped
25 off, did you eventually come down?

1 **A** No, never.

2 **Q** Never did?

3 **A** I came down when they investigator got
4 done talking to us.

5 **Q** Did you ever use your phone to tape
6 anything or record anything?

7 **A** I did.

8 **Q** And that's when you are on the ground,
9 correct?

10 **A** That was whenever I was not top on the
11 balcony.

12 **Q** Okay. So you went up to 's
13 apartment and did she stay upstairs too or did she
14 ever go downstairs?

15 **A** I don't remember her going downstairs, I
16 can't say for sure, but I never looked at that
17 point. We were walking back and forth, up and down
18 the steps. We were having two different
19 conversations on our phone, we were both crying. I
20 don't remember her going down, but I know I didn't
21 go down.

22 **Q** Okay. So this number five is her
23 building, correct?

24 **A** Uh-huh.

25 **Q** Do you enter her building off of this

1 Canfield Drive horseshoe?

2 **A** No.

3 **Q** You enter --

4 **A** Those steps right there.

5 **Q** Right here?

6 **A** Yeah.

7 **Q** Right in front of Canfield Drive, right
8 across from where Michael Brown's body was, correct?

9 **A** Uh-huh.

10 **Q** So after this happened, how long did you
11 remain out here before you went inside the
12 apartment?

13 **A** I went straight upstairs to her balcony.

14 **Q** Okay. And her balcony is on the front of
15 the building?

16 **A** Yes.

17 **Q** Third floor?

18 **A** Yes.

19 **Q** Did the two of you, did she let you into
20 her apartment, was she inside when you went to her
21 apartment?

22 **A** She was standing on the balcony with her
23 phone out recording and she was trying to say, I
24 just saw him kill him. I said, yeah, I saw him too.
25 And she was crying, I got on the phone I called my

1 fiancée and said, I just saw the incident.

2 **Q** Okay. But she was in the apartment when
3 you got there?

4 **A** She was on her balcony, yes.

5 **Q** You remained up there?

6 **A** Yeah.

7 **Q** You went upstairs?

8 **A** We remained, we walked up and down the
9 steps a couple of times, both on our phones and we
10 stayed up there.

11 **Q** Okay.

12 **A** Or her and I stayed up there. I don't
13 think she ever went down, the cops wouldn't let us
14 come down.

15 **Q** As far as you know, she stayed up there
16 with you too?

17 **A** Yes.

18 MS. ALIZADEH: I don't have anything else.

19 MS WHIRLEY: Questions? Anybody?

20 You did talk to a police officer that day,
21 give a statement to the police officer the same day
22 as the shooting?

23 **A** Yes.

24 MS WHIRLEY: Like within an hour or so of
25 the shooting.

1 **A** Yes.

2 MS WHIRLEY: Okay.

3 MS. ALIZADEH: And you have made numerous
4 statements like in the media, correct?

5 **A** Uh-huh, yes.

6 MS. ALIZADEH: And then recently you were
7 interviewed by the FBI, correct?

8 **A** Yes.

9 MS. ALIZADEH: Other than the statement
10 you made that day to the County Police, and the
11 statements you've made in the media and the
12 statement you made to the FBI, have you ever made a
13 statement to anybody else about this?

14 **A** No.

15 MS. ALIZADEH: Other than talking amongst
16 your friends or with your friends?

17 **A** No, that's it.

18 MS. ALIZADEH: Pardon me?

19 **A** No, that's it, I haven't.

20 MS. ALIZADEH: Okay. And does
21 still work for you?

22 **A** Yes.

23 MS. ALIZADEH: Have you, other than the
24 day that this happened, do you guys discuss this
25 together?

9 **A** No, not that I can think of.

15 **A** I will.

18 MS WHIRLEY: That will end the testimony
19 of .

22

23

24

25

1

2

3 State of Missouri

4

SS.

5 County of St. Louis

6

I,

a Licensed Certified Court

7

Reporter by the Supreme Court in and for the State

8

of Missouri, duly commissioned, qualified and

9

authorized to administer oaths and to certify to

10

depositions, do hereby certify that pursuant to

11

Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

15

by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

25

is in all respects a full, true, correct and

1 complete transcript of the questions propounded to
2 and the answers given by said witness.

3 I further certify that the foregoing pages
4 contain a true and accurate reproduction of the
5 proceedings.

6 I further certify that I am not of counsel or
7 attorney for either of the parties to said suit, not
8 related to nor interested in any of the parties or
9 their attorneys.

10

11

12

13

14

15

16

17

18

19

20

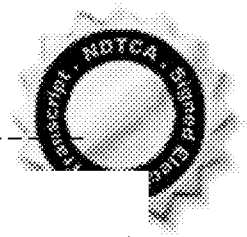
21

22

23

24

25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume VI

12

13 9/23/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VII

Date: September 25, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 25, 2014

VOLUME VII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 25th day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME VII

2 MS. WHIRLEY: Good morning.

3 (Everybody says good morning.)

4 MS. WHIRLEY: I'm Sheila Whirley. Of
5 course, Kathi Alizadeh is here, 12 grand jurors is
6 here, and the court reporter. Today is September
7 the 25th, Thursday. And I don't have the total
8 program memorized for this morning or for today. I
9 can tell you our first witness is .

10 , we heard his taped
11 statements last time we were here, recorded
12 statements with the police, with the FBI agent, and
13 also made several appearances on the media for CNN,
14 and I think various TV channels. You guys remember
15 that, he is going to testify live here this morning.

16 And then, Kathi, could you tell us what
17 else is on the agenda today?

18 MS. ALIZADEH: I don't know. No,
19 actually, we have a witness scheduled for 10:30. He
20 called me bright and early this morning to cancel,
21 so we're going to probably play you, I don't think
22 Witness Number 10, remember the guy that was

23 He has a recorded statement
24 I don't think I played.

25 MS. WHIRLEY: Only played part of it. We

1 had about ten minutes left.

2 MS. ALIZADEH: We can play the end of that
3 to finish that and then we also have, you all heard
4 from last time and she has media
5 interviews that take, I think, about 33 minutes
6 total for all of her media interviews. And then she
7 also has some recorded statements that we can play
8 and hopefully, that will fill out the morning.

9 And then in the afternoon we have a
10 witness scheduled to be here at 12:30. I will check
11 and make sure he hasn't called to cancel during a
12 break or whatever, hopefully then we will have
13 another witness here in the afternoon. He also has
14 a taped statement. I can't remember if it is 30
15 minutes or an hour, it doesn't exceed an hour.

16 So if he, you know, shows up, we can play
17 his statement and then have him testify, and I think
18 we are trying to recess 2:30.

19 : 3:15.

20 MS. ALIZADEH: At the lunch break, if we
21 need to figure out how to fill our time, we'll do
22 that.

23 Also, if you recall, Witness Number 10 had
24 talked about the fact that he is,
25 at the scene the

1 aftermath,

2

3 I do have that clip and we will play it
4 for you. It is only a couple minutes and, you know,
5 just so you know,

6 It is not a very long
7 clip, so if you all, if we go through it, we can
8 play it again. So we can go back and try to listen,
9 because the person who is doing the recording
10 occasionally speaks and, of course, their voice will
11 kind of talk over the people that are in the
12 background.

13 So it might be, if you request it, it
14 might be you want to hear that a couple of times
15 just so you can try to pick up what's being said.
16 All right.

17 MS. WHIRLEY: All right. I'll go get the
18 first witness.

19 MS. ALIZADEH: Let's talk about the
20 question that they had.

21 MS. WHIRLEY: Okay.

22 MS. ALIZADEH: We were not on the record,
23 I think it was last week when one of you asked a
24 question about your deliberations and, of course,
25 you've been sitting as a grand jury for several

Page 8

1 months, so you know that it takes nine people to
2 indict and the question was asked what if we have,
3 what if we can't, since we're giving you a variety
4 of different charges to consider, I think the
5 question was, what if we don't have nine people that
6 all agree on the same charge, what do we do then or
7 what happens.

8 And I wanted to make sure that I put that
9 in there in the record that that was a question that
10 was asked and we have had discussions about that and
11 what I will tell you is we're researching this
12 because we want to make sure before we tell you, you
13 know, we want to make sure we're correct on the law,
14 but I assure you that we will have an answer for you
15 well before you begin your deliberations about what,
16 in the event that that would happen, what happens
17 then. All right.

18 Are there any other questions that anybody
19 had thought of? Okay, all right.

20 ,
21 of lawful age, having been first duly sworn to
22 testify the truth, the whole truth, and
23 nothing but the truth in the case aforesaid,
24 deposes and says in reply to oral
25 interrogatories, propounded as follows, to-wit:

1 EXAMINATION

2 BY MS. WHIRLEY:

3 Q Introduce yourself to the jurors, please.

4 A My name is

5 Q All right. , where do you
6 live? You don't have to give me your exact address,
7 in what vicinity?

8 A I live in Canfield.

9 Q Do you live in the Canfield Green
10 Apartments?

11 A Yes, I do.

12 Q How long have you lived there?

13 A Um, going on a year now.

14 Q One year. So you lived there on August
15 the 9th of 2014?

16 A Yeah.

17 Q Is that the day that Michael Brown was
18 shot?

19 A Uh, no, I think it was like on the 9th.

20 Q August 9th of 2014, correct?

21 A Yes.

22 Q What day was it?

23 A Um, I think that was a Saturday.

24 Q Okay, Saturday. Do you remember your
25 Saturday that day?

1 **A** Yes. All I did that morning, early that
2 morning, my family and I went out for breakfast and
3 we came back around nine something and we all took a
4 nap.

5 **Q** How many folks went to breakfast with you?

6 **A** Uh, four altogether. My fiancée and my
7 three kids.

8 **Q** And then you all came back and took a nap?

9 **A** Yes.

10 **Q** And so what time did you wake up from the
11 nap?

12 **A** Um, I was actually woken up about 11:00,
13 11:30.

14 **Q** Did something wake you up or you just woke
15 up?

16 **A** A friend of mine came over.

17 **Q** Okay. And what happened when your friend
18 came over?

19 **A** Um, I steps outside with him for a couple
20 of minutes, maybe no longer than five minutes.

21 **Q** Okay. Can you show us on the map? You
22 can use that pointer or that laser light thing.

23 Show us where you live.

24 MS. ALIZADEH: For the record, this is
25 Grand Jury Exhibit Number 25.

1 MS. WHIRLEY: Yes, thank you.

2 A Oh, I have to push it.

3 MS. WHIRLEY: Yeah, push it down.

4 Q (By Ms. Whirley) Grand Jury Exhibit Number
5 25, show us where you live.

6 A I live right here.

7 Q All right. So is that an upstairs or
8 ground level?

9 A That's the middle level, that's the second
10 floor.

11 Q Do you have a balcony?

12 A Yes, I do.

13 Q So when you went out and talked with your
14 friend, were you on the balcony?

15 A On the balcony.

16 Q On the balcony?

17 A Uh-huh.

18 Q An then what happened?

19 A I goes back in the house. I goes back in
20 the house.

21 Q And speak up a little.

22 A I goes back in the house no longer, three,
23 four minutes after that maybe, and I heard something
24 going on outside.

25 Q And do you investigate that to see what it

1 is?

2 **A** Yes, I happen to look out the window.

3 **Q** All right. And what do you see?

4 **A** I see a guy on the side, on the driver's
5 side of a police vehicle. I just see something
6 going on through the window, like a tussling going
7 on through the window.

8 **Q** Can you show us on the map where you saw
9 this police vehicle?

10 **A** Um, about right here.

11 **Q** Okay. And show us again where your
12 apartment is.

13 **A** My apartment is right here.

14 **Q** So you are looking sort of down?

15 **A** Yeah.

16 **Q** And --

17 **A** Kind of.

18 **Q** From your perspective, from your point of
19 view, are you looking at the driver's side of the
20 vehicle or the passenger's side of the vehicle?

21 **A** I'm looking directly through the passenger
22 window to the driver, you know, so I could see real
23 good.

24 **Q** Okay. So which direction was the car
25 facing?

1 **A** The vehicle was actually facing --

2 **Q** The truck, the police truck.

3 **A** The police vehicle was like facing like up
4 here, you know, kind of like my direction, but this
5 way diagonal like.

6 **Q** Okay.

7 **A** Maybe like facing this building.

8 **Q** Okay. So you're saying it was like facing
9 that building?

10 **A** Yeah, kind of, you know, by diagonal.

11 **Q** All right. So if it was traveling, which
12 way would it have been traveling?

13 **A** Um, it was traveling going towards West
14 Florissant.

15 **Q** All right. That would be going west on
16 Canfield Drive?

17 **A** Yeah.

18 **Q** But it was diagonal?

19 **A** Right.

20 **Q** Parked when you saw it?

21 **A** Yeah.

22 **Q** Did it look like the brake lights were on
23 or anything?

24 **A** I didn't notice that.

25 **Q** Okay, all right. So it is facing this way

1 diagonally, but you can see the passenger side
2 versus the driver's side?

3 **A** I could see the passenger's side clearly.

4 **Q** Clearly?

5 **A** Versus the driver's side.

6 **Q** Okay. So then you see a tussling going
7 on, can you give us any more description about what
8 the tussling looks like?

9 **A** Um, obviously, the window is between them,
10 so I just see both arms moving.

11 **Q** When you say both arms, what do you mean?

12 **A** I see, if my window was in this direction
13 I can see the officer's arms moving this way and I
14 see Mike's arms, you know, whatever, through the
15 window, whatever.

16 **Q** Can you see skin of the arms, are they
17 wearing long sleeves?

18 **A** Yeah, it was skin.

19 **Q** Could you tell two black people, two white
20 people, black and white?

21 **A** I could tell black and white.

22 **Q** You could tell black and white. You said
23 Mike, you used the name Mike?

24 **A** Yeah.

25 **Q** Did you know Mike?

1 **A** No.

2 **Q** Had you ever met him before?

3 **A** I seen him before.

4 **Q** Because he lived in the neighborhood you
5 thought?

6 **A** I'm not even sure.

7 **Q** You don't know, okay. Had you ever talked
8 to him?

9 **A** No.

10 **Q** All right. Okay. So then what after you
11 see the tussling?

12 **A** I see the tussling and all of the sudden,
13 he also had a friend with him, he was standing like
14 in front of the vehicle, the police cruiser, but
15 like on the passenger side in front, maybe like
16 4 feet away from him, but all of the sudden, they
17 just takes off running.

18 **Q** So his friend, which you now know to be
19 who, what is his friend's name, do you know what his
20 friend's name is now?

21 **A** Um, um, Dorian.

22 **Q** Okay, Dorian. So was his friend on the,
23 Mike was on the driver's side; is that correct?

24 **A** Yeah.

25 **Q** With the officer tussling you said?

1 **A** Yes.

2 **Q** Was Dorian on the driver's side too?

3 **A** No, he was on the passenger side.

4 **Q** The passenger side of the?

5 **A** Police cruiser.

6 **Q** Closer to where you could see?

7 **A** Yeah.

8 **Q** Okay. And what was he doing?

9 **A** He's just standing, just standing there.

10 **Q** Okay. And then what?

11 **A** And, like I said, they both just take off
12 running, almost like at the same time.

13 **Q** Okay. Did you see anything that occurred
14 that caused them both to take off running?

15 **A** No, I didn't notice that.

16 **Q** All of the sudden they both --

17 **A** They takes off running.

18 **Q** Did you hear anybody saying anything?

19 **A** Um, I heard, that's the only thing I heard
20 was just the tussling or whatever, like maybe some
21 voices, but I'm not sure like what was said, they
22 just take off running.

23 **Q** All right. They took off running which
24 way?

25 **A** Um, Mike, he runs straight down Canfield

1 directly in the middle of the road, and his friend,
2 like I said, he was in the front passenger side, and
3 if the vehicle, the police cruiser is like right
4 here and there was also two parked vehicles on the
5 side right here, and his friend takes off running
6 directly behind the first vehicle he sees.

7 Q Okay.

8 A That was on the side.

9 Q Do you recall what those vehicles were
10 like, the color and make of the cars?

11 A I just remember the white vehicle that
12 Dorian ran to.

13 Q Do you know what kind of car that was?

14 A It was like a two-door Monte Carlo.

15 Q Okay. So there were two cars parked, the
16 first was the Monte Carlo close to the police
17 vehicle?

18 A Yeah.

19 Q And then Mike is running down, I guess
20 east, well, you are showing us east on Canfield
21 Drive?

22 A Yes.

23 Q And then what happens?

24 A And, um, the moment they take off running,
25 I see the officer immediately gets out of his

1 vehicle, pull out his gun, definitely, in his
2 shooting position, and let me see. Mike must have
3 probably made it about right here in front of this
4 driveway, as I said before, he didn't make it there,
5 he just, when he gets out of the car he just
6 immediately starts shoot.

7 Q As soon as the officer gets out of the car
8 he's shooting?

9 A Yes.

10 Q And when you say the shooting, I don't
11 know what your phrase, was standpoint, what did you
12 say?

13 A Yeah, like in a shooting position.

14 Q Position, show us the shooting position.

15 A Um, like, you know (indicating).

16 Q So he gets out of the car and does that?

17 A Yeah, or maybe this right here.

18 Q Okay, thank you. And Mike is running and
19 he's shooting?

20 A Yes.

21 Q And he's shooting like with Mike's back to
22 him?

23 A Yes.

24 Q And then what?

25 A And, um, at the time I was still in the

1 window looking and, um, my eyes, actually, I was
2 still kind of focused, I was focused on both of
3 them, but mainly on Dorian because he was still
4 closer to the officer than Mike because Mike, he ran
5 kind of fast at that time, but as I see Dorian
6 ducking down looking at the officer shooting, I was
7 kind of thinking that the officer was, he was going
8 to stop, even himself with the vehicle that his
9 friend ran to and come over and shoot him.

10 Q Shoot Dorian?

11 A Yeah, but I kept my eyes on him because I
12 seen Dorian constantly looking over the vehicle and
13 looking at the officer each time.

14 Q Did Dorian look a certain way or anything
15 in your opinion?

16 A Just looking scared.

17 Q Okay.

18 A Definitely looking at the officer, like I
19 said.

20 Q Was he saying anything, Dorian, that you
21 could hear?

22 A No, no.

23 Q How many shots did you hear the officer
24 fire when he got out of the car and pursued Mike
25 Brown?

1 **A** Maybe four or five times.

2 **Q** Okay. And you didn't count the shots?

3 **A** No.

4 **Q** But it seemed like four or five?

5 **A** Yeah, it was kind of like a round though.

6 **Q** Okay. So you seen Dorian, Mike is
7 running, now what?

8 **A** I'm still in the window and, um, I notice
9 that the officer passed his friend Dorian where he
10 ran to and that's when I decided to run outside to
11 see what, you know, get a closer look.

12 But I forgot my phone in the bedroom,
13 so I still took some steps, ran into the bedroom and
14 got my phone and I went back, which is just a couple
15 of seconds.

16 **Q** And where did you end up when you came
17 out? Show us on the map where you were.

18 **A** I was at this building right here on the
19 second floor.

20 **Q** Uh-huh.

21 **A** On the balcony.

22 **Q** Uh-huh.

23 **A** Turning on the power on my phone and the
24 moment I steps outside, I see Mr. Brown kind of bent
25 down a little bit with his arms tucked in like on

1 his stomach, so now I'm thinking that he's now shot.

2 He was going down definitely so, and
3 the officer just let out a few more rounds to him
4 and he hit the ground and that's when I seen blood.

5 Q So when you say he was going down, the
6 officer shot more at him you say?

7 A Uh-huh.

8 Q How many more times maybe?

9 A Maybe four or five more times.

10 Q Can you demonstrate for us when you say
11 going down, what his position looked like?

12 A His position looked like this.

13 Q Both arms under?

14 A Both arms like this (indicating).

15 Q Under his torso?

16 A Yeah, I remember him like taking two small
17 steps like he was stumbling and like I said, the
18 officer lets out some more shots and that's when he
19 hit the ground.

20 Yeah, he hit the ground just like how
21 he, how he laid there or whatever, he dropped the
22 arm.

23 Q Okay. So he had two arms --

24 A Just like this.

25 Q -- and one arm came out?

1 **A** Yeah, yeah, yeah, so all at the same time
2 cause, um, I thought he was hit in his chest I
3 didn't see no blood yet or, you know, so. When the
4 officer let out more shots, you know, he just hit
5 the ground, boom, just like this.

6 **Q** And the officer let off the shots as he
7 was going down?

8 **A** Yeah.

9 **Q** Okay. Did it appear to you that Mike
10 Brown was charging the officer?

11 **A** No.

12 **Q** Did it appear that the officer was being
13 threatened by Mike Brown at that point when he was
14 going down?

15 **A** No.

16 **Q** Okay. Then what did the officer do once
17 Mike Brown hit the ground?

18 **A** Uh, the officer was maybe 5 feet away from
19 his body.

20 **Q** Was he 5 feet away, did you see the shots?

21 **A** Yeah, I saw the shots.

22 **Q** So he was shooting, when Mike Brown was
23 going down, how far away was he from Mike Brown
24 then?

25 **A** He was like a good 15, 20 feet.

1 **Q** From him when he, and let me walk it, I am
2 going to walk back here and you tell me how far,
3 like you be the officer and I'm Mike Brown. So if
4 this room is large enough, about right here?

5 **A** Yeah, maybe, I'm standing at the door.

6 **Q** You can stand up.

7 **A** Maybe I'm standing at the door, about this
8 distance.

9 **Q** This is the distance between Mike Brown
10 and the officer when he shot him and he was going
11 down?

12 **A** Yeah, at the time that he was going down,
13 but like I said, he was probably a little bit
14 farther when he let out the first shots.

15 **Q** Okay.

16 **A** The last shots he was about this distance,
17 yeah.

18 **Q** Okay. So that's about 20 feet, 15 or
19 20 feet?

20 **A** Yeah.

21 **Q** That's what you thought it was, right?

22 **A** Yeah.

23 **Q** And what did the officer do? You said at
24 some point he was like five foot from you?

25 **A** Yeah, I see his body, I didn't see him

1 check his body. He was just like 5 feet away from
2 his body, um, over his shoulder or whatever on his
3 walkie-talkie, still have his gun out pointed at
4 him.

5 Q Okay. And was Mike Brown moving at that
6 point?

7 A No, the moment he hit the ground, I knew
8 he was dead.

9 Q No more movement?

10 A No more.

11 Q At any point did you hear the officer say
12 anything?

13 A No, no, I don't remember.

14 Q At any point did you hear Mike Brown say
15 anything?

16 A No.

17 Q How about Dorian?

18 A No.

19 Q You never heard any of them say anything?

20 A They probably was, but you know, I wasn't
21 even paying attention to anything that was said. I
22 was definitely paying attention to the sounds of the
23 gunshots and what was going on.

24 Q Okay. Did you ever see Dorian get in the
25 car that he was by, a white Monte Carlo? Did it

1 appear to you he got in the car?

2 **A** Yes, I saw him, he's in the car about the
3 time that Mike Brown's body hit the ground.

4 So I see him inside the car and --

5 **Q** Do you actually see him in the car or you
6 are assuming?

7 **A** Yeah, I see him in the car kind of sitting
8 and then, like I said, when I see his body laying
9 there now and it is done and over with, I see two
10 more cops come there, but then probably a little bit
11 before that is when I noticed Dorian had left, the
12 white car left.

13 **Q** Okay. You didn't see Dorian any more?

14 **A** No, I didn't see him then.

15 **Q** Did you see him any time after that when
16 this investigation was going on at the complex?

17 **A** I don't remember seeing him then.

18 **Q** Had you ever seen Dorian before?

19 **A** In the streets, no.

20 **Q** So you didn't know Dorian?

21 **A** No, I don't remember seeing him.

22 **Q** I asked you to describe him, what do you
23 remember about him?

24 **A** I just remember some dreads.

25 **Q** Okay. You really couldn't identify him if

1 I brought a bunch of pictures here and show them to
2 you or do you think you could?

3 **A** Maybe, yeah, I think.

4 **Q** I'm not going to show the pictures, I was
5 just asking.

6 Did it ever appear that Mike Brown
7 had a weapon?

8 **A** Uh, no.

9 **Q** Did it appear when he was, you know, you
10 said holding his torso with both arms when he was
11 going down, that he was going for a weapon in your
12 opinion.

13 **A** No, it just looked like he was going down
14 because the moment I steps outside, I'm thinking now
15 he's hit in his chest area and the officer lets out
16 more shots. It looked like he was going down,
17 anyway, not to like give up, like to surrender, but
18 to go down and bleed, you know, because like I said,
19 before even going down on his knees or whatever, the
20 officer lets out more shots but he had his arms on
21 his torso.

22 **Q** When you say on his knees, what do you
23 mean by that?

24 **A** I'm just saying like before, like I said
25 when I was thinking that he's now shot, but he's got

1 his arms like this, you know, like before he even
2 hit the ground, like his knees didn't even hit the
3 ground or nothing like that. Cause I know he was
4 hit, I knew he was hit, that's why I'm pretty sure
5 he was now turned around.

6 Q Okay. And when he turned around, did you
7 see him raise his hand in any way? I understand you
8 saw his hand on his torso.

9 A I didn't see the hands go up, I didn't see
10 no hands go up.

11 Q Okay. And you already said you didn't see
12 him charge the officer, but you did say the officer
13 was shooting at him as he was running away?

14 A Yes.

15 Q After they left and ran from the car?

16 A Yes.

17 Q The police car?

18 A Yes.

19 Q Okay. Now, when did you first interview
20 with the police?

21 A Um, the first time?

22 Q Did you talk to them that day when this
23 occurred?

24 A I think so.

25 Q Okay. You talked to them the very first

1 day I'm asking?

2 **A** I think so, I mean.

3 **Q** That Saturday?

4 **A** Yeah, I think because I talked to a lot of
5 other reporters too. So A lot of people was coming
6 the my house.

7 **Q** You talked to a lot of people, I
8 understand.

9 **A** Yeah.

10 **Q** When you talked to the police, do you
11 recall if they came to you or did you go to them?

12 **A** No, they came to me.

13 **Q** How did they know to come to you. Were
14 you outside and they came to you or did they come to
15 your house?

16 **A** They definitely just came there. They
17 just came there.

18 **Q** To your house?

19 **A** Yes.

20 MS. WHIRLEY: Kathi?

21 **Q** (By Ms. Alizadeh) So just to clarify,
22 you heard something that caused you to
23 look out your window and when you did, you saw that
24 Mike Brown was at the vehicle?

25 **A** Yes.

1 **Q** And the driver's window and you saw hands
2 in the window?

3 **A** Yeah, just going through, just arm
4 movement.

5 **Q** Arms moving?

6 **A** Uh-huh.

7 **Q** Now, when you originally described this,
8 and I, you know, I'm taking notes as you are
9 testifying, so I don't want to say I missed
10 something, but can you show what you showed before
11 or what you saw that Mike Brown's arms or hands
12 appear to be doing?

13 **A** I just see his hands just through the
14 window and I see like the officer's elbow, you know,
15 just like this. (indicating)

16 **Q** Okay. Now, you're using your right elbow
17 when you are doing that?

18 **A** Uh-huh.

19 **Q** And if you were the officer, you'd be
20 sitting in the driver's seat and I'm Mike Brown, I'm
21 standing on this side of you, correct?

22 **A** Yeah.

23 **Q** Was say the officer's right elbow going
24 like this or was it this elbow?

25 **A** No, it was going like this.

1 **Q** Okay.

2 **A** So if my window is this way, I seen this
3 kind of movement.

4 **Q** And you're looking into the vehicle
5 through the passenger window?

6 **A** Yeah, and slightly through the front
7 windshield like, yeah.

8 **Q** Okay. So to be clear, anything that
9 happened before you looked out the window, you have
10 not witnessed nor heard anything about, right?

11 **A** No.

12 **Q** And then by the time you first look out,
13 Dorian is already on the passenger side of the
14 vehicle near the sidewalk?

15 **A** Yeah, kind of like in front, in front of
16 the vehicle though, you know, not on the side of it,
17 but still like 5 feet away from it. Yeah, basically
18 between the sidewalk and the parked vehicle.

19 **Q** Okay. So was he in the street or grassy
20 area?

21 **A** He was still in the street like, yeah.

22 **Q** But not at the driver's door?

23 **A** No, not at the driver's door at all.

24 **Q** So he was not in a position where if Mike
25 Brown wanted to reach to him, he couldn't, he wasn't

1 there?

2 **A** No, not at all.

3 **Q** Okay. And so, and then you said that you
4 ran to get your phone and then I assume it was close
5 by?

6 **A** Yes.

7 **Q** So you missed some of it?

8 **A** Yes.

9 **Q** But a matter of seconds?

10 **A** Yeah, yeah.

11 **Q** And then when you came back, you went
12 outside then?

13 **A** Uh-huh.

14 **Q** So you're actually out on your balcony?

15 **A** Yes.

16 **Q** So still above ground level?

17 **A** Yeah.

18 **Q** Looking kind of down?

19 **A** Yeah.

20 **Q** Did you start recording with your phone at
21 that point?

22 **A** No, my phone, it was completely off and I
23 was cutting on the power still.

24 **Q** Okay. So now, you did record some things
25 with your phone that day; is that right?

1 **A** Yes.

2 **Q** But the things that you recorded were
3 after?

4 **A** Just right after, before the yellow tape,
5 yeah.

6 **Q** Right. So you did not record any part of
7 shooting; is that correct?

8 **A** Correct.

9 **Q** Okay.

10 MS. ALIZADEH: I don't have anything else.
11 Questions?

12 : This is
13 When you were in your bedroom looking out the window
14 is it a clear view or did you have blinds or shades
15 or curtains?

16 **A** I had blinds.

17 : So you had to like open
18 the blinds or peer through them?

19 **A** I put my finger in it and had it like
20 this, yeah. (indicating)

21 : So does that bother the
22 vision a little bit?

23 **A** No, it didn't mess it up. I mean, I could
24 see everything when I did that.

25 Did you notice any other

1 vehicles around the police car or in front of or the
2 police car initially?

3 **A** No, I just seen two vehicles parked on the
4 side, on the sidewalk.

5 : Nothing in front of the
6 police vehicle though?

7 **A** No, it was behind it like.

8 Did you see Michael
9 Brown's head or shoulders entering the car at any
10 time?

11 **A** Inside the vehicle?

12 : Inside, yeah.

13 **A** No.

14 : So just his arms?

15 **A** Yes.

16 Okay, thank you.

17 : At any
18 time did you see Dorian with anything in his hands
19 or Michael pass anything to Dorian?

20 **A** No.

21 : . So go
22 back to part of the story you were explaining, you
23 wouldn't mind maybe explaining it. When you are in
24 your bedroom looking through the window, through the
25 blinds, you explain seeing Officer Darren Wilson,

1 but can you walk us through exactly, you said you
2 saw him shooting, kind of what that looked like.
3 You know, if you heard him kind of what, you know,
4 you showed us how he was holding his gun, but I mean
5 was it cocking back, is there any sort of smoke,
6 shell casing, anything that you may have seen or
7 heard during that?

8 **A** No, no, he just, I say immediately, when
9 they started running, he just gets out of his car
10 and I see him in his shooting position and he lets
11 out some rounds. So I didn't see no shells fall or
12 no gun smoke or anything.

13 : As he is progressing, is
14 he continually moving, what is he doing?

15 **A** He's, he's, he's taking, he's taking like
16 large steps, so I didn't see him like run or
17 anything, so he is just taking large steps, you
18 know, towards him, you know, while his back is
19 turned towards him.

20 . When Darren
21 Wilson is pursuing Michael Brown, did you see
22 anybody like maybe with a camera or cell phone
23 running like towards or moving towards the officer,
24 like towards where Dorian Johnson would have been?

25 **A** No.

Page 35

1 : . At the
2 point where the police officer gets out of the car
3 and he, I guess, goes into his shooting motion, did
4 you ever see him like sprint with the gun in one
5 hand sort of like this kind of motion, with the gun
6 in one hand?

7 **A** No, huh-uh.

[illegible]

10 **A** Yeah, in that position.

11 : I have three questions.

12 You were in your room, in your bedroom,
13 you were looking outside?

14 MS. ALIZADEH: You know what, can you
15 speak up?

16 : I'm sorry.

17 You were in your bedroom, you are looking outside?

18 **A** Uh-huh.

19 : Where was Michael Brown
20 when you were on your balcony, where was he
21 positioned on that?

22 **A** He was definitely, I was just past this
23 driveway. He was about right there, no, probably
24 about right here. (indicating)

25 : Where was Michael Brown

1 when you got outside?

2 **A** Right here. (indicating)

3 : Same place. So he was in
4 the same spot when you were looking at him from your
5 balcony?

6 **A** Yes.

7 And he was, when you saw
8 him from outside?

9 **A** Um, no, he was right here the moment I
10 come outside.

11 Okay.

12 **A** I know for sure while I was in the window.

13 : Uh-huh.

14 **A** Where his death is, he actually ran just a
15 little bit past his death, death bed, I know that
16 for sure because from my window, this building right
17 here, kind of blocks the view.

18 You didn't see him run
19 towards Copper Creek Court?

20 **A** Copper Creek Court, yeah, I see.

21 : You saw him down there.

22 Did he get to the corner of Copper Creek Court, did
23 you see him there?

24 **A** At the corner of it?

25 Or did you see him

1 basically the same spot within just a few feet from
2 your balcony to when you got outside?

3 **A** Yeah, just right here, yeah.

4 : Okay. So you didn't see
5 him anywhere near that corner?

6 **A** Oh, no, no, no, no.

7 MS. ALIZADEH: Can I interrupt you real
8 quick? I'm not sure, maybe I'm mistaken.

9 : Okay.

10 MS. ALIZADEH: You're inside, when you are
11 looking through the window, you are inside?

12 **A** Yes.

13 MS. ALIZADEH: From there you go onto your
14 balcony?

15 **A** Yes.

16 MS. ALIZADEH: And you call that outside,
17 that's outside, right?

18 **A** Yes, the balcony is outside.

19 MS. ALIZADEH: Okay. And then you go
20 leave your balcony and go outside of the building?

21 **A** Outside on the ground level?

22 MS. ALIZADEH: Yeah.

23 **A** No, that was way after, way after.

24 MS. ALIZADEH: Okay. So inside, when you
25 go outside, that's on the balcony.

1 **A** Yes.

2 Okay. Thank you.

3 MS. ALIZADEH: I didn't know, it sounded
4 like --

5 Yeah, I thought you had
6 gone out of the apartment.

7 **A** No, no, I'm still on the balcony.

8 : Because I was a little
9 confused by that, I thought, it was seconds getting
10 and I thought getting your phone and everything.

11 **A** No, no, no, I stayed on the balcony.

12 : And you didn't see him
13 move that much from that time?

14 **A** No, like I said, from where his death bed
15 is, from my window, he ran past that just a little
16 bit.

17 Okay. And you said that
18 say the officer got inside his car, he was inside
19 his car before Michael Brown's body even hit the
20 ground?

21 **A** No, no.

22 : That's why I'm asking
23 because I misheard.

24 **A** No, I mean, he was, the officer was, 20
25 feet away from him when Mike Brown, before Mike

1 Brown's body hit the ground, he let out some more
2 shots.

3 He turned around and got
4 into his car?

5 **A** Not, not right after that, not right after
6 that.

7 : Okay. That was all, I
8 couldn't really hear you.

9 MS. WHIRLEY: I'm glad that was cleared up
10 because you were on the balcony the entire time that
11 this incident was occurring?

12 **A** No, not the entire time.

13 MS. WHIRLEY: Let me rephrase.

14 **Q** (By Ms. Whirley) Once you came out to the
15 balcony.

16 **A** Uh-huh.

17 **Q** You never came to the ground?

18 **A** No.

19 **Q** Until after the incident --

20 **A** Yeah, after.

21 **Q** -- had occurred?

22 **A** Yes.

23 **Q** Until after Mike Brown was on the ground
24 dead?

25 **A** Yes, uh-huh.

1 **Q** That's when you came out on the ground?

2 **A** Yes.

3 **Q** Okay.

4 : . If you
5 are right here.

6 **A** Yes.

7 : Yes.

8 **A** Yes.

9 : You see the police
10 officer, you can see the front of it. If you are
11 here and the police is running here.

12 **A** The officer is --

13 : Or the officer. What do
14 you see, you see his side, you see his back, you see
15 his front.

16 **A** I see Mike Brown's front, I see the
17 officer's side, I see his side, he is still in his
18 shooting position.

19 : Is it Mike Brown was down
20 right here.

21 **A** No, his body was right here (indicating).
22 And he just, the longest I think he ran right here,
23 not long at all. And like I said, and by the time I
24 got to the balcony, he is turned around right here,
25 stumbled right here where his body, his death bed

1 is. The officer still about right here.

2 : Okay. You see part of
3 his side and part of his back?

4 **A** Yes.

5 : You don't see him doing
6 this all the time?

7 **A** Yes, I saw that he was in his shooting
8 position. So I see, you know, his arm and his side
9 the officer's side.

10 : You see this hand and
11 you see perfectly with this one too?

12 **A** Yes.

13 MS. ALIZADEH: let me just ask you.
14 I until you pointed on the diagram to where you sea
15 say Mike's Brown's body eventually came to rest.

16 **A** Uh-huh.

17 MS. ALIZADEH: Show me on the diagram
18 again.

19 **A** Right there. (indicating)

20 **Q** (By Ms. Alizadeh) Okay. So you know the
21 police were out there afterwards, correct?

22 **A** Yes.

23 **Q** And they photograph everything, I don't
24 know if you saw that, but I will tell you they did.
25 I mean, do you have any reason the police moved the

1 body into a different location?

2 **A** No, they didn't.

3 **Q** And you know police took measurements of
4 where the body was in relation to things and they
5 did a diagram. Would it help you to talk about
6 where the officer was and where Mike Brown was if I
7 show you that diagram?

8 **A** Yeah.

9 **Q** Okay. So I'm going to show you a diagram
10 that was done, I'm not trying to mess you up at all
11 because it is difficult to remember all of this, I
12 get. So this is a diagram, Grand Jury Number 2,
13 okay.

14 And so this is where they measured
15 where the police truck was when the police got
16 there. You never saw that truck move again, did
17 you?

18 **A** No.

19 **Q** Okay. So here is this, do you see this
20 little grassy area here?

21 **A** Yeah, that's my apartment.

22 **Q** You can see that's kind of reflected in
23 the diagram?

24 **A** Oh, that's what that is supposed to be.

25 **Q** I think so, do you see that?

1 **A** Yeah.

2 **Q** So the truck is about, you know, somewhere
3 in this area according to the diagram, correct?

4 **A** No, it was actually up here, like right
5 here. (indicating)

6 **Q** Okay.

7 **A** So closer, like up here.

8 **Q** You think it was closer up to here?

9 **A** Yeah, I know it was because there is a
10 sign right here and it kind of evened itself up. I
11 just know it was closer to the driveway right here.
12 (indicating)

13 **Q** So let me ask you this. Do you think that
14 the police officer measured it wrong or do you think
15 that the, anybody moved the truck?

16 **A** No, no, I know that the truck was right
17 here, it was definitely right here.

18 **Q** Okay.

19 **A** Just before this driveway diagonally in
20 the middle of the street.

21 **Q** Okay. And you see here this line right
22 here that kind of looks like the edge of the
23 driveway?

24 **A** That's the edge of the driveway.

25 **Q** You say the truck was more up here?

1 **A** More right here, before the driveways
2 that's across from each other.

3 MS. ALIZADEH: Do you all have your
4 diagrams?

5 (All indicate yes.)

6 MS. ALIZADEH: I can also put this up
7 there.

8 **Q** (By Ms. Alizadeh) So now here is in
9 diagram the depiction of where Michael Brown's body
10 came to rest, okay. And here is the little, the
11 driveway or the street Caddiefield, and as you can
12 see here, is Copper Creek Court up here to the
13 north.

14 So the way they have it, his body is
15 somewhere right around here. You don't think that's
16 right?

17 **A** No, it is not right. His body is
18 definitely right here because like I said, I live
19 there and that's the driveway right here, his death
20 bed is just a little bit past the driveway, just a
21 little bit past the driveway.

22 MS. ALIZADEH: You all want me to put this
23 up here so he can point and follow along with yours?
24 . You were
25 standing on your balcony, I believe that distance in

1 your mind that's where you would see him because you
2 are on a balcony, so that's the distance your eyes
3 were focused where the two people are in position.
4 And so you seen Mike collapse, I believe that from
5 your balcony that's, that's where your eyes focused
6 that that's where he laid, but actually like
7 everything was done, they did the measurements, that
8 it was a little bit further than your eyes focused
9 on where he actually fell. So not saying that
10 you're wrong, that's just from the vision point of
11 your perspective that's where you were standing.

12 MS. ALIZADEH: And she's exactly right.
13 I'm not trying to say you are lying about this or
14 anything, I mean, don't make it, don't feel like
15 you're on the defensive, like I'm trying to point
16 out that you're wrong or that you weren't really
17 there.

18 **A** I was there.

19 MS. ALIZADEH: I know you were there. But
20 people remember things differently or they see
21 things from a different perspective, distances are
22 hard to judge. And so I just want to clear things
23 up and I'm going to show you what is a photograph
24 that was taken by the detective who processed the
25 scene.

1 What's the envelope you took that out of,
2 Sheila? Oh, here it is. This came out of Grand
3 Jury Exhibit Number 3. And it is Image Number 3,
4 you see that three on the back there?

5 **A** Yeah.

6 **Q** (By Ms. Alizadeh) So this is the image
7 that the detective took of the police car?

8 **A** That's the police car right there.

9 **Q** That's the officer's vehicle, yes. Does
10 that help you get a perspective of where the car
11 might have been?

12 **A** You may be right.

13 **Q** So you don't think that helps you?

14 **A** No, no, I think it really does. So if I'm
15 on my balcony, that's why, I know it's a little wall
16 right here, so from my balcony right here it is on
17 the side. So I could barely see kind of because I
18 got barbecue grills right here.

19 **Q** Uh-huh.

20 **A** So I kind of leaned over and still see the
21 vehicle right there, but I'm thinking, you know,
22 right there on this picture.

23 **Q** Sure. Okay. And you see the corner here,
24 I believe, that's probably that corner right there,
25 right?

1 **A** Yeah, Canfield.

2 **Q** And then I'm going to show you Image
3 Number 13.

4 **A** Uh-huh.

5 **Q** So this is where his body came to rest and
6 this is Copper Creek Court right here. Does it
7 appear to be right in front of this building, right
8 here?

9 **A** Yeah, right in the front.

10 **Q** So would that be more like right here?
11 (indicating)

12 **A** I know that pole right there, yeah, you
13 know what I think that's right, yeah, okay.

14 **Q** So does that help you?

15 **A** Yeah.

16 **Q** I'm not trying to get you to change what
17 you say you saw because we all understand?

18 **A** Yeah, I saw what I saw, it is just the
19 parked vehicle and the body from my window and
20 balcony.

21 **Q** Okay. Just again to clarify, you're not
22 saying anybody moved the car or moved the body,
23 correct?

24 **A** No, I didn't see nobody move the body.

25 **Q** So seeing those photographs, you believe

1 that those photographs do depict where the body was?

2 **A** Yeah, yeah.

3 **Q** And where the vehicle was?

4 **A** Yeah.

5 MS. ALIZADEH: Okay, all right. I just
6 wanted to clarify that.

7 : . Could
8 you put that Number 3 on the screen.

9 MS. ALIZADEH: Image Number 3?

10 : Yes, please.

11 : A couple
12 times when you were explaining the story just a
13 couple minutes ago, you referred to Michael Brown's
14 death bed?

15 **A** Uh-huh.

16 : Do you mean where you saw
17 him fall in a day or do you mean where there is
18 currently a memorial?

19 **A** No, where he laid.

20 : Where he fell?

21 **A** Yes.

22 MS. WHIRLEY: I'm not sure which button to
23 push. We need to push.

24 MS. ALIZADEH: We need somebody to teach
25 us how to do this.

1 MS. ALIZADEH: We're just rocking and
2 rolling now. I want to get this all on the screen.

3 I'm putting up here Image Number 3. At
4 the request of one of the jurors.

5 : Let me go over here to
6 the map. Now that driveway we see behind the police
7 vehicle.

8 **A** Uh-huh.

9 Is that this driveway or
10 this driveway?

11 **A** This one, the first one.

12 : Okay. All right. Thank
13 you.

14 Can you
15 point out where your balcony is at on the picture?

16 **A** Um, should be right here. (indicating)

17 . I
18 apologize if I missed this. Are you on the second
19 floor?

20 **A** Yes.

21 . There
22 are three floors?

23 **A** Yes.

24 : Would the
25 other cars that were parked there, the one that

1 Dorian allegedly ran behind.

2 **A** Uh-huh.

3 Would they have been in
4 this picture?

5 **A** Yes, before then, yes.

6 Okay.

7 **A** So, yeah, I kind of thought the vehicle
8 was a little bit upwards from my balcony and from my
9 window. But it would have been right here and like
10 another one right here. (indicating)

11 : That's where those two
12 vehicles were parked?

13 **A** Yeah.

14 MS. ALIZADEH: So, Michael, those two
15 vehicles, you're talking about the white Monte
16 Carlo?

17 **A** Yes.

18 **Q** (By Ms. Alizadeh) And then I think you
19 described in a previous statement a purple car?

20 **A** Yeah, I think, it was more, it was darker
21 color black.

22 MS. ALIZADEH: Maroon or black cherry or
23 something.

24 **A** Uh-huh.

25 **Q** (By Ms. Alizadeh) Were those cars then,

1 did it look like they had stopped in traffic or were
2 they parked?

3 **A** No, they was on the side, they was just on
4 the side. I don't even think they was parked.

5 **Q** Okay.

6 **A** They was just off to the side.

7 **Q** All right. Did you ever see the doors of
8 the Monte Carlo open?

9 **A** That's the funny thing, like I seen the
10 Monte Carlo door, the passenger side door was
11 opened.

12 **Q** Okay. Did you ever see anyone inside the
13 Monte Carlo get out?

14 **A** No.

15 **Q** Okay.

16 MS. WHIRLEY: You said you thought Dorian
17 got in into the car, where would he have gotten in?
18 Did you see that, in the passenger's front?

19 **A** Yeah, he would have got in through the
20 passenger's front door.

21 **Q** (By Ms. Whirley) Because you saw someone
22 in the passenger front door and the door was open?

23 **A** Yeah, the door was open, yeah, so. I
24 didn't see nobody in front other than somebody in
25 the driver's seat.

1 Q Okay. So you thought Dorian got in that
2 front passenger seat?

3 **A** Yes.

4 MS. ALIZADEH: I want to make sure we are
5 clear on this. Are you just assuming that he got in
6 the car because he was right there and then suddenly
7 you didn't see him?

8 **A** I seen him get inside, but as I said, I
9 didn't see him like make a conversation with the
10 person that was in. I know when I got to the
11 ground, the car was gone.

12 MS. ALIZADEH: Right. You got to the
13 ground after it was all over?

14 **A** Yeah.

15 MS. ALIZADEH: I guess my question is,
16 that Monte Carlo is a two-door car?

17 **A** Yes, as far as I remember.

18 MS. ALIZADEH: I know it has been
19 described before and I apologize if I don't know if
20 it was you that said it or someone else, but you saw
21 him get in the car.

22 **A** Yeah.

23 MS. ALIZADEH: Okay.

24 : You
25 never saw Dorian beside Michael Brown.

1 **A** The side of him.

2 You never saw him beside
3 him on the driver's side door on either side of him?

4 **A** No.

5 : He was always on the
6 other side of the car?

7 **A** Yeah, on the opposite.

8 I have another
9 question. Did you see anybody else outside, the
10 parking lot in that building or grassy area in front
11 of the parking lot during the shooting.

12 **A** As a matter of fact, yeah, it was, there
13 was another purple car sitting on the parking lot
14 already and that person told me he saw the whole
15 thing. That one person was already outside.

16 Was that a male or female?

17 **A** A male and female.

18 MS. ALIZADEH: Just so I'm clear on this,
19 is this somebody that you talked to after the fact?

20 **A** Yeah, that I spoke to.

21 MS. ALIZADEH: And they said they were and
22 they saw the whole thing?

23 **A** Yeah, that they saw when the officer
24 pulled, when he first pulling up to the street to
25 them.

1 MS. ALIZADEH: And did you tell the police
2 the names of these people?

3 A No, I don't know the names.

4 MS. ALIZADEH: Do you know if those people
5 have ever been talked to by the police?

6 A I'm not sure.

7 MS. ALIZADEH: So was this someone you
8 just kind of met that day?

9 A Yeah, just at that moment, you know, just
10 everybody is just talking what they saw and he
11 happen to be outside with his girlfriend, they was
12 just in the car with their feet up, with the doors
13 open.

14 MS. ALIZADEH: Okay. If I said any names,
15 did you ask his name?

16 A No, huh-uh.

17 MS. ALIZADEH: It wouldn't help if I said
18 a name or two?

19 A No, huh-uh.

20 MS. ALIZADEH: It was a man and a woman?

21 A Yes.

22 MS. ALIZADEH: Okay.

23 MS. WHIRLEY: Anything else?

24 : At the
25 point where the last, I guess the final shots by the

1 police officer and you said he was kind of balled
2 up?

3 **A** Yeah.

4 Did it to your, I guess,
5 your opinion, did it ever seem like he was trying to
6 tackle this officer?

7 **A** No, huh-uh, no, not at all. It just
8 looked like, the moment I come outside, I just
9 thought he was hit, you know, in the stomach
10 somewhere and he was going down, that's my vision
11 right there. Oh, he's going down and then boom,
12 boom, boom, he's down for sure. And, you know, I
13 just knew he was dead the moment, I think, yeah,
14 probably like the very last shot is when like I seen
15 his face.

16 Cause, um, after all of them shots, I
17 didn't see no blood like splatter until like his
18 face hit the ground, so I thought his head busted up
19 at first so.

20 : Just to
21 clarify also, the time in which you were behind your
22 window and you grab your phone and come to the
23 balcony, at that point is that where you would
24 assume Mike Brown stopped and turned around, so you
25 didn't actually see him at any time when he stopped

1 running?

2 **A** I didn't see that moment.

3 : Okay.

4 **A** I just seen him running away. Then the
5 moment I gets outside, he is now facing the officer.

6 Thank you.

7 MS. ALIZADEH: Any other questions?

8 MS. WHIRLEY: All right.

9 MS. ALIZADEH: is there
10 anything else that you know that would help this
11 grand jury figure out in its deliberations maybe
12 something that nobody's asked you or that you know
13 now that you would like to tell them.

14 **A** Um, no, not at the moment, no.

15 MS. ALIZADEH: If there's anything that
16 you think of in the future before this grand jury
17 concludes its investigation, would you promise to
18 call me or Miss Whirley or the County Police?

19 **A** Yes.

20 MS. ALIZADEH: Just let us know that you
21 have some additional information?

22 **A** Yes.

23 MS. ALIZADEH: And you believe me when I
24 said this is our job to make sure they have as many
25 facts as they could possibly have?

1 **A** Yes.

2 MS. ALIZADEH: All right.

3 MS. WHIRLEY: So that concludes the
4 question and answer period with in the
5 Michael Brown shooting. Thank you, .

6 **A** Thank you. Thank you.

7 (End of the testimony of .)

8 MS. ALIZADEH: All right. This is Kathi
9 Alizadeh, present in the grand jury are all 12 grand
10 jurors and Sheila Whirley and the court reporter,
11 and it is 9:55 a.m. We had a witness wasn't able to
12 appear this morning and so we're going to try to
13 listen to some more recorded statements.

14 So the first one we are going to hear, we
15 are going to resume the recorded statement of
16 Witness Number 10. He testified earlier this week
17 and we actually began hearing his recorded
18 statement, but we stopped because if you recall,
19 then was here and we wanted to get
20 her on.

21 So Sheila thinks that we stopped the
22 recording at?

23 MS. WHIRLEY: At 2041. I cued it at 2040.
24 I didn't want to go over 41.

25 MS. ALIZADEH: Okay. So we will now stop

1 the recording in the grand jury while we are playing
2 the recorded interview of Witness Number 10, which
3 is contained on a file which is on a disc marked
4 Grand Jury Number 24.

5 (This is continuation of statement of
6 Witness Number 10.)

7 DETECTIVE Okay. at the end of
8 that ten seconds, what happens?

9 WITNESS 10: A gunshot.

10 DETECTIVE Okay. And then what
11 happens after that gunshot goes off?

12 WITNESS 10: Mr. Brown ran.

13 DETECTIVE Okay. do you know where
14 that gunshot came from?

15 WITNESS 10: No, I do not.

16 DETECTIVE : Okay. So before he
17 runs, he leaves the car?

18 WITNESS 10: Yes.

19 DETECTIVE Okay. So he kind of
20 comes out of the car then and then he runs, right?

21 WITNESS 10: Uh-huh.

22 DETECTIVE : He takes off running in
23 which direction?

24 WITNESS 10: East.

25 DETECTIVE East, okay, which would

1 be away from you, correct?

2 : Page ten.

3 WITNESS 10: Yes.

4 DETECTIVE : Okay. At that point
5 what do you do?

6 WITNESS 10: I'm in shock. Um, I'm
7 thinking that he just killed this police officer
8 because he didn't get out of the car and follow foot
9 pursuit as quickly as I would have thought that he
10 would.

11 DETECTIVE Okay. And I think you
12 said six seconds, roughly, before the officer gets
13 out of the car?

14 WITNESS 10: Yes.

15 DETECTIVE : So Michael Brown runs
16 east on, east, where at is he running actually?

17 WITNESS 10: He's running in the middle of
18 the street at like, at a slant, um, and the, it will
19 be the first driveway on the left from the squad car
20 that he was -- he was turned -- about to make a turn
21 like he was going to go into the driveway.

22 Actually, he did turn into that first driveway and
23 then he stopped and came back towards -- by this
24 time the police officer was out of his car with the
25 gun drawn. Okay. And afterwards he stopped and

1 came towards the police officer.

2 DETECTIVE : Okay. So, um, Michael
3 Brown is running east heading towards the parking
4 lot, right.

5 WITNESS 10: Yes.

6 DETECTIVE : The officer comes out
7 of the car. How is the officer, you said with his
8 gun drawn. How is the officer holding his gun.

9 WITNESS 10: Just as if he was going to
10 use it.

11 DETECTIVE Okay. And do you hear
12 anybody saying anything at in any point in this?

13 WITNESS 10: No, no, I was not at a close
14 enough distance to hear any words being exchanged.

15 DETECTIVE Okay. Um, what did
16 this officer do then at that point?

17 WITNESS 10: At that point he has his gun
18 drawn at a raised point. He -- when he felt he came
19 into a line, close enough distance with him, um, it
20 appeared that when he did raise his gun, that he's
21 verbally um, telling this guy, giving him a command.

22 And at that point that's when I seen
23 Mr. Brown turn and he like did something. I don't
24 know if it was pull his pants up, it was some type
25 of motion that took place with Mr. Brown's body

1 gesture and after that, he began to run towards the
2 police officer.

3 DETECTIVE : Okay. So from the time
4 that you hear that first gunshot and the officer
5 gets out of the car until the time that Michael
6 Brown stops and -- and turns around and faces the
7 officer, right?

8 WITNESS 10: Uh-huh.

9 DETECTIVE Do you hear any
10 gunshots between that -- that period right there?

11 WITNESS 10: No.

12 DETECTIVE Okay. So Michael Brown
13 stop, he turns around, correct?

14 WITNESS 10: Uh-huh.

15 DETECTIVE : Where are his hands at
16 that point, do you know?

17 WITNESS 10: Um, I know for sure they
18 weren't above his head.

19 DETECTIVE : Okay. Okay. So let's
20 go back to the officer is chasing after or
21 approaching Brown, right?

22 WITNESS 10: Uh-huh.

23 DETECTIVE : Brown stops, turns
24 around, and just so I'm clear, what happens at that
25 point then?

1 WITNESS 10: You're at the point Mr. Brown
2 stops, turns around --

3 DETECTIVE Uh-huh. He stops and
4 turns around.

5 WITNESS 10: He turns around, he does some
6 of body gesture, and I'm thinking he pulled his
7 shorts up, I can't really recall upon what all
8 happened. All I know is that I seen the body
9 gesture. I mostly seen it in the upper body.
10 Um, after that, he began to run at the
11 police officer.

12 DETECTIVE Okay. How far away do
13 you think he did was from the officer at this point?

14 WITNESS 10: Um, maybe, I want to say
15 15 yards he was away and he may have gotten 5 yards
16 before the police officer fired his first shot.

17 DETECTIVE Okay.

18 WITNESS 10: So that would bring him in,
19 um, within a 10 yard range before the police officer
20 would have fired.

21 DETECTIVE Okay. Where were,
22 where were Michael Brown's hands when he's, you said
23 he does this thing with his pants, right?

24 WITNESS 10: Yeah.

25 DETECTIVE : Or something. Um, what

1 does he do after he does that?

2 WITNESS 10: He runs. He's at a charging
3 motion.

4 DETECTIVE : Okay. And where are
5 his hands at that time, do you know?

6 WITNESS 10: Um, I'm not sure where his
7 hands was at that time. Uh, all I know is that I'm
8 seeing him coming at a very aggressive, um, speed
9 and just in a charge mode towards the police
10 officer.

11 DETECTIVE : Is this a trot or is it
12 a jog or is it a full-out?

13 WITNESS 10: No, it's a full-out. I'm
14 coming charge full-blown to try to get to you.

15 DETECTIVE : Okay. And so the
16 officer fires the first shot when he's how far away?

17 WITNESS 10: Um, 10 yards.

18 DETECTIVE Okay. And how many
19 times do you think he fires?

20 WITNESS 10: I think he fires, um, five to
21 six rounds.

22 DETECTIVE : Okay. And then after
23 that five or six rounds are fired, what happens.

24 WITNESS 10: Uh, Mr. Brown then paused and
25 the police officer ceased fire and Mr. Brown then

1 tried to charge once more and that's when the police
2 officer opened fire.

3 DETECTIVE : So Brown charged again
4 and the officer opened fire again?

5 WITNESS 10: Yes.

6 DETECTIVE : Is that what you said?
7 Okay. And then what happens?

8 WITNESS 10: Then he collapsed in the
9 street.

10 DETECTIVE : Did you see the
11 officer, uh, touch him at all, or anything like
12 that?

13 WITNESS 10: No.

14 DETECTIVE : Okay. And how many
15 officers were present when this took place?

16 WITNESS 10: One.

17 DETECTIVE : Just the officer that
18 was shooting?

19 WITNESS 10: Yes.

20 DETECTIVE : Okay. How long did it
21 take before other officers to show up?

22 WITNESS 10: I'm not sure. I walked in
23 the and maybe two minutes, a minute at tops.

24 DETECTIVE : Okay. But you went
25 back to the to --

1 WITNESS 10: Two minutes tops, yeah.

2 DETECTIVE : Okay.

3 WITNESS 10: Yeah.

4 DETECTIVE Uh --

5 WITNESS 10: I'm not sure, I'm not sure
6 there on the time on the response because when I did
7 come back out, I'm not sure if it was the actual
8 police officer that shot, uh, Mr. Brown that was
9 doing the taping. I know when I came back outside,
10 I really wasn't focused then on did another police
11 car show up. What drew my attention was I seen one
12 police officer, um, taping off the scene and I'm not
13 sure if that was the actual police officer that did
14 the shooting.

15 DETECTIVE Okay. You made mention
16 of a car, right?

17 WITNESS 10: Yes.

18 DETECTIVE It was west, I'm sorry,
19 east of the police car in the middle of the road,
20 right?

21 WITNESS 10: Yes.

22 DETECTIVE What kind of car do you
23 think that was?

24 WITNESS 10: It was Monte Carlo. Blue.

25 DETECTIVE : Okay. Do you know what

1 color?

2 WITNESS 10: Blue.

3 DETECTIVE Okay. Do you know how
4 many people were in that car or who was driving?

5 WITNESS 10: No, I'm not sure. I just
6 seen a driver's from a distance. I couldn't get a
7 description. Uh, I know he was a black
8 African-American.

9 DETECTIVE You said he, so it was
10 a male in the car?

11 WITNESS 10: Yeah, yeah, yeah, it was a
12 he. Yeah, yeah.

13 DETECTIVE Okay. Do you know if
14 there was anybody else in the car?

15 WITNESS 10: No, I'm not sure.

16 DETECTIVE All right. The
17 individual with the dreadlocks that you say were,
18 uh, you said kind of highlighted --

19 WITNESS 10: Yeah.

20 DETECTIVE : -- or had some sort of
21 color to them, right?

22 WITNESS 10: Yes.

23 DETECTIVE He went where?

24 WITNESS 10: He went um, at what time?

25 DETECTIVE : Uh, I guess what's the

1 first point that you saw him?

2 WITNESS 10: The first point was I seen
3 him with the suspect when they were still alive
4 together. The next time I seen him was when after
5 everything already took place where Mr. Brown was
6 fatally injured and he came from nowhere and ran
7 across the street and it would be at the point where
8 he ran across would be in front of the squad car.

9 DETECTIVE Okay.

10 WITNESS 10: And he cuts across and yells,
11 uh, "they killed him, they killed him." And I'm not
12 sure if he, at that point when he was yelling at
13 the, um, that, blue Monte Carlo was at the same,
14 they were at the same point. I'm not sure if he was
15 yelling it just to be yelling it or if he was
16 telling them in the car that they killed him.

17 And that -- and that he never entered
18 their car or went up to that car that they killed
19 him. He was yelling and he ran through the back
20 fields of Canfield.

21 DETECTIVE Okay. Did you notice
22 anybody else outside? You made mention obviously of
23 the, obviously, the -- the -- the guy with the
24 dreadlocks, right.

25 WITNESS 10: Uh-huh.

1 DETECTIVE And the occupant of the
2 Monte Carlo, right?

3 WITNESS 10: Yes.

4 DETECTIVE : Did you notice anybody
5 else outside at that point?

6 WITNESS 10: No, I, I never noticed
7 anybody outside looking or anything. Um, I was
8 mainly, I have -- I have felt like I had tunnel
9 vision where I was just like zoomed in on just what
10 was going on with the police officer.

11 Now, um, I, I didn't see anybody. No, I
12 seen that everybody started coming outside. I did
13 notice when, uh, Mr. Brown was laying on the ground.

14 DETECTIVE Okay, all right. Uh,
15 when you went inside and told the you were
16 working at, those people in there, how many people
17 did you tell?

18 **A** Just one.

19 DETECTIVE Just one?

20 WITNESS 10: Yeah.

21 DETECTIVE And that was the
22 in the , right?

23 WITNESS 10: Yes.

24 DETECTIVE Okay. What did
25 say, anything?

1 WITNESS 10: Uh, I can't recall
2 comments.

3 DETECTIVE : wasn't -- I
4 guess -- I guess --

5 WITNESS 10: I can't -- I can't recall
6 comments.

7 DETECTIVE Um, wasn't outside
8 or anything, was ?

9 WITNESS 10: No.

10 DETECTIVE : But , I guess what
11 I'm getting at didn't say, yeah, I know I saw
12 this or --

13 WITNESS 10: No.

14 DETECTIVE : Okay. So when you
15 first told that was first, first
16 knowledge of the incident?

17 WITNESS 10: Exactly.

18 DETECTIVE Okay. And do you
19 remember -- you do not remember name, right?

20 WITNESS 10: No, no. I never really got
21 name. This is the time me working there.
22 I never --

23 DETECTIVE : Just a, just a job.

24 WITNESS 10: Exactly, it's just a job.

25 DETECTIVE Okay, all right. How

1 old is , roughly?

2 WITNESS 10: I'm not sure. If I had to
3 guess, maybe late , early .

4 DETECTIVE All right. What, um,
5 what is your opinion of that incident itself?

6 WITNESS 10: Initially, um, I thought wow,
7 um, did he have to use the force on him. Um, could
8 he have taken and retrieved his taser, um and tased
9 the young guy. He was, I felt like he was unarmed
10 and my initial thoughts was that.

11 And after thinking about it and reviewing
12 everything and putting myself in the police
13 officer's shoes, I feel like he handled the
14 situation correct force wise. The gunshot led from
15 the car, the confrontation led from the car.

16 He came out with his weapon drawn, um,
17 trying to pursue the suspect.

18 Then, um, at one point the suspect turns
19 and if he, I felt he was really trying to give
20 himself up, um, the police officer already has his
21 gun drawn. If you're really trying to give himself
22 up, you're going to lay down on the ground and
23 you're going to let it be known, um, but that he
24 didn't do that.

25 And he charged at him and at that time I

1 feel like the police officer, he didn't have time to
2 really react and holster his weapon and reholster
3 with a taser.

4 DETECTIVE Okay. The entire
5 incident from the time that you first saw until the
6 time that Michael Brown was on the ground, how long
7 do you think it lasted.

8 **A** Um, maybe two minutes.

9 DETECTIVE Okay, all right. You
10 have anything?

11 DETECTIVE Did we get an address of
12 where you're working?

13 WITNESS 10: No.

14 DETECTIVE (Redacted)

15 DETECTIVE No, on the street
16 itself.

17 DETECTIVE : Oh, no, it's the
18 on the --

19 WITNESS 10: It's the on the
20 .

21 DETECTIVE : --

22
23 WITNESS 10: Yeah.

24 DETECTIVE : Or on the or the
25

1 WITNESS 10: Uh, I believe it is .

2 DETECTIVE Okay. And you were
3 just doing that job, an
4 job?

5 WITNESS 10: No, it's a
6

7 DETECTIVE Oh, to okay.

8 WITNESS 10: Yeah.

9 DETECTIVE All right. Um, is this
10 your, I'm sorry, anything else you can think of? Is
11 this your best recollection of this incident?

12 WITNESS 10: Yes.

13 DETECTIVE Okay. And nothing has
14 been embellished, you know, I mean, you're being
15 upfront, honest. There's nothing that you're making
16 more out of or nothing that a you are leaving out on
17 either end of the spectrum; is that --

18 WITNESS 10: No.

19 DETECTIVE Okay. Is there
20 anything else that you would like to add? Anything
21 else that you feel is important that we should know?
22 Any questions that we did not ask you?

23 And that's not a trick question, that's
24 just something that I want to give everybody an
25 opportunity to, you know, speak their peace.

1 WITNESS 10: Um, I just, um, I just, uh, I
2 feel sad about this whole situation that, um, it had
3 to end like this. And, um, it's just, just hearing
4 everybody's point of view, I feel that, um, most
5 people think that, um, Mike basically f'd the
6 police. They think the police are bad for them up
7 until the time they're in need of the police.

8 And, uh, I just wanted to come forward and
9 tell it how I seen it because I feel like it's very
10 rare that somebody's going to come forward and tell
11 actually what happened.

12 DETECTIVE : Okay. Anything else
13 you want to add? Anything else that is important?

14 WITNESS 10: No.

15 DETECTIVE Okay. You have
16 anything? If there is nothing else, the time is
17 12:16 p.m. and this concludes the interview.

18 (End of the recording.)

19 MS. ALIZADEH: Does anybody need to hear
20 anything over regarding the recorded statement of
21 Witness Number 10? You have the transcripts that
22 you can keep in your packet and, of course, at any
23 time you want to rehear something, it is available
24 to you.

25 Now, we're going to play a clip from a

1 video that was recorded by a cell phone. This video
2 was obtained off of the internet. It is contained
3 on Grand Jury Exhibit Number 26 that I've marked and
4 might be better for me to do it, I know where to cue
5 it up to.

6 As I said, this is not very long and
7 actually, this clip appears twice on this disc. One
8 clip includes the video, which I will describe it,
9 is after the shooting.

10 The other clip of this contains just the
11 audio and it has just a plain view screen and all
12 you are hearing is the audio. It is the same clip,
13 it is just without the video. I don't know if after
14 you see the video on if it would assist you to then
15 just do the audio to just kind of close your eyes
16 and try to listen because as I said, it is difficult
17 to hear because voices, that has
18 identified as own, is actually a background
19 speaker in this clip. Can I black that screen while
20 I'm trying to find it or no?

21 since this is not very long. It
22 probably is okay for us to just record. Nobody says
23 any identifying information on the recording. And
24 also it would probably be difficult for you to even
25 to attempt to transcribe it. We don't have a

1 transcript of this and I think one of the reasons,
2 as you will see, it is very difficult to hear it,
3 and I don't want to be in a position that I'm saying
4 this is what we think is being said because it is
5 your job to decide what you think is being said.

6 And the entire clip is ten minutes long,
7 however, I'm going to put the cursor forward to
8 about a little past six minutes because that is the
9 time when the conversation occurs that
10 is talking.

11 Again, this video in its entirety is ten
12 minutes long. If you want to watch the entire
13 video, you certainly can.

14 I'm going to start the clip at exactly six
15 minutes.

16 (Clip is being played at this time.)

17 MS. ALIZADEH: Now, there again, the
18 entire clip is ten minutes. If you want to watch
19 the whole clip or if you want to watch a certain
20 part of it again or if you want to just do the audio
21 portion and listen, it is up to you.

22 : Let's just hear the audio.

23 MS. ALIZADEH: So you'd like to just hear
24 the audio portion? You want me to start at six
25 minutes or you want me to play the whole thing?

1 I think it would be okay
2 if you start it at the exact same timeframe.

3 (playing of the audio recording.)

4 MS. ALIZADEH: Start it at 5:59. You
5 know, I'm not sure that that starts at the same
6 place that I'm hearing this. Can I review this over
7 the lunch hour and maybe we can, I don't want to
8 represent to you that it starts at the same place
9 because in my mind, I'm thinking it is not at the
10 same place.

11 So what's in the beginning
12 of it, the rest of the six minutes?

13 MS. ALIZADEH: If you want to watch it, I
14 mean, I don't want to necessarily characterize it
15 except to say it is all after the shooting and that
16 it appears to be someone who is recording with a
17 cell phone or handheld device and then you hear
18 people in the crowd talking, you hear people near
19 the camera talking, I don't know if it is the person
20 who is holding the camera that is doing all the
21 talking.

22 : Okay.

23 MS. ALIZADEH: You can certainly watch the
24 whole thing if you want. But before we listen to
25 that audio portion, let me listen to it during the

1 lunch hour and make sure. I don't want to start it
2 at a different place and get you confused about
3 that.

4 So at this time then, I will just remove
5 the disc and try to do this at the lunch hour when I
6 have time to look at it.

7 Okay. The next thing we are going to play
8 for you is a disc that is marked Grand Jury Number
9 27, and it contains several clips which are media
10 interviews that were done by , who
11 you will recall testified yesterday, not yesterday,
12 Tuesday.

13 And we can go ahead, there is 33 minutes
14 of video clips. I might speak during and in between
15 them. Leave the recorder on.

16 (Clips are being played).

17 MS. ALIZADEH: All right. That was a clip
18 that was aired on August 13th, 2014 on KMOV.

19 The next clip was aired August 13th, 2014
20 on CNN Tonight.

21 (clip is being played.)

22 MS. ALIZADEH: So the next clip is a
23 continuation of that. Actually, it appears there is
24 a total three clips of that interview on CNN.

25 (clip is being played.)

1 MS. ALIZADEH: Now, I'll play the
2 actually, the third clip of the CNN interview, which
3 on the disc is actually the fourth clip, but it is
4 the third clip of the CNN interview.

5 (clip is being played.)

6 MS. ALIZADEH: I have stopped it after the
7 interview concluded. The reporter's comments are
8 not really relevant.

9 I'll going to play a clip that aired on
10 August 14th on MSNBC and on a program called last
11 word and this interview is actually contained in
12 three separate clips, so this is the first clip of
13 that interview.

14 (interview being played.)

15 MS. ALIZADEH: So I'm now playing the
16 second clip of that interview.

17 (interview being played.)

18 MS. ALIZADEH: I'm now going to play the
19 last clip of that interview.

20 (clip is being played.)

21 MS. ALIZADEH: And as you can see on the
22 screen, there is one clip remaining. I think I
23 mentioned to you that that is actually reporter
24 commentary about dissecting s story and they
25 do play a couple of segments of that interview that

1 you just watched, but it is all segments of the
2 interview that you've already seen. So I don't
3 think it is appropriate for you to, you know, the
4 reporter's commentary is really not evidence and it
5 shouldn't play into your decision, I'm not going to
6 play the final clip that's on Grand Jury Exhibit
7 Number 27, all right.

8 Did anybody want to see any of these clips
9 over again?

10 This next interview is fairly short, so I
11 thought maybe we would go ahead and listen to that
12 and then if you want to take a break. Have you all
13 ordered lunch? I'm going to pass around a
14 transcript interview that was done on August 9th,
15 2014 by St. Louis County police detective is
16 interviewing .

17 I'm going to go ahead and stop the audio
18 recording in the grand jury while the audio
19 interview is being played, and I've given the court
20 reporter a copy of the transcript. So at this time
21 let's pause the recording of the grand jury.

22 (Audio recording is paused at this time
23 and this is the audio recorded interview of
24)

25 DETECTIVE : This is Detective

1 with St. Louis county Police, Bureau
2 Crimes Against Persons. I am on Canfield Drive in
3 reference to a officer-involved shooting uh, in the
4 City of Ferguson. It is 1:53 p.m. It's Saturday,
5 August 9th.

6 Um, I'm here with, uh ,
7 black female, date of birth (redacted) Address of
8 (Redacted). She has phone number of (redacted).
9 , are you aware this is being
10 recorded?

11 Yes.

12 DETECTIVE : You okay with that?
13 : I'm fine.

14 DETECTIVE Okay. If you would,
15 um, just, cause you speak kind of soft, can you hold
16 onto the recording for me?

17 : Yes.

18 DETECTIVE : And just kind of
19 tell me, uh, what, if anything, you observed on
20 Canfield today?

21 : Okay. I was coming down
22 Canfield going south.

23 DETECTIVE Okay.

24 I hear "urrrrrr" sound, like
25 the brakes stopping on the car.

1 DETECTIVE : So you heard tires
2 squeal.
3 : Yeah, tires -- tires
4 squealing.
5 DETECTIVE : Okay.
6 : I come closer and I see a
7 guy being pulled through the window of the SUV of
8 the St. Louis Ferguson.
9 DETECTIVE : Of the police
10 vehicle?
11 : Yes, of the police vehicle.
12 DETECTIVE : So the Tahoe, Chevy
13 Tahoe, Ferguson Chevy Tahoe right there?
14 Yes.
15 DETECTIVE : Um that's parked in
16 the middle of street with the cones around it?
17 Yes.
18 DETECTIVE : Um, is that where
19 the was at?
20 Yes.
21 DETECTIVE : Positioned exactly?
22 : That's where it was.
23 DETECTIVE : Okay.
24 : It didn't move.
25 DETECTIVE : And where did you,

1 you saw, what did you see there.

2 : I saw the police pulling a
3 guy through the window and the guy trying to pull
4 back.

5 DETECTIVE : Okay. So, um, as
6 you're approaching and you see, uh, the officer
7 trying to pull, uh, the gentleman, uh, into the
8 driver's area of the vehicle; is that correct?

9 Yes.

10 DETECTIVE : And this -- and this
11 guy's pulling back?

12 : Yes.

13 DETECTIVE : Trying to pull away?
14 Like they're wrestling
15 through the window, trying to pull --

16 DETECTIVE : Okay.

17 : Like tug of war.

18 DETECTIVE All right. Okay.
19 Were they, did you see anything that would've been
20 fighting over or anything like that?

21 : No.

22 DETECTIVE : Okay.

23 : No. Then I saw, I here
24 gunfire and I saw smoke coming out of the window of
25 from the --

1 DETECTIVE : Okay.
2 : -- SUV.
3 DETECTIVE : And -- and as we
4 discussed before, you, um, saw smoke?
5 : Yes.
6 DETECTIVE Okay. And how did
7 you see the smoke? Was it directional like a cone
8 or was it drifting out of the car?
9 : It was directional like a
10 cone.
11 DETECTIVE Directional. Okay.
12 What direction was that?
13 : It was coming from the
14 window of the car.
15 DETECTIVE : Okay.
16 Like out of the driver's
17 window --
18 DETECTIVE : Okay.
19 -- of the car?
20 DETECTIVE : So that would've
21 been, north, south, west?
22 : Yes.
23 DETECTIVE : So a westerly
24 direction from the driver's side of the vehicle?
25 : Yes.

1 DETECTIVE : Okay.

2 : So after that, the kid, he
3 gets away and he starts running.

4 DETECTIVE : Okay. So--

5 : Opposite way of the--

6 DETECTIVE : Is that hat his?

7 : Yes.

8 DETECTIVE : The Cardinals cap
9 right by the cone?

10 The red Cardinals caps is
11 the -- the guys.

12 DETECTIVE Okay. And then each
13 of these, uh 1, slipper or sandals?

14 Yes, those are his. He was
15 running from the police officer.

16 DETECTIVE : Okay. He's running
17 -- he's running south away from you basically?

18 Uh-huh.

19 DETECTIVE : Okay.

20 : He lost his sandals running
21 from the cop.

22 DETECTIVE Okay.

23 : The cop gets out of the SUV
24 are he starts shooting at the guy as he's running
25 way.

1 DETECTIVE : Okay. He's -- he's
2 shooting from next to the --

3 : He comes walking form like,
4 he started walking down the street.

5 DETECTIVE The officer did?
6 Yeah, running down, yes,
7 running down the street behind the kid shooting.

8 DETECTIVE : Was he running
9 shooting?
10 Yes.

11 DETECTIVE The officer was
12 running and shooting at the same time?
13 : Yes.

14 DETECTIVE : Okay. Did you see
15 anything in the guy's hand?
16 : No.

17 DETECTIVE : And you didn't see
18 no weapons.
19 No.

20 DETECTIVE : Okay. Um, as the
21 kids running, are you observing any instances of,
22 that he's getting hit maybe?

23 : Yes, I saw like a, it looks
24 like --

25 DETECTIVE A jerking.

1 : Yes, a jerking in his body
2 and he turns around puts his hands up.

3 DETECTIVE : Put his hands in the
4 air?

5 Yes.

6 DETECTIVE : Faced the officer?

7 : Yes.

8 DETECTIVE : Okay.

9 : And the officer walks up
10 him and continues to just shoot, shoot him until he
11 falls to the ground.

12 DETECTIVE Continued to fire,
13 even though his hands were up?

14 : Yes.

15 DETECTIVE Okay. What happened
16 after that?

17 : After that the kid falls to
18 the ground and two more officers pull up, Ferguson
19 department, and all begin to take pictures of the
20 guy just laying in the ground and they were standing
21 around and everybody else just started coming out
22 and everybody just started yelling at the cops.
23 It's like, you're wrong and he had nothing.

24 I called the, um, Channel 2 news and
25 Channel 4 news.

1 DETECTIVE : Uh-huh. Okay. So,
2 um, I'm sorry. So at no time you saw a weapon on
3 this gentleman right here?

4 : Not at all.

5 DETECTIVE : Okay. All right.
6 Is there anything that we haven't spoke about that
7 you want to tell me about?

8 No.

9 DETECTIVE : Okay. Do you feel
10 like I've given you the opportunity to give, um,
11 your full story like you wanted to?

12 : Yes.

13 DETECTIVE All right. We are
14 going to conclude the interview. It is 1:58, okay.

15 (End of playing the interview.)

16 MS. ALIZADEH: So I think I neglected to
17 mention that that was a clip that is on file on a
18 disc that is marked Grand Jury Exhibit Number 24 and
19 it is the interview of

20 So at this time, we have another interview
21 of that is audio recorded that was
22 done by the FBI. I was thinking that that's an hour
23 long or so. So it is about ten after 11:00. Do you
24 want to take a break, or you want to start it now
25 and then break for lunch and then continue after

1 lunch? The witness is supposed to be here at 12:30.
2 I'll probably talk to him for a few minutes when he
3 gets here. I planned it, I think you may be eating
4 lunch so I would have a few minutes to talk to him
5 in case he is running late.

6 You want to start now? I just have to
7 find it.

8 I know I have used that exhibit before the
9 Grand Jury Number 23, so I'm looking for it.

10 MS. WHIRLEY: Okay. Lunch should be here
11 around noon.

12 MS. ALIZADEH: This is a disc that is
13 marked Grand Jury Exhibit Number 23. And it
14 contains an audio interview of that
15 was done by the FBI. We do not have a transcript of
16 that, because it was done fairly recently and it has
17 not been prepared.

18 And we will pause the recording while the
19 interview is being played.

20 MS. ALIZADEH: Let me just real quick here
21 look. So this is about an hour four minutes. It
22 says, okay. So we will start this.

23 Today is September 11th,
24 2014 the time is 3:11 p.m. In the room is?

25

1 : And her attorney.

2 : .

3 : And I'm with

4 the FBI and this is , she's with the

5 Department of Justice and right over there

6 with the attorney's office in St. Louis.

7 I know your attorney has already spoken to
8 you, we are going to talk to you today about what
9 happened on August 9th of this year. So with that
10 being said, I think would like to say an
11 opening paragraph or two and then we will start with
12 what you saw on that day.

13 : I'm actually going to do it.

14 So and I are both federal prosecutors. I'm
15 based in Washington D.C., he's based here in St.
16 Louis. Obviously, we're with the FBI. We wanted to
17 talk to you because we know that you are already met
18 with the St. Louis County police detective, but we
19 are doing our own individual investigations, that is
20 why we want to meet with you and hear what you have
21 to say, okay?

22 : Okay.

23 So basically, as you know,
24 everything is being recorded. So if you nod your
25 head or shake your head and I will say is that a yes

1 or no.

2 : Okay.

3 : That's just to get your answers
4 out loud so when we listen to it afterwards, we
5 don't have to guess what your reaction was, right?

6 And if you don't understand a question
7 that any of us ask you, please stop us and make us
8 clarify because, you know, we intend to talk fast
9 sometimes.

10 Uh-huh.

11 And sometimes we ask bad
12 questions. We try not to, but if you answer we are
13 going to assume that you understood. If at any
14 point you get confused or -- don't just guess, you
15 were the one that was there.

16 We are certainly not trying to suggest an
17 answer. If you think we are looking for an answer,
18 all we are looking for is the truth.

19 So, um, want to make sure that you feel
20 comfortable in answering the questions and certainly
21 feel free to correct us if we mischaracterize it,
22 okay:

23 : Okay.

24 : And we tell this to all the
25 witnesses, this is a federal investigation and if

1 any witness lies to the FBI, anything that is
2 material or important it is a crime, I like to make
3 sure that everybody knows that.

4 Okay.

5 : Um, and also really important,
6 we're not going to tell anybody what you told us, so
7 we're not going to go to another witness and say,
8 you know, said this or said that, just like
9 we're not going to say to you, I know a witness told
10 us something different or told us something the
11 same.

12 So it is really important for us to find
13 out when you actually firsthand saw and heard. And
14 we knew a lot went on, especially that day on
15 August 9th.

16 : Okay, okay.

17 : And since that's normal and
18 that's human nature.

19 : Uh-huh.

20 : Uh, but we just want to make
21 sure that you are actually telling us what you know
22 versus what you assume.

23 : Uh-huh.

24 The example I like to give is,
25 if you walk outside and you see that your driveway

1 is wet, you go oh, it rained, right?

2 : Uh-huh.

3 That's natural, right, you
4 immediately think of rain.

5 : Uh-huh.

6 : And we also do the same with
7 sprinklers on, right?

8 : Uh-huh.

9 : Instead of telling us it is
10 rain, just tell us what you saw.

11 Okay.

12 : If you don't know something or
13 you can't remember something, that's a perfectly
14 acceptable answer. A lot of times we like to ask
15 details to see if we can trigger something.

16 : Uh-huh.

17 : So we can get more details
18 because we weren't there.

19 Uh-huh.

20 : So we may quiz you on some
21 stuff. We're not trying to get an answer other than
22 the truth. If you don't know, it's perfectly fine
23 to say I don't know.

24 : Okay.

25 : You have a piece of the puzzle,

1 as do a lot of different people. All we need from
2 you is the truth. Basically, it doesn't involve
3 you, it is not one person, it is a whole picture,
4 okay?

5 Uh-huh.

6 Do you have any questions so
7 far?

8 I don't.

9 : Okay.

10 : So could you spell your
11 name, please?

12 ,

13 .

14 : And would you give me your
15 date of birth, please?

16 : (Redacted)

17 : And your social security
18 number?

19 : (Redacted)

20 : Where are you currently
21 living?

22 : (Redacted)

23 : Okay. What is your phone
24 number?

25 (Redacted .

Page 94

1 Okay. I think that's all
2 the background we need from you.

3 So could you just tell us in your own
4 words and from the beginning what happened that
5 Saturday, August the 9th.

6 : Okay. As I was coming
7 around the curve, I hear like tires squeaking, like
8 "urrrrr". And as I get up on the truck, I see them
9 wrestling through the window. I tried to pull my
10 phone out because it just didn't look normal for
11 someone to be wrestling through a cop's window.

12 So I saw them like pulling back and forth,
13 like he was trying to pull out, the cop is pulling
14 in. And when I tried to pull my phone out, the shot
15 came out, so I like went to the left to try to get
16 out of the way.

17 As I'm going to the left, I see the kid,
18 there ain't no way and that's when he takes off
19 running.

20 The cop follows him, shooting behind him,
21 the kid's body jerks as if he was hit, he turns
22 around and puts his hands up and the cop continued
23 to fire until he goes down.

24 Okay. Where were you coming
25 around the corner, does this look familiar?

1 Yes, I was coming from
2 Florissant, which was coming from here. I was
3 coming around this corner right here.

4 : Okay. You were
5 approximately right here and where was the police
6 officer.

7 : They were right here.

8 : Okay.

9 : I was back here whenever I
10 heard tire squeaking, so I was --

11 : Which direction was the car
12 driving?

13 : The truck was driving going
14 that way.

15 : Okay. So it was a truck.

16 : Yes.

17 All right. And you said you
18 heard the squeals of the tire and then what
19 happened?

20 : That's whenever I came
21 around the corner and I saw them wrestling through
22 the window.

23 Okay. So you came around
24 this corner?

25 Uh-huh.

1 And you saw who wrestling
2 through the window?

3 : Uh, I saw the officer and
4 the kid wrestling through the window.

5 All right. Who's the kid?

6 Michael Brown.

7 You know him because of the
8 media?

9 : Yeah I didn't know him
10 before, just the media.

11 : Okay.

12 I've never seen him.

13 : So you say you saw Michael
14 Brown and the police officer here?

15 Right here, yeah.

16 Okay. Tell me what
17 happened?

18 As I get up to here, I see
19 them wrestling through the window and I try to take
20 my phone out.

21 : Where is your phone.

22 : My phone was probably on my
23 lap or something. I remember, because as a matter
24 of fact, I had my phone in my hand. I was trying to
25 call telling her I'm outside, I was going to pick

1 her up.

2 Okay.

3 : So I tried to put it on
4 record and the shot came, so I came and I turned,
5 made a left right here.

6 : Uh-huh.

7 : And I pulled right into
8 there.

9 : Uh-huh.

10 : And the kid yanked away as
11 I was turning this way and he started running back
12 there.

13 Can you point on here where
14 the truck was?

15 The truck was right here.

16 : Okay.

17 It was like catty-corner in
18 the street.

19 Okay.

20 : The kid was right there
21 going through the window, this is the trunk, this is
22 me, I came this way.

23 : Uh-huh.

24 I made a left onto here,
25 parked right there, he started running that away.

1 : Who is they?

2 : The officer and Michael
3 Brown.

4 : Okay. Was there another
5 person with Michael Brown? Sorry to keep
6 interrupting you, was there another person with
7 Michael Brown?

8 : Yeah, there was another
9 person.

10 : Where was he?

11 It was a car right behind
12 him stopped, right behind the officer. I didn't see
13 this car until I got right here and that's whenever
14 I saw Dorian duck down on the side of that car.

15 : Okay. Do you know what kind
16 of car that was?

17 : It was a white Monte Carlo.

18 : All right. What kind of car
19 were you diving?

20 : I was driving a

21

22 All right. So what did you
23 see here at the vehicle, at the truck?

24 I saw them wrestling
25 through the window, the officer and Michael

1 wrestling through the window.

2 Uh-huh. What do you mean by
3 that?

4 It appears to me as Michael
5 is pulling off and the officer is pulling in, kind
6 of like a tug of war.

7 Uh-huh. Did you see hands
8 touching?

9 I saw Michael's like
10 pushing up against the thing and whenever he yanked
11 off, I saw his hands go like that.

12 : Did you see the officers
13 hands on Michael Brown at all.

14 I couldn't see his hands, I
15 just saw he kept trying to pull away, I saw Michael
16 try to pull away.

17 : He had to be pulling away
18 from something --

19 Yeah.

20 Do you know what he was
21 trying to pull away from?

22 : I guess the officer, I
23 can't say for sure like where the officer's hands
24 was, but I did see them both pulling back and forth.

25 : Okay.

1 : So this is where I was when
2 I came across this grass, that is whenever I saw his
3 body jerk right up in here and that's when he turned
4 around and put his hands up. But the cop still, he
5 continued to walk up on him and shoot him.

6 : Okay. So after you saw, I'm
7 going to call it an altercation, is that okay?

8 : Uh-huh.

9 : Here at the vehicle, you saw
10 what happened, how did the officer get out, what did
11 Michael Brown do?

12 : Okay. At this point
13 whenever I was turning here, this is when Michael
14 yanked away and went that way.

15 : How did you see that if you
16 were --

17 : I was still turning.
18 Just tell me what you saw
19 and don't tell me what you assumed.

20 : I'll telling you what I
21 saw. This is what I saw, his arm yank away. From
22 that point whenever I was turning this way, I wasn't
23 all the way over here at this point.

24 : Okay.

25 : This is what I saw with him

1 right there as I come this way, that's whenever he
2 was running that way, I didn't see the officer get
3 out of the car, but I did see the kid get away and
4 start running. Whenever I saw the officer again, he
5 was coming back behind this way and he was shooting
6 and the kid was probably up that way a little bit.

7 Okay. And the officer was
8 where again?

9 : He was coming out of here.

10 Okay. Michael Brown was
11 where?

12 : He was up running a little
13 ways up that way.

14 : Okay. Do you remember how
15 many shots?

16 I don't.

17 : Okay. You just heard shots?

18 I heard several shots.

19 Did you see the officer fire
20 his weapon?

21 Yes.

22 All right. And where was
23 the officer when you saw this?

24 The officer was outside the
25 car walking up to Michael.

1 : I don't know.

2 But it the multiple shots or
3 one shot.

4 : Multiple.

5 : Multiple shots, okay. So
6 let's start from the vehicle again, could you tell
7 me one more time again what you saw?

8 : From the vehicle?

9 : Uh-huh.

10 : As I was pulling up, I saw
11 them wrestling through the window.

12 : Uh-huh.

13 : Then the shot was fired
14 from the car.

15 : Okay. How many shots?

16 One shot is fired from the
17 car.

18 : Do you have any idea where
19 the shot went, if it actually hit someone?

20 No, I don't.

21 : Okay.

22 And that's when he yanked
23 away and he started running and I was coming over
24 here. I didn't see the officer getting out of the
25 car, but I did see him running from, like away from

1 the car towards Michael.

2 : Okay. And at any time did
3 you not see something?

4 : I didn't see whenever the
5 officer got out of the car, but I did see him by the
6 time he got beyond his car here, right here.

7 Okay, thank you.

8 : That was right here.

9 : Okay. Where were you at
10 that time, were you inside your vehicle or did you
11 get out?

12 : I got right out of my
13 vehicle, I was parked right here.

14 : Okay. Where did you go?

15 : I went up to 's house.

16 As I was walking up, that's whenever I seen him
17 shooting the kid, going down with the shots.

18 Okay. Where does live?

19 : She lives right here.

20 You have your vehicle here?

21 : Uh-huh.

22 And then you started walking
23 towards s house here?

24 : Yeah.

25 You said you were looking

1 for your phone, you had your phone with you?

2 : Uh-huh.

3 What were you doing with
4 your phone while this is going on?

5 : Well, the first time I was
6 trying to record when the shot came, and I came over
7 here. By the time I was just holding my phone in my
8 hand at that time. I wasn't doing anything with it
9 by the time I came up to 's.

10 : Okay.

11 And then I went upstairs
12 and called my fiancée.

13 : Okay. Who is your fiancée?

14 : .

15 Were you scared to get out
16 of your vehicle?

17 : I was so shocked, I was so
18 shocked, I was trying to see what was going on. So
19 I was like, holy crap, what is going on. The kid
20 was dead, I saw the blood. At first I was like, is
21 he shooting rubber bullets? What is going on.

22 So I was so shocked that I just got right
23 out to try to see what was going on.

24 : Uh-huh. Why are you calling
25 him a kid?

1 : Because I don't know him, I
2 don't know him, no.
3 : I was just curious.
4 : I'm sorry.
5 It is not like you're 50,
6 you look very young.
7 : Yeah.
8 : Do you have any questions?
9 Yeah. I just want more
10 clarification of looking at the map.
11 : Uh-huh.
12 : When you are coming around the
13 curve, that is when you hear the tires squealing; is
14 that right.
15 : Uh-huh.
16 : That's yes, right?
17 Yes, I'm sorry.
18 : That's fine. And at that point
19 you don't see anything next to the car; is that
20 correct?
21 No, I don't.
22 : And when he came up on the car,
23 you actually, did you stop your car when you came up
24 to it?
25 Yeah, I stopped.

1 Okay. So were you facing the
2 car?

3 : Yes.

4 : Okay, or the patrol vehicle?

5 : Yes, the patrol vehicle is
6 like this way, I was coming this way.

7 : So you're showing you were
8 literally opposite?

9 : Yes.

10 : Was there a car in front of
11 you?

12 No.

13 : Why did you stop your car?

14 : Because I saw the cop and
15 the kid wrestling through the window, you don't see
16 that every day.

17 And what was your view of the
18 police officer and Michael Brown at that point?

19 : My view was Michael like
20 pulling out of the window and they were like a tug
21 of war.

22 : So you were basically head on
23 at this point initially?

24 : Yes.

25 : And you are still driving; is

1 that right?

2 : No.

3 You're sort of out of the car?

4 : Yeah.

5 : So you are head-on, so which is
6 clearer to you, the passenger side or the driver's
7 side or equally both?

8 I say the driver's side
9 because it was like, the car was like this way, but
10 the SUV was like going this way, okay. This is the
11 Chevy was like this and I was like this.

12 : Okay. And so when you describe
13 what you saw specifically, you saw Michael Brown, he
14 was standing outside the car?

15 : Yeah.

16 : Describe his body, how was his
17 body situated?

18 : It was like, it took like
19 pulling away like, you know. Like, you know how you
20 push off of something, it was more like that.

21 : Where were his hands?

22 : At one point I saw his hand
23 like pushing up against the car like coming off.

24 : Okay. You said both hands?

25 Yeah, and then whenever I

1 saw him yank away his hand went like that.

2 : He yanked away. And when you
3 pulled up on them, Michael Brown was already by the
4 car, correct?

5 : Uh-huh. I didn't see how
6 the thing, the first beginning of it, I didn't see
7 that.

8 Okay. You didn't see anything
9 of that leading up to it?

10 : No.

11 : By the time you pull up, you
12 heard a shot already or no?

13 No.

14 Okay. So let's go, you
15 describe Michael Brown had his hands on the outside
16 of the car; is that right?

17 : Uh-huh.

18 : Is that yes?

19 : Yes.

20 : And is hands on the window sill
21 of the car, on the door or the car?

22 : Like the side door.

23 : The driver's side door.

24 : Yeah.

25 On the handle of the door, by

1 the door handle or by the window?

2 He had like this I can
3 describe like the whole time because it was action
4 at like, you know, I can't see every little step,
5 but I did see him pushing off like, you know.

6 : While this is going on, you
7 said you didn't see this every day, is that when you
8 took out your phone?

9 I had my phone in my hand.
10 I was trying to get to record, that's when the shot
11 came.

12 : So you got your phone?

13 : No, I'm trying to work the
14 recorder.

15 : I'm trying to figure out if you
16 were watching.

17 No, I can't, you know, I
18 have to push record on that phone. So I don't know
19 every little thing, I was trying to do that sort of
20 thing.

21 : That's only fair. I'm just
22 trying to find out what you actually saw. Because
23 you say you see something like that, there were
24 times when you looked down, that's all I'm trying to
25 establish.

1 Yes.

2 When you look down, is that
3 when you heard the shot, is that right or no?

4 : No.

5 : Okay, explain it.

6 : I can explain like exactly
7 whenever the shot came, whenever I was about to
8 record, that's when I can't say anything. I saw the
9 bullet.

10 I'm trying to figure out what
11 you were doing when the shot, when you heard the
12 shot. Were you trying to record, were --
13 (inaudible)

14 : I was about to record, I
15 just now heard the shot. I can't say I was looking
16 right at it. I was looking at my phone to try to
17 hit record and I heard a shot and said, oh, let me
18 get out of the way. That's when I went to get out
19 of the way. I saw the kid wrestling, pulling out to
20 the side, I saw the kid run away.

21 At that point you saw the kid
22 wrestling, yank away after the shot; is that
23 correct?

24 : Yes.

25 : As you were driving, did you

1 look at Michael Brown at all?

2 : As I was driving?

3 Yeah, as you are driving away,
4 did you look over at the police officer and the car?

5 : No, I went straight to the
6 (inaudible), that's whenever I got out. And I saw
7 the officer come out, I saw Michael run.

8 : All right, let's go back to
9 when you were driving to the parking lot, okay?

10 : Uh-huh.

11 : So from the time you heard the
12 shot and you decided you wanted to get out of there,
13 so you both (inaudible)

14 Yes.

15 : During that point that you are
16 driving to the parking lot, you were not looking at
17 Michael Brown and the officer in the police vehicle;
18 is that right?

19 No, I was not.

20 : Okay. At any point up to that
21 part, did you notice anything about Michael Brown or
22 any injury of anybody at that point?

23 : No. Whenever I looked back
24 up, that's whenever there was more shots coming, I
25 saw his body jerk.

1 : Okay. You are pulling into the
2 parking lot?

3 : Uh-huh.

4 : You pull into the parking lot,
5 they are not in your vision; is that correct?

6 : The officer is still in my
7 vision.

8 : Even as you are pulling into
9 the parking lot?

10 : Yes, so, whenever I got
11 right here, it is a parking lot. This is my parking
12 spot right here. Right across this grass I can
13 still see, that's when I coming this way, I did see
14 him get out of that truck, I didn't see him coming
15 this way.

16 : That's what I'm saying, there's
17 a point in there where he is out of your vision as
18 you are driving?

19 : Yes, I'm on the other side
20 of his car and I can't see the driver's side door at
21 that time.

22 : Okay. And you park your car in
23 a parking space?

24 : Yeah.

25 : Where is the parking space

1 relative to the street, is it parallel,
2 perpendicular, are you facing the street?

3 : Yes, I am facing the
4 street.

5 : Here is the parking lot?

6 : You pull like right up into
7 here, I could still see right over here and then
8 right out.

9 : At any point are you trying to
10 get your phone out to record?

11 : I still have the phone
12 ringing. And that time I wasn't trying to record
13 anything and I was in shock.

14 : Okay. So you pull into the
15 parking lot, what's the next thing you see when you
16 pull into your space?

17 : When I pull into my space,
18 I see the officer running behind shooting.

19 : Okay. You didn't see the
20 officer out, correct?

21 : No.

22 : So you don't know what happened
23 from there to the time you looked down at your phone
24 initially to the time you pull into the spot, you
25 heard the shot, you didn't see that because you were

1 running into the spot; is that right?

2 : No, that's not what I'm
3 saying.

4 : Okay.

5 : Put down my phone to
6 record, I had to put down the phone at that time to
7 hit the record, that's whenever I heard the shot
8 come so. I get out of the way so I did see the kid
9 yank like this.

10 I'm sorry, you saw him yank
11 hard?

12 : Yeah, and he run off.
13 So you saw the kid run off?

14 : Yes.

15 : At that point the officer
16 (inaudible) follow you; is that correct.

17 : I didn't see exactly when
18 he got out of the car.

19 So now you are in the parking
20 lot and you parked, what's the next thing you see
21 when you parked?

22 I saw the officer running.

23 Okay. You say you saw Michael
24 Brown running also?

25 Yes, I saw the officer

1 running off shooting and I saw his body jerk.

2 : Okay. Can you describe
3 anything about the manner in which Michael Brown was
4 running at that point?

5 : What do you mean, like
6 fast, slow?

7 For example, did you see where
8 his hand were as he was running?

9 : No, I can't say where his
10 hand were, I just know he was running.

11 : Okay. Did you notice Michael
12 Brown had any injuries to his body on him?

13 No.

14 Okay. And at this point, when
15 you got out of your car, you park your car, do you
16 hear any other shots?

17 : Yeah, multiple shots.

18 : Multiple shots. This is
19 between the time, can you be more specific, between
20 the time you pulled in and parked on this spot, at
21 that time after the first shot, did you hear any
22 shots?

23 Yes.

24 : About how many.

25 I can't say how many shots

1 were fired.

2 : You got out of your car, is
3 that what was next?

4 : Yeah.

5 : At that point is when you see
6 the officer running; is that correct?

7 Uh-huh.

8 : You say maybe the officer
9 was firing shots?

10 Yes.

11 How do you know?

12 : I heard him firing shots.

13 : About how many?

14 : I don't know. I can't tell
15 you exactly how many shots were fired at all. The
16 only time I just remember that one shot came from
17 the car, after that I can't say how many shots were
18 fired.

19 Okay.

20 : Can you say more than two or
21 more than three?

22 : Yes, it was multiple.

23 : It was multiple times?

24 : Yes.

25 : Okay. And so at some point you

1 said Michael Brown stops; is that correct?

2 Yes.

3 : Can you describe what you saw,
4 anything about him?

5 I saw his body jerk, I saw
6 him turn around and put his hands up. He looked
7 like a big tall man, I didn't know he was a kid.

8 : Okay. When his body jerked,
9 where were his hands?

10 : It was like oh, like, you
11 know.

12 And you saw his body jerking?

13 : Yeah.

14 : You are kind of
15 demonstrating jerking forward?

16 Yeah, from behind, yeah
17 from behind jerking.

18 : Did you notice where his hands
19 were?

20 : When.

21 At that point whenever he
22 jerked, did you notice his hands?

23 That's when he went up and
24 he turned around and he started, I can't say what he
25 was doing in front of him, but at that time he was

1 running. It was really fast though. He wasn't
2 doing anything with his hand, like once his body
3 jerked, it jerked, I can't say where.

4 : Okay. I was listening to you
5 and you say his body jerk and he started turn around
6 (inaudible)

7 : He started putting them up
8 as he is turning around.

9 : Okay. What did the officer do?
10 He continued to walk up on
11 him and shoot until he goes down.

12 : Okay. He walked up to Michael
13 Brown shooting, is what you are saying?

14 He kept walking, he kept
15 walking and shooting until Michael falls down. And
16 he just walked up on him and just stop and shoot.

17 So the whole time he just kept
18 on shooting?

19 : Yes.

20 So as you seem to remember it
21 basically he just continued the shots basically
22 (inaudible).

23 : Yes.

24 : Were there any pauses in the
25 shooting?

1 : Yes, there was a pause.

2 : When.

3 : I can't say exactly when.

4 Okay so, has one shot and then a couple more shots
5 and then more shots. I can't say like exactly this
6 is happening when the pause happened. Like, I don't
7 know, the shots were coming.

8 So you are saying Michael Brown
9 turned around, the officer just kind of kept on with
10 it, he kept on shooting.

11 : Yes.

12 : And you're saying that the
13 officer came up on Michael Brown and got closer and
14 closer as he was shooting?

15 : Yes.

16 : How close did the officer get
17 to Michael Brown?

18 It was feet away, I can't
19 say exactly how, like the exact measurement of it,
20 but it was like feet away.

21 : Was it arm's length from each
22 other?

23 : No.

24 : Further away?

25 Yeah, further away.

1 : Distance to the wall?
2 Further away from the wall.
3 : From me to the wall?
4 : Uh-huh.
5 : I'll say probably from me
6 to the wall.
7 I'm not good with feet or
8 distances.
9 : Me either.
10 8 feet, 8 or 9 feet?
11 : I can't say anything about
12 feet.
13 : Do you remember anything about
14 the expression of Michael Brown's face was at that
15 time?
16 : No.
17 : And so from what you are
18 telling us is that Michael Brown got to that point,
19 stopped, turned around and stayed there because the
20 officer came up on him.
21 : Yes.
22 : All right. And this entire
23 time you are watching this, you're outside of your
24 car as you are walking to 's apartment?
25 : Yes.

1 : Do you have your phone in your
2 hand?

3 : I know I have my phone in
4 my hand.

5 Were you trying to call
6 at all while you are there?

7 I was in shock, I wasn't
8 calling anybody. First call I made was when I got
9 to her.

10 About the time you see Michael
11 Brown go to the ground, you were getting out of your
12 car and walking to her apartment; is that correct?

13 : Yes.

14 : Where were you when you
15 heard the first shot?

16 In the car.

17 : Where were you when you
18 heard the second shot?

19 When I was parking getting
20 out of the car.

21 Where were you when
22 (inaudible)

23 : When I heard the last shot
24 and I saw the kid go down I was about right here.

25 Okay.

1 You say these were like
2 (inaudible) shots or they were regular just shots
3 being fired as he was going?

4 : I would say they were
5 regular shots as they were going. There was a pause
6 probably, but it was like, I don't know like what
7 you're asking, but they were shots.

8 You heard a group of shots and
9 then a pause and then a group and a pause?

10 : Yeah, yeah.

11 : You heard a shot, a shot, shot?

12 Oh, no, there were groups
13 and then pause groups, yeah.

14 : What about at the end you said
15 the officer was walking up to him?

16 : He was just shooting, then
17 he stopped, he was just shooting, then he stopped.

18 : Okay. Why did the officer
19 stop shooting?

20 I guess because he went
21 down.

22 : You saw Michael Brown --

23 Yeah, I saw him like slap
24 the ground.

25 : Slow down for a second. When

1 you saw Michael turn around, he stayed where he was
2 and the officer came up to him.

3 : Uh-huh.

4 : Is that correct?

5 : Yes.

6 : And then after that, the
7 officer, um, (inaudible)

8 : Yeah.

9 : If fact, I believe you said you
10 saw the officer go and get on his radio; is that
11 right?

12 : I didn't just say that.

13 : No, you didn't. In the past,
14 is it true that you seen --

15 : Yeah, I saw him touch his
16 radio. I can't say what he said, but I did see him
17 touch the radio and another officer immediately like
18 pulled up right after.

19 : I want to be clear. Once
20 Michael Brown is on the ground, Officer Wilson did
21 not go over to Michael Brown's body; is that
22 correct?

23 : No, he did not.

24 In fact, you didn't see any
25 officer go over to the (inaudible)

1 : No, I did not.

2 : Okay. And you were watching
3 the whole time, correct?

4 Uh-huh.

5 : That's a yes, right.

6 : Yes.

7 : And you saw Officer Wilson
8 somehow either touch his radio, do something with
9 his radio.

10 Yes, he touched it.

11 And this is right after Michael
12 Brown went to the ground?

13 : Yes.

14 : And after that you went to s
15 apartment, right?

16 : Uh-huh.

17 Is that a yes?

18 Yes, I'm sorry.

19 : When you went to s, what did
20 you do when you went up there?

21 : She was standing on the
22 porch and she had her phone out and she was crying.
23 She was like, I just saw him shoot him. I said I
24 know, I saw it too.

25 And hen I called my fiancée and I told him

1 what happened. He says you need to call somebody
2 and tell them what you saw.

3 : And so who did you call?

4 : So I called the news.

5 : So your fiancée said you need
6 to call someone and you call the news?

7 : Uh-huh.

8 : Why did you call the news?

9 : Because what I saw wasn't
10 right.

11 Why did you choose the news as
12 opposed to anybody else, why did you choose the
13 news?

14 : I think they should know
15 what happened to this kid.

16 : Who else did you call?

17 : Um, I think I called my
18 (inaudible) I know I called Channel 2 and Channel 4,
19 and I know I called him back.

20 Okay. Did you talk with at
21 the time?

22 We didn't really talk about
23 it, she just said, I just saw him shoot him. I said
24 yeah, I saw it too. There is like pacing back and
25 forth, like what the -- just happened.

1 : Okay. I'm sorry, you did an
2 interview with the St. Louis County Police
3 Department?

4 Yes.

5 : In those two hours, can you
6 tell us what you were doing?

7 In those two hours, I was
8 standing up on the porch and looking around, like
9 people start just coming around. Um, we were just
10 standing on the porch like looking around, what did
11 just happen.

12 : Were people talking about what
13 they saw?

14 : We were up on the balcony,
15 and I can't say, and me and was on the balcony.
16 One of the police, they might from the county
17 police, it was the officer standing right there at
18 the bottom of the steps. I said, yeah, I want to
19 talk to somebody.

20 They said hey, let me (inaudible) Right
21 now I need you to stay up here so we can get this
22 crowd under control.

23 Did you talk to any of the
24 other neighbors and talk about what you saw?

25 : No.

1 : Did you talk to at
2 that time?

3 : Yeah.

4 : Did you know that there was
5 another person out there?

6 Uh-huh.

7 On the street with Michael
8 Brown; is that right?

9 Yes.

10 Did you know him?

11 : No.

12 : Did you know if knows him?

13 : No.

14 : Okay. Had you ever seen either
15 one of them before?

16 No.

17 Did you see any other
18 vehicle, you said that you saw this one that was
19 behind the police vehicle, did you see any other
20 vehicles?

21 : I saw a black vehicle and
22 it was like coming up behind, I don't remember
23 exactly where this vehicle came, right after the
24 shooting where he backed up, it went through one of
25 those driveways.

1 Okay. It wasn't --

2 Yeah.

3 Okay.

4 I just want to go back to the
5 part where you saw, this is just how the interview,
6 when you first saw the police SUV. You had
7 described before this tussle going on. Were you
8 able to see what the officer was doing?

9 : I can't see inside the car,
10 I can't see but I can't see fully back and forth.

11 : When you say tug of war that
12 that's what (inaudible) what was the officer, based
13 upon you saying tug of war, what you actually saw.

14 It looked like he was
15 pulling in and Michael was trying to pull out.

16 : Who was playing?

17 The officer.

18 : Did you see the officer's
19 hands?

20 I can't, no, I can't say I
21 saw his hands.

22 What makes you, I'm not trying
23 to, I just don't understand. What makes you think
24 he was pulling him in?

25 I saw the kid like pulling

1 away. I saw like him try to pull him in and he
2 actually pulled away, he's not just doing this.

3 So you saw -- is Michael Brown
4 has two hands on the car, you saw him pushing back;
5 is that right?

6 Yes.

7 : Do you see, I mean, is it
8 anybody --

9 I know for a fact that
10 whenever he was pulling away, he had his shirt like
11 this. (inaudible) I can't say exactly where the
12 officer's hands were, but like they were both
13 pulling.

14 : So you are showing me when
15 Michael Brown pulled away, (inaudible)

16 : Yeah, I saw his sleeve like
17 pull, like he was pulling away.

18 : Did you see any hand pulling
19 him?

20 I don't remember seeing
21 that.

22 : So from your vantage point, you
23 say Michael with his hands on the outside of the car
24 and you assume pushing away?

25 : Uh-huh.

1 : Yes.

2 Yes.

3 : And you don't see the officer
4 rose his hands anywhere?

5 No, I can't remember seeing
6 his hands.

7 Is there any part of Michael
8 Brown that is inside the vehicle?

9 : Another side of his head is
10 in the window. They were wrestling back and forth
11 throughout the whole thing.

12 : Just help me understand this.
13 How is it, you said, his hands up (inaudible)

14 What do you mean?

15 : Well, you told me when you saw
16 him they were pulling away.

17 They're pulling away, he
18 had to be pulling away from something. Something
19 was holding him through the window.

20 Well, you showed that he was
21 pushing off?

22 Yeah.

23 So how do you know he was being
24 pulled in, though, if you can't see somebody pulling
25 in. I'm not trying to argue, I'm just trying to

1 understand what you saw.

2 Uh-huh.

3 : Someone pushed away --

4 : Do you want me to say that
5 I saw the cops hand pulling him in, no.

6 : I don't want you to say
7 anything.

8 : No.

9 : Let me be very clear to you,
10 I want you to say what you know happened
11 and I'm trying to understand it.

12 : I'm telling you what I know
13 happened. I don't get, okay, saying where were the
14 officer's hands. I can't say where the officer's
15 hands were, but I did see him pulling away. He is
16 pulling away from something because something is
17 pulling him back in. So I can't say exactly where
18 those cop hands was, but I did see tug of war going
19 on through this window.

20 You didn't see the officer
21 pulling him in, correct?

22 I didn't see his hands
23 pulling him in.

24 Okay.

25 : Well, I think is

1 confused because she said that his head was inside,
2 his hands are pushing away, so how is his head
3 inside and his hands are pushing away?

4 I don't know exactly, like,
5 I don't know.

6 I mean, is it bent in the wind?

7 : Yeah, it is like a bend,
8 like what I showed you the first time. It is like
9 their pulling, he is pulling back.

10 You are showing me pushing
11 back, maybe we are using different words or the same
12 thing. Are you assuming that somebody was pulling
13 him in or can you tell me that somebody was pulling
14 him in, you see what the difference is?

15 Yeah, I see what you are
16 saying. So I'm not assuming something.

17 : When you, yourself, could see
18 him like that?

19 Uh-huh.

20 : You see Michael Brown's two
21 hands on the door; is that right?

22 : Uh-huh.

23 : Yes.

24 : Yes.

25 Okay. And you see, now you see

1 his head, is his head inside the window, outside the
2 window?

3 It was like, at the time I
4 saw his head in the window, yes. It was like a pull
5 back or something.

6 : Did his head go into the window
7 so that it disappeared from your view?

8 : No, like no, it didn't
9 disappear from my view.

10 : So, I mean, if it is any
11 different than somebody coming over to the car and
12 talking to them, is that what you are saying you
13 saw?

14 No, I saw like a pull, like
15 a wrestle, I can't say I exactly saw where the cops
16 hands were, but I did see a wrestle.

17 : I don't understand what wrestle
18 means?

19 : Like a tussle back and
20 forth.

21 : Let me ask you this. You
22 see Michael's hands on the doors pushing against the
23 door?

24 Uh-huh.

25 : He is pushing himself away

1 from it?

2 : Yes.

3 Could you tell whether he
4 was pushing himself away from the door or pushing on
5 the door, was the door closed at the time?

6 Yeah, the door was closed.

7 Did you see the door open?

8 : No, they always had the
9 door closed.

10 : Could you tell the
11 difference whether he was pushing against the door
12 to keep it closed or pushing himself away from the
13 door, could you tell that?

14 It was like he was pushing
15 away from the door, like trying to pull off. Like
16 the only time I saw like a tug on Michael is
17 whenever his arm, he was trying to like yank away
18 and like his shirt was like, you know.

19 : So when you are on the news you
20 told, actually that his whole
21 body stayed out of the vehicle the whole time that
22 you saw him; is that right?

23 : Uh-huh.

24 So no part of Michael Brown's
25 body was in the vehicle from what you saw?

1 : No, like I saw them pulling
2 back and forth. I never seen like his whole body be
3 inside of his vehicle.

4 Did you see anyone else, like
5 someone walking by, anyone on foot that may have
6 witnessed this?

7 : No, I don't remember seeing
8 anyone else.

9 Is that because you were so
10 focused?

11 : Yeah, what was going on, so
12 I can't say I seen anybody else.

13 You can't say there was
14 somebody else around?

15 : Yeah.

16 : We need to take a break, is
17 that okay?

18 : Uh-huh.

19 : Do you mind if we leave the
20 recording on or if we turn it off.

21 You can leave it on.

22 MS. ALIZADEH: It is 11:58 a.m. and I
23 paused the recording of the FBI interview of
24 at 40 minutes and 19 seconds because they
25 actually are taking a break in the interview and the

1 jurors thought this would be a time we would break
2 for lunch. So at this time we are going to have a
3 break for lunch and let me know how quickly you want
4 to resume. I'll keep you posted on if the witness
5 is here when he's supposed to be here.

6 (Lunch recess)

7 MS. WHIRLEY: It is approximately 12:49,
8 we are still on September the 25th, 2014, and we
9 were listening to an interview by the Federal Law
10 Enforcement Department of .

11 We're going to conclude that interview and
12 then after that, we do have a witness here. His
13 name is . We will talk to

14 and then we will see where we are on time.

15 Kathi will be joining us in a little bit,
16 so we're at 4019 is where we stopped it and I'm
17 going to resume that interview now.

18 (Resuming the interview of
19 .)

20 : We have some more questions, so
21 we have a better understanding, okay?

22 : Okay.

23 We are not trying to suggest
24 anything.

25 We started back at

1 approximately 5041.

2 : Again, if there is anything
3 mischaracterizing or misunderstanding, definitely
4 help us, okay?

5 : Uh-huh.

6 : Where you parked your car, can
7 you describe for us, I mean what you did, when you
8 parked your car.

9 I got right out of the car
10 and I start walking towards s house to see what
11 was going on.

12 Sorry, you said you parked your
13 car, got out, before you got out, did you take the
14 keys out of the ignition?

15 : Uh-huh, yes.

16 Did you grab anything, did you
17 have any stuff with you, anything like.

18 : I just got out of my car
19 and grabbed the keys and got right out.

20 When you got right out, where
21 did you go?

22 : I start walking towards
23 house, cutting across the grass.

24 : Did you continue walking as you
25 are looking at what is going on.

1 Uh-huh.

2 : Yes.

3 Yes.

4 Okay. And did you start going
5 up to, going up to s apartment while this is all
6 going on?

7 No, by the time I got right
8 over here that is whenever, I got right to this
9 point, that's whenever I saw he was going down, like
10 whenever. Before I got to her first steps, he was
11 already laying on the ground. I saw him next to the
12 ground.

13 : Okay. Did you go down into the
14 foyer while you were walking?

15 No.

16 Can you describe when you saw
17 Michael first begin to turn around, can you describe
18 in as much detail as you can, what he was doing? I
19 know you said he was running.

20 Yeah.

21 : But now and then.

22 His body jerked.

23 : Okay.

24 : He was still faced like the
25 opposite way of me, so I just saw his body jerk and

1 then he stopped where he was and turned around and
2 putting his hands up as he was turning.

3 : When he was running, do you
4 know where his hands were.

5 No.

6 Okay. When he stopped, do you
7 know where his hands were with his body (inaudible).

8 : Uh-huh.

9 When his hand -- (inaudible).

10 Whenever he, whenever he
11 jerked, he was like, and then he just like this.
12 (indicating)

13 His hands starting coming up
14 when he jerked, like when he jerked his hands
15 starting coming up?

16 : Like, you know, if you jerk
17 like that.

18 : You are showing almost
19 involuntarily his hands jerk; is that correct?

20 Yeah.

21 I don't want to mischaracterize
22 it, but based on what you are showing me happening,
23 the body jerked, like body jerking, like his hands
24 just kind of moved as part of the jerking?

25 : Yeah.

1 : Okay.

2 : As he jerked, his hands kind
3 of flew up?

4 : Yeah, like that.

5 : Okay. Can you describe, did
6 you see any sort of blood or injury at that point?

7 : I didn't, I couldn't see.
8 I didn't see blood until when he laid there and
9 started pouring from him. It didn't register to me
10 that he was dead until I saw the blood. I didn't
11 see any of that.

12 As he was turning around, did
13 he put his hands anywhere on himself?

14 : No.

15 : No?

16 No.

17 Did you notice anything about
18 his hands or his arms?

19 That they were, whenever he
20 turned around, no. Only thing I notice that they
21 were up in the air like he just went down like that,
22 he was getting shot it was like huh, huh, huh and he
23 fell to the ground.

24 : So you are saying, I wanted to
25 see if I can characterize this correctly.

1 With the jerking movement, as you just
2 showed us, his hands kind of went up, that kind of
3 involuntary jerking motion?

4 : Uh-huh.

5 : It was kind of all one motion
6 as he turned around with his hands up and then fell
7 to the ground; is that right?

8 No.

9 : No, okay.

10 : So when he jerked that's
11 when like whenever, that's what happened where his
12 hands were at. I can't say where his hands was
13 until I saw his jerk and that, that is when I saw
14 like come up. It was involuntary because it was
15 just like a reaction to a jerk. That is whenever he
16 turned around and put his hands up like that.

17 You show with his palms up,
18 were you able to see his two palms?

19 : Uh-huh.

20 : Yes?

21 : Yes.

22 : Okay. Was his arms and hands
23 the same level that they were at when you first,
24 when his arms first jerked?

25 No, it was starting to go

1 up.

2 : They started going up, you
3 notice something about his palms, you were able to
4 see them, correct?

5 : Uh-huh.

6 Yes?

7 : Yes.

8 : Was there almost simultaneous
9 as he turned around in that position, then the shots
10 kept going and he started going to the ground?

11 : Uh-huh. They were like
12 right behind each other.

13 : Right behind each other.

14 : Yeah.

15 : So like one big movement right,
16 the jerking and the turning around and hold them up
17 and he went to the ground.

18 Yes.

19 : Was he already kind of going to
20 the ground as his hands were up?

21 : Once he faced the officer,
22 he started going down once he faced the officer and
23 his hands went up, he just started going down to the
24 ground as the shots was hitting him.

25 : So do you remember, okay, it

1 was kind of one motion, one series of events.

2 : Yeah, it was.

3 Okay.

4 : Just to be clear for the
5 tape, hands up, you got them basically at shoulder
6 level or your level, something like that?

7 : Yeah.

8 : Okay.

9 : How far did Michael go in
10 this direction?

11 : About to right here where
12 he fell.

13 Okay.

14 : That's as far as he went
15 where he turned and fell.

16 : Uh-huh.

17 : That's as far east on
18 Canfield as he went?

19 : Yes.

20 : Okay. I'm fine. One thing
21 that struck me earlier, you are talking about
22 afterwards, after you went up on 's balcony
23 and you talked to her for a short time and you said
24 you called your fiancée; is that right?

25 : Yes.

1 : Was that still on the
2 balcony there?
3 : Uh-huh.
4 : When you call your fiancée.
5 : Yes.
6 : Did you call the news from
7 the balcony also?
8 Yes.
9 : Was with you on the
10 balcony at that time.
11 : Yes.
12 : At the time you made those
13 calls?
14 : Uh-huh.
15 Okay.
16 : Is there anything else you want
17 us to know about this?
18 No, that's all that I know.
19 : Is there anything that we
20 didn't ask you that we should have asked you about?
21 : No, I don't think so. I
22 can't think of anything.
23 : Is there anything that we
24 mischaracterized or we misunderstood, I know we went
25 over with you several times.

1 No.

2 : I know we've asked a lot of
3 detail here today, that's our job, okay. But you
4 feel like basically we have been fair to you today
5 and basically let you tell us what you know?

6 I think we tried to make you
7 say something you did want to say?

8 : I didn't get that part
9 about what you asked me at the truck, did you see
10 this and you asked me different ways.

11 Okay. I'd like to clarify
12 that. I don't want you to leave thinking we were
13 trying to get you to say something you didn't want
14 to or some misunderstanding.

15 So tell me about the truck that you were
16 just referring to tell me.

17 : When you asked me were they
18 pulling, was it a tug of war or did you see the
19 officer's hands. No, I didn't see the officer's
20 hands, but you can tell when somebody is being
21 pulled.

22 : Okay, that's fair. So you are
23 saying that even though you didn't see what was
24 pulling him, it is your perception that Michael
25 Brown was being pulled?

1 Yes.

2 : Do you know what part of him is
3 being pulled?

4 : No, I don't. It looked
5 like it was his shirt.

6 : You are talking about that is
7 when he was jerking away, correct?

8 Yes, I did see the shirt,
9 like this part of the shirt being pulled.

10 : You are showing the sleeve
11 part?

12 : Yeah, yeah, whenever he
13 turned his arm, like turning off, he was trying to
14 pull it out. (inaudible)

15 : His right sleeve?

16 : Yes.

17 : Okay. And so what about right
18 before that, were you able to see him being pulled?

19 : Yeah, I didn't see exactly
20 what was being pulled, but you can tell if somebody
21 is being pulled without seeing what's pulling him.

22 So your perception from your
23 vantage point that Michael Brown is being pulled?

24 : Yes.

25 : You couldn't tell from what

1 part of his body he was being pulled?

2 : No.

3 And no part of his body, as far
4 as you could tell, was inside the car?

5 : No, I can't see, like his
6 hands is like okay, I can't see his hands went all
7 the way into it, but it was just like, you know,
8 like through the window like, like a little back and
9 forth.

10 : Is Michael Brown's head in the
11 window a little bit is what you are saying?

12 : Yeah, I can't say, like he
13 didn't go all the way into like that, but it was
14 like a back and forth thing right there through the
15 window.

16 : Okay.

17 : You never saw Michael
18 Brown's hands go inside the window?

19 No, I didn't. I can't say
20 that they didn't, but I didn't see them.

21 : Is there a point you didn't
22 see the entire thing where it is possible it could
23 have gone in the window, is that fair?

24 Yes.

25 : But you didn't see

1 everything that was going on there inside the
2 vehicle?

3 No, not before, no. I was
4 looking at my phone.

5 : Right. Looking at your
6 phone and parking as well.

7 : Yeah.

8 : So there were portions of
9 this where you actually didn't have eyes on what was
10 going on in street; is that fair?

11 Yes.

12 : And after you parked your
13 car, were there other times then, for example, as
14 you are getting out of your car where you may not
15 have had eyes on the street the entire time?

16 No, wherever I got out of
17 my car, I started walking right toward it, more like
18 I saw it from whenever I saw the officer come from
19 his car, I saw Michael going down.

20 : I'm talking about where you
21 parked and were getting out.

22 : As I was getting out, I
23 couldn't see on the other side of that car. I can't
24 say how fast the officer got out of the car and, you
25 know, exactly what he did on that side because I'm

1 on this side, on the passenger side of the vehicle,
2 not the driver's side.

3 Have we clarified all of that
4 now?

5 : Yes.

6 : You feel like we were trying to
7 get you to say something that a you didn't want to
8 say?

9 : No.

10 : We treated you fairly?

11 : Yes.

12 All right. If at any point
13 weeks, day, months whatever come up, you want to
14 talk to us again and you think there is something we
15 need to know, you want us to know, don't feel like
16 this is one shot and that's it, okay?

17 Uh-huh.

18 : You can always call the FBI,
19 call you can have your lawyer call myself or
20 , we are always open to new information from
21 you or anybody else. We don't want you to feel like
22 you lost your opportunity this is it, okay.

23 Oh, that's fine, thank you.

24 : Thank you.

25 : We have to clarify that you

1 drew on the map this is where Michael Brown last
2 stood; is that correct?

3 : Uh-huh.

4 : Okay. Are you sure?

5 : The place where he last
6 laid?

7 : Where he turned around,
8 where he last was?

9 This was his last place
10 right there where he fell.

11 : I didn't want to put words
12 in your mouth, I didn't see like you were
13 understanding what I said so. I'm just going to say
14 where Michael Brown last stood; is that correct.

15 : Uh-huh.

16 That dot or this rectangle
17 was the vehicle, the truck, the police truck?

18 : Uh-huh.

19 Okay. Just going to say
20 police vehicle. And this X was, do you remember?

21 : I don't remember why I made
22 the X right there.

23 I think this is what, where
24 you said they were when you were getting out of the
25 vehicle, does that sound correct?

1 Are you sure? We can leave
2 it blank.

3 I don't remember why I made
4 this.

5 That's fine, we just won't
6 identify it. Do you remember what this was?

7 No.

8 Okay. All right. So is
9 this okay for me to put these two items.

10 : Yes.

11 Okay. Could you sign and
12 date this just anywhere, please?

13 Okay. Do you have any questions for us?

14 No, that's it.

15 : I'm going to stop the
16 recording. The time is 4:16 p.m.

17 (End of he playing of the
18 interview.)

19 MS. WHIRLEY: That is the conclusion of
20 the interview with the federal,
21 during the federal investigation. Now it is
22 approximately 1:06 p.m. for us our time. We are
23 preparing for our next witness. Do you have any
24 other announcement?

25 So I will go get our next witness.

1
2
3
4 of lawful age, having been first duly sworn to
5 testify the truth, the whole truth, and
6 nothing but the truth in the case aforesaid,
7 deposes and says in reply to oral
8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. WHIRLEY:

11 Q I'm Sheila Whirley, Kathi Alizadeh is
12 here, both with the prosecuting attorney's office,
13 also all 12 jurors are here, the court reporter and
14 we are now talking with .

15 A Yes.

16 Q Could you introduce yourself and spell
17 your name for everyone, please?

18 A My name is . ,

19

20 Q All right. And keep your voice up. You
21 see a microphone, it is not going to make your voice
22 louder, it is just recording, okay?

23 A Okay.

24 Q All right. you know why
25 we are here?

1 **A** Right.

2 **Q** This is concerning the Michael Brown
3 shooting?

4 **A** Uh-huh.

5 **Q** That occurred on August the 9th, 2014; is
6 that correct?

7 **A** Yes.

8 **Q** It would have been what day, do you recall
9 it happening?

10 **A** That was on Saturday.

11 **Q** Saturday, okay. Now, you were in that
12 area of the shooting of on the day that it occurred?

13 **A** Yes.

14 **Q** Where were you, tell us what happened that
15 morning, how did you start your morning on August
16 the 9th that Saturday?

17 **A** Um, I was coming from a young lady's
18 house, coming from the back
19 apartments, I think there's, I forgot the actual
20 name it is, but coming from her house.

21 **Q** Speak up a little bit.

22 **A** Coming from her house, you got the
23 Canfield Apartments.

24 **Q** Now, the apartments --

25 **A** I mean Canfield Street, making right.

1 **Q** Okay. We have a map here, I don't know if
2 it captures the area that you are discussing, but
3 can you tell us looking at this map, and here is a
4 pointer, you use it like this, push that button?

5 **A** Okay.

6 **Q** Which area can you tell from this map
7 where the area is that the apartments are that you
8 were coming from?

9 **A** Where, this is West Florissant.

10 **Q** This is West Florissant, right?

11 **A** Yes.

12 **Q** Okay. And that's Canfield Drive?

13 **A** This apartment is back over in that way.

14 **Q** Okay. So they're not actually on the map,
15 but they're further east?

16 **A** Right.

17 **Q** From the Canfield Green Apartments?

18 **A** Yes, end up this is Canfield, yeah, making
19 a right this way.

20 **Q** Okay. You are driving down Canfield
21 Drive?

22 **A** Yeah.

23 **Q** What kind of car are you in?

24 **A** A Monte Carlo, two-door white Monte Carlo.

25 **Q** Who is driving?

1 **A**

2 **Q** You are the passenger?

3 **A** Yes.

4 **Q** Anyone else in that two-door car?

5 **A** No.

6 **Q** Okay. So show us your pathway again?

7 **A** So end up making a right here, so as we
8 are coming down one of these side streets is like a
9 dead end for right here, and the officer came off
10 one of these streets right here, I think it might
11 have been this one. (indicating)

12 **Q** When did you see the officer?

13 **A** When we made a right coming down, he
14 basically jumped in front of us.

15 **Q** The officer came out onto Canfield Drive?

16 **A** Right.

17 **Q** Now, before you go further, do you recall
18 approximately what time it was, what time of day?

19 **A** Almost 12.

20 **Q** Close to noon?

21 **A** Uh-huh.

22 **Q** And when the officer, you say he jumped in
23 front of you, was he like, did he have red lights
24 and siren on or something appear to be happening?

25 **A** No.

1 **Q** Okay.

2 **A** So he came, he got up to the Canfield
3 area, I mean, street or whatnot, he got a little
4 further off going a little faster or whatever, so we
5 coming in behind, that's when kind of, almost got
6 right behind him because he had confronted Mike
7 Brown and his friend Dorian.

8 **Q** Okay. For the record, we are using Grand
9 Jury Exhibit 25 when we refer to the map and you are
10 showing us the locations at what point on that map
11 are you saying you guess he confronted Mike Brown
12 and Dorian, where on the map?

13 **A** It is like, let's see, it is somewhere
14 right here. (indicating)

15 **Q** Okay. And why do you say you guess, do
16 you know or you guess?

17 **A** No, I'm saying it is right here.

18 **Q** Okay.

19 **A** So that's where -- so that's where we are
20 coming down. whatnot. So I guess he was, the police
21 was about right here somewhere, talking to him or
22 whatnot, they didn't comply.

23 **Q** How do you -- what did you know, did you
24 hear them talking?

25 **A** No, I didn't hear nothing at all.

1 **Q** You just heard later about them not
2 complying, is that what you are saying?

3 **A** I'm saying it was the police stopped.

4 **Q** Okay.

5 **A** And said something and that's, Mike Brown
6 kind of looked back and just both of them kept
7 walking, him and Dorian. And that's when he came
8 back real fast, Officer Wilson, and kind of
9 catty-corner the car and almost hit Mike Brown, and
10 jump back and that's when we were actually behind
11 the police car, the Monte Carlo.

12 **Q** So where would you have been, the Monte
13 Carlo?

14 **A** It was like, I know we was like right here
15 being by this sewer, like a little bit in front of,
16 you know, the entrance right here.

17 **Q** Okay. And could you pass the car, the
18 police truck, could you pass it?

19 **A** No.

20 **Q** Did you drive around it?

21 **A** No.

22 **Q** Okay. So you were blocked?

23 **A** Basically, yes.

24 **Q** Behind the police car?

25 **A** Yeah, and after that, after somehow I

1 couldn't see because it's a tinted window on the
2 back of the truck so, um, somehow Mike Brown ended
3 up by the window or whatnot.

4 **Q** Which window?

5 **A** The police car.

6 **Q** Which window?

7 **A** Driver's side.

8 **Q** Okay. Driver's side?

9 **A** Or whatnot, so the only thing I could see
10 is like under the car.

11 **Q** Let me ask you this, was someone with him,
12 you did say Dorian was walking with him?

13 **A** Uh-huh.

14 **Q** Where was Dorian at this time?

15 **A** Um, as he was at the window?

16 **Q** Yeah.

17 **A** He was like, he was like, right towards,
18 when he was looking at it, I guess I could show you
19 all, I guess he is looking at them in the scuffling,
20 he looked, he kind of tripped over his foot and
21 just, you know, ran off whatever he seen because I
22 couldn't see. I couldn't see and whatnot because
23 the truck was, you know, catty-corner or whatnot.
24 So from then I was just like seeing
25 Mike Brown feet under the car.

1 **Q** What was his feet doing?

2 **A** Just moving like, you know, back and forth
3 and truck starts shaking like two or three different
4 times.

5 **Q** What did it appear to you was going on?

6 **A** A scuffle, a scuffle and whatnot.

7 So from then after that happened I
8 heard like a shot, just a shot, a small shot. It
9 wasn't too loud, it just was a shot.

10 **Q** Could you tell where the shot was coming
11 from?

12 **A** In front of us.

13 **Q** Could you tell --

14 **A** The police car.

15 **Q** It sounded like it was happening inside
16 the car?

17 **A** Yeah.

18 **Q** Or outside?

19 **A** Well, I know he was outside the car and
20 the police was inside the car, his feet was on the
21 ground, Mr. Wilson's wasn't.

22 **Q** But the shot, where did it sound like it
23 was coming from inside or outside the car?

24 **A** Inside the car.

25 **Q** Okay.

1 **A** So from then I end up telling , this
2 don't seem right. After I heard that first shot
3 back up, back up and open your door, open my door,
4 so we don't catch no shot or what else is going to
5 go on.

6 **Q** So why did you want the doors open?

7 **A** So we could duck.

8 **Q** You felt you could duck better if the door
9 was open?

10 **A** Yeah.

11 **Q** I see. So where does he back up from the
12 police car?

13 **A** Yeah.

14 **Q** And where was she when she backed up?

15 **A** We're kind of like, like this is the sewer
16 right here.

17 **Q** Okay.

18 **A** We wasn't nowhere like right here where we
19 could turn in, you know, to be kind of like right
20 here.

21 **Q** Okay.

22 **A** A little bit in front of the sewer or
23 whatnot.

24 **Q** Okay.

25 **A** So from then, as soon as like we backed

1 up, Mike Brown ran on her side, I meant the driver's
2 side coming from the officer's car, like limping a
3 little bit, gasping for breath.

4 Q Who was limping?

5 A Mike Brown. So I think his slipper came
6 off or something like that.

7 Q His what?

8 A His shoe, his shoe he had on or something
9 like that, I think it came off. But, um, so that
10 happened, that's when I heard a second shot. That's
11 when we he started ducking, we end up ducking.

12 Q Well, let's see what better clarity, what
13 was going on when you heard the second shot. So you
14 heard the first shot in the car, what happened once
15 you heard that first shot?

16 A Back up and open the doors.

17 Q Okay. And what was happening?

18 A About when we stopped, that's when Mike
19 Brown was running around her side.

20 Q The side, the driver's side of the car?

21 A Of , yes.

22 Q You saw him running?

23 A Yeah, like, you know, like scooting off.

24 Q Okay.

25 A Not actually running, running, running,

1 like scooting off, walking fast.

2 **Q** What was the police officer doing?

3 **A** I couldn't see him still.

4 **Q** Okay.

5 **A** I just heard another shot.

6 **Q** You heard another shot?

7 **A** Yes.

8 **Q** While Mike Brown was kind of scooting or
9 running?

10 **A** Yeah, right.

11 **Q** Did he have his back to you at that time?

12 **A** No, I was looking on his side, I was on in
13 the passenger side, so I'm looking at his side.

14 **Q** Okay.

15 **A** So his back to the officer.

16 **Q** Let me ask the question again, his back
17 was to the officer?

18 **A** Uh-huh.

19 **Q** Okay. He was not facing the officer when
20 you heard the second shot?

21 **A** Huh-uh, no.

22 **Q** Okay, go ahead.

23 **A** End up, you know, halfway ducking down.
24 So as I'm ducking down, you know, catty-corner from
25 my eye and I see Dorian. Like I don't know how he

1 got from, you know, from over here, you know, going
2 to the side of this street to being all the way over
3 here, I was, I didn't see nothing, none of that.

4 So the second shot I heard, I end up
5 seeing, ducking down and seeing him like, who is
6 this, you know, and I end up recognizing who it was.

7 Q Did you know Dorian before that day?

8 A No.

9 Q Did he say anything when he came around to
10 the side of the car?

11 A Huh-uh, not at the time, not yet.

12 Q Okay. Okay.

13 A And then I did say like the second shot,
14 said like a good four, five, six seconds, and that's
15 when I see the officer, Mr. Wilson, came the same
16 way as was. You know, he's gasping for
17 breath, had his gun down, just going toward him.

18 Q Was he running or trotting?

19 A Just trotting, like huh, you know.

20 Q Okay.

21 MS. ALIZADEH: So who's trotting and
22 gasping for breath that you just described?

23 A Mr. Wilson.

24 MS. ALIZADEH: The officer?

25 A The officer.

1 MS. ALIZADEH: Okay, all right.

2 A So, uh, and then I end up looking out the
3 back window, I guess, coming down the way or
4 whatnot. Like the whole time I don't know, I
5 blanked out or whatnot because I'm not hearing
6 anything, but I didn't hear nothing from the time
7 that they was at the truck. We are both, from the
8 officer's truck to the time he was running and
9 whatnot because I guess he had got down the street
10 some, a little after him or whatnot.

11 Q (By Ms. Whirley) So the officer was
12 trotting with his gun out?

13 A Yeah, it was down here.

14 Q After Mike Brown?

15 A Yeah.

16 Q Okay.

17 A So basically from then I'm looking out the
18 back window, is looking out her little rear
19 view mirror. So I guess they got down the street,
20 you know, got down towards, they still in the yellow
21 line the whole time. So get down, get down a way
22 and Mike Brown kind of swayed and turned around.
23 His hands weren't fully up, he kind of turned around
24 and he was just like that, and then he slid off
25 three more shots and fell on his face. (indicating)

1 **Q** So the officer shot him while his hands
2 was like this? (indicating)

3 **A** Uh-huh.

4 **Q** And the way you demonstrated was his hands
5 were --

6 **A** Halfway.

7 **Q** Like shoulder length?

8 **A** Uh-huh.

9 **Q** Okay.

10 MS. ALIZADEH: Can you demonstrate again,
11 I missed it, I was writing.

12 **A** Like, uh, I guess, I guess from where the
13 officer was at, he must have said something to him.
14 I couldn't hear that far back, you know. He was
15 probably, he was up by some other cars, so I
16 couldn't hear that far or whatnot. So I guess he
17 end up putting, you know, his gun up and saying
18 something to him, like get down or something.

19 **Q** (By Ms. Whirley) You are guessing about
20 that?

21 **A** Yeah.

22 **Q** You didn't hear that?

23 **A** Yeah, I didn't hear nothing the whole
24 time.

25 **Q** All right.

1 **A** As I guess he said something, you know, if
2 you are looking just to visualize or whatnot, turn
3 around, like slow his hands like slow.

4 **Q** Mike Brown?

5 **A** He wasn't fully up in the air or nothing
6 like that, he was just like this, and then boom,
7 boom, boom, three more shots and he fell down, hit
8 his face and fell on his arm and hit the ground.

9 **Q** When he turned around and raised his hands
10 up shoulder length, did he charge at the officer?

11 **A** No, no.

12 **Q** Did he move in a threatening way towards
13 the officer?

14 **A** Not that I could see, no.

15 **Q** You didn't see him threaten the officer?

16 **A** No.

17 **Q** As if he was coming to do him harm?

18 **A** No, the officer wasn't that close, he was
19 not close at all to him.

20 **Q** Like how far away would you say the
21 officer was when he turned around with his hands up?
22 Was it longer than what this room allows? I mean,
23 if I'm back here?

24 **A** I'd say from here to that corner
25 basically.

1 **Q** From where you are to the corner?

2 **A** Yeah, or from the door to there.

3 **Q** So like 15, 20 feet you're saying?

4 **A** Yeah.

5 **Q** Okay. And that's how far the officer was
6 when he fired the last shots?

7 **A** Yes, that I heard.

8 **Q** That you heard?

9 **A** That I heard.

10 **Q** Did Michael Brown stumble toward him in
11 any way or come at him?

12 **A** I just seen him drop.

13 **Q** Did he move again once he dropped Michael
14 Brown?

15 **A** Like I'm in the back seat, like he's on
16 the ground, I can't see no more after that.

17 **Q** Okay.

18 **A** And unless I got out and whatnot. So from
19 seeing that and whatnot, I got doors are still open.
20 So the first thing Dorian say, can you take me down
21 here? I'm like, hell no.

22 So prior to what they did at that
23 store, I didn't know nothing about that. You know
24 anybody ask you something like that, you are like
25 no.

1 **Q** Shots were being fired, you don't know
2 what's going on?

3 **A** Right.

4 **Q** Is that right?

5 **A** I mean, the three shots he dropped or
6 whatever, I'm just saying after that, you know, like
7 messed up or whatnot, he asked to get in the car and
8 take me down here and this and that. I'm like, no,
9 skirt off.

10 So about the time then the police
11 officer catty-corner right here, so I told her to,
12 you know, leave him where he was at, got up here, we
13 got up here by the police car like right here. On
14 the side is the apartments, you know, catty-corner.
15 So by the time we got up there, other police were
16 coming through, coming from West Florissant indene
17 came like straight at us at first.

18 **Q** Was there more than one car?

19 **A** It was like, I think it was like three,
20 four, five of them trucks.

21 **Q** Okay.

22 **A** So they came like straight at us, but
23 then, I guess, one of the other trucks stopped and
24 they turned, they just went on around towards the
25 body.

1 So from then, I just told her to
2 gradually go in that grass and we left.

3 **Q** So you didn't see what they were doing
4 once the police arrived because you left, right?

5 **A** Yeah, we left.

6 **Q** Did anyone try to stop you and talk to you
7 about what you may have seen that day?

8 **A** No.

9 **Q** Okay. All right. So, go ahead.

10 **A** Let me say something I just forgot too.
11 So when we got here by the police car, basically we
12 got stopped seeing other officers coming in, I end
13 up getting out, you know, to look back and whatnot.

14 MS. ALIZADEH: I'm sorry, I couldn't hear
15 what you just said, you ended up getting out?

16 **A** Yeah.

17 MS. ALIZADEH: Okay.

18 **A** I seen the other officers was coming in or
19 whatnot, and her getting up beside, you know, of the
20 truck. Because we end up stopping because the
21 police I thought were going to block both sides, but
22 they end up didn't. They came straight at us and
23 they went on around towards the body and whatnot.

24 And the other officer I end up
25 getting out of the way of him. I looked back and I

1 just seen the officer checking his arms or whatnot.
2 I don't know if was checking for blood splatter or
3 whatever or whatnot.

4 After that, got in, started to
5 gradually go through the grass and we left. That's
6 why I say at the end.

7 : Now, when you say he was
8 checking his arms, Officer Wilson was checking his
9 arms?

10 **A** Uh-huh.

11 Okay, all right, thank
12 you.

13 : . On the
14 map could you indicate to us about how far towards,
15 how far east, I should say, Mike Brown ran before he
16 turned from where he stopped?

17 **A** I would say it is like, you know, going up
18 by this way. Where his body was at, that's how far
19 he went. Well, over by this tree, well, not this
20 tree here, but like, you know, a little right there,
21 that area, yeah.

22 : When you
23 were witnessing this, did you happen to see was it
24 like another car that came behind you as well?

25 **A** It was like, I'd say, I'm trying to, you

1 know, put in about time. I'd say about, ended up
2 being like two to three cars behind us.

3 Do you remember like the
4 color any of those cars, what kind of make or model
5 they were?

6 **A** I know it was a burgundy car that was back
7 there that a young lady was in.

8 MS. WHIRLEY: Do you know the young lady?

9 **A** Uh-huh, no. In a black truck, that is all
10 I remember.

11 MS. ALIZADEH: Where was the black truck,
12 behind the burgundy car?

13 **A** I think it was in front of that one, I
14 think.

15 MS. ALIZADEH: Do you know who was
16 directly behind s car, not who, but can you
17 tell me what car was behind s.

18 **A** I know it was a smaller car, smaller
19 vehicle. I don't know, it might have been a white
20 or a gray car. It was like a truck and a burgundy
21 car.

22 MS. ALIZADEH: And where were the truck
23 and burgundy car in relation to the car you were in?

24 MS. WHIRLEY: Show us on the map?

25 **A** Behind, basically, behind us.

1 MS. ALIZADEH: Behind you?

2 A Yeah. Like I said, it was like a smaller
3 car behind us, I don't really remember what color,
4 it my have been gray or white, but I know that car
5 was a black one and a burgundy one.

6 MS. ALIZADEH: Let me ask because I know
7 at some point, you and I have talked a little bit
8 about this, right, briefly?

9 A Uh-huh.

10 MS. ALIZADEH: You said that as Michael
11 Brown ran past, you turned in the car and watched
12 through the rear, back of the car.

13 A Yeah, the mirror, yeah, the glass.

14 MS. ALIZADEH: Through the windshield.

15 A The back glass.

16 MS. ALIZADEH: I don't know what you call
17 it, back windshield.

18 A Uh-huh.

19 MS. ALIZADEH: So you are looking out the
20 back window of the car, the back windshield?

21 A Uh-huh.

22 MS. ALIZADEH: And so when you first
23 turned to look out the back windshield, was there
24 already a car behind you?

25 A Um, I think it was like one, I think it

1 was like one at the time.

2 MS. ALIZADEH: You said that was a smaller
3 car?

4 **A** Yeah.

5 MS. ALIZADEH: Now, you also said that
6 there was a truck, like a black truck?

7 **A** That was the time that I got out, yeah.

8 MS. ALIZADEH: Black truck came after?

9 **A** Yeah, that was after, it was like still
10 clear out there.

11 MS. ALIZADEH: Okay. Somebody else had
12 hands up?

13 : . I was
14 trying to make sure I have this correct. You said
15 that, was it officer Darren Wilson you said that was
16 trotting down the street after Michael Brown and
17 appeared to be gasping for breath?

18 **A** Yeah.

19 With the gun down by his
20 side?

21 **A** Towards the ground, it wasn't like up or
22 nothing like that, it was huh, like that.

23 Okay. Then with Dorian,
24 did Dorian, you said he appeared out of nowhere or
25 something?

1 **A** Yeah, like, I guess, when Mike Brown and
2 the police was tussling.

3 : Uh-huh.

4 **A** As I'm like looking out the car.

5 : Uh-huh.

6 **A** And see, I guess, Mike Brown towards the
7 car, you know, his friend is like right on the side,
8 like on Mike Brown's right. So that's the other
9 side of the street he end up going to. I guess he
10 seen what's going right there because I can't see
11 behind, you know, the police tinted window.

12 : Okay.

13 **A** It is catty-corner. So he ran off
14 somewhere over here.

15 Okay.

16 **A** Like I say, by the time I heard that
17 second shot, ducking and looking, that's when I seen
18 him on the side of me like, like where you come
19 from. You was just going on the other side of the
20 street.

21 So I don't know if he ran right
22 across the street or went around or something, I
23 don't know.

24 : Okay.

25 **A** I end up seeing him after the second shot.

1 : So where you are
2 positioned sitting in your vehicle, I don't want to
3 assume this, is your vehicle straight, directly in
4 the lane, you're straight in the lane?

5 **A** Yeah.

6 : The officer is
7 catty-corner?

8 **A** Yeah.

9 Toward the front of your
10 vehicle?

11 **A** Uh-huh.

12 : When you say, when you are
13 looking at the officer's vehicle, are you looking at
14 basically the rear panel, like the trunk area?

15 **A** Uh-huh.

16 : Back glass and the right
17 side or the right rear quarter panel right side of
18 the vehicle?

19 **A** Yeah.

20 : So we are looking at this
21 corner. So you are trying to see through the glass
22 or whatever?

23 **A** Yeah, but it is just, you know, fully
24 black tint, so.

25 : Okay, all right. And so,

1 Dorian, if I'm understanding you correctly here, at
2 that point is Dorian, let me say state this
3 correctly, is Dorian and Michael, are they both on
4 the driver's side of the officer's vehicle at that
5 time that you see the feet underneath struggling.

6 **A** No, Dorian had been left.

7 : Dorian had gone?

8 **A** Had been left.

9 : Okay. Dorian was not
10 there. Then when Dorian shows up again, is he at
11 the passenger side of your vehicle?

12 **A** Yeah, like two doors, he is like, he is on
13 the side part, you know, ducking down too.

14 Okay. And you said
15 before, is her name ?

16 **A** .

17 Okay. So
18 was driving, you are in the passenger seat of the
19 Monte Carlo?

20 **A** Uh-huh.

21 Okay. He shows up and
22 says man, you know.

23 **A** That's at the end, you know, from me
24 seeing him shoot Mike Brown and, you know, like end
25 up talking, like messed up, whatnot. And first

1 thing he said, can I get in, can you take me down
2 here. I'm like, no, I don't know you.

3 : Uh-huh.

4 MS. WHIRLEY: No, you go ahead.

5 **A** I didn't.

6 : You did not know Dorian
7 then?

8 **A** No.

9 Okay. Just some random
10 guy that said, hey, man take me somewhere. I don't
11 know what's going on.

12 **A** Yeah, he was probably just scared like. I
13 said, he wasn't getting in no way.

14 MS. WHIRLEY: So to be clear, the point
15 where Dorian was at the car asking to get in, the
16 shooting had already occurred?

17 **A** Right.

18 MS. WHIRLEY: So before the shooting
19 occurred, was Dorian at, just kneeling by the car
20 without saying anything?

21 **A** He didn't say nothing, on the second shot,
22 he didn't say nothing.

23 MS. WHIRLEY: Was he in a position to see
24 what was going on?

25 **A** He was in a position to see everything.

1 MS. WHIRLEY: And coming back to your
2 question, when you first saw Dorian and Mike
3 together.

4 A Uh-huh.

5 MS. WHIRLEY: They were both walking down
6 the middle of street?

7 A Uh-huh, on the yellow line.

8 MS. WHIRLEY: On the yellow line. And the
9 officer, you were behind the officer and he backed
10 up real fast you said?

11 A Yeah.

12 MS. WHIRLEY: Almost hit Mike.

13 A About hit his foot almost.

14 MS. WHIRLEY: You could see that?

15 A Uh-huh, he jumped back from it.

16 MS. WHIRLEY: And was Mike pushing him,
17 preventing him from getting out of the car from your
18 view?

19 A I couldn't see all of that because the
20 truck was already catty-corner, that's why I was
21 saying how he ended up right by the police officer's
22 car.

23 MS. WHIRLEY: The officer almost hit him
24 he was so close when he came back.

25 A Yeah, he just, I don't know if he ran up

8 **A** Probably, well, I got to say exactly.

17 MS. WHIRLEY: Okay.

20 **A** Uh-huh.

23 **A** Uh-huh.

24 : That's when Dorian ran
25 away?

1 **A** No, he didn't, he didn't run then, like I
2 was saying. I was saying Mike Brown somehow ended
3 up by the police door.

4 : Michael Brown did?

5 **A** Yeah.

6 : At what point did Dorian
7 leave?

8 **A** Basically as this is happening, he is
9 gradually slow -- slow across and just end up
10 running, like it wasn't no full-fledge run, like
11 walking, like he run like this.

12 : So there was nothing
13 going on between the two men or the police officer,
14 it was always Michael Brown and Officer Wilson?

15 **A** Not yet, not yet. Like I say, whatever,
16 you know, probably Dorian saw you shut the door on
17 him, I don't know, I couldn't see that.

18 MS. WHIRLEY: We don't want you to guess,
19 right, just tell us what you can see.

20 : You can only see their
21 feet?

22 : I can only see Mike Brown's
23 feet.

24 : And the car moving?

25 **A** Yeah, back and forth, side to side.

1 : So it obviously was a
2 little bit of a hard --

3 **A** Right, right.

4 : Okay.

5 : . I had one
6 more question.

7 MS. ALIZADEH: Sheila interrupted you,
8 that was not right.

9 MS. WHIRLEY: No, I didn't.

10 At any time did Dorian
11 position himself, to your knowledge, that you could
12 see, at any time did he position himself at the
13 trunk of your vehicle and between this other vehicle
14 that was parked behind you or that was stopped
15 reportedly behind you?

16 **A** The trunk?

17 The rear part of your
18 vehicle, the trunk end of your vehicle?

19 **A** Uh-huh.

20 : Was Dorian ever positioned
21 there at any time?

22 **A** The back of the car we was in.

23 : Yes?

24 **A** No, he was on the side, right on the side.

25 : On the passenger side?

1 **A** Basically, like I said, the second shot,
2 he end up ducking, that's when I seen him too. He
3 basically ducking down like this looking, you know,
4 just looking.

5 : He's like on the passenger
6 side at the rear portion of your vehicle?

7 **A** Yeah, like by the tire.

8 : Okay. Never by the
9 trunk, okay, thank you.

10 : . How soon
11 would you say the struggle began?

12 **A** How long was it I think?

13 : When you said you saw the
14 police vehicle come back at him at a rapid speed and
15 stop.

16 **A** Uh-huh.

17 : How soon would you say the
18 confrontation started?

19 **A** Oh, man, three seconds. No, like from
20 Mike Brown being by the door, about three seconds,
21 might have been two.

22 : You never heard nothing?

23 **A** Not the whole time, music down and
24 everything. I didn't hear stop.

25 MS. WHIRLEY: Windows down?

1 **A** Windows down, everything.

2 : . So from
3 your perspective sitting in the car behind the
4 police vehicle, you know, you said you see feet
5 moving, Michael Brown was a tall man, could you see
6 his head over top of the Tahoe or was it --

7 **A** No, because the way the truck is, like I
8 say, it is all tinted windows, big glass windows and
9 you ain't going to see nothing.

10 MS. ALIZADEH: Like over the roof of the
11 car, could you see his head above the roof of the
12 car?

13 **A** No, no.

14 MS. ALIZADEH: So let me ask you this
15 because that was going to be my question.

16 **A** All I'm looking at is tint, that's all I'm
17 looking at.

18 MS. ALIZADEH: Okay. Imagine this, I
19 mean, we now know how tall Michael Brown was, okay?

20 **A** Uh-huh.

21 MS. ALIZADEH: And at some point, we're
22 going to learn how tall the roof of the Tahoe was,
23 okay?

24 **A** Uh-huh.

25 MS. ALIZADEH: If Mike Brown is taller

1 than the Tahoe's roof, if he is standing there and
2 standing upright.

3 **A** Right.

4 MS. ALIZADEH: Would you have been able to
5 see the top of his head or some part of his?

6 **A** No, because where I'm sitting is down
7 here.

8 MS. ALIZADEH: Is lower?

9 **A** Right. Even if he is tall, I wouldn't be
10 able to see him.

11 MS. WHIRLEY: Because you are in a Monte
12 Carlo, it sits low.

13 MS. ALIZADEH: So your position is further
14 lower?

15 **A** Right, yeah.

16 : Did you
17 happen to notice where Dorian went after the
18 shooting?

19 **A** No. As I told him to go on, we got by the
20 police car, that's when other police came in. Like
21 I say, when I got out, I didn't see him nowhere. I
22 didn't see him on the ground or nothing.

23 : Forward or backwards, you
24 don't know?

25 **A** No.

1 MS. ALIZADEH: You can sit down if you
2 want, , we don't mean to make you stand
3 up.

4 Did you happen to notice
5 to your right there's a parking lot, grassy area,
6 did you notice anybody else in that area right after
7 the shooting or during the shooting, would have been
8 on your right side?

9 A Like my right side over here. There was
10 like, I just seen somebody in a pink shirt. I don't
11 know from what balcony or exact or whatnot, but
12 somewhere over there, you know, glimpsing, going and
13 looking to the right or whatnot. It wasn't a full
14 fledge of people until when I left.

15 Up on the ground or
16 parking lot or getting out of the car or right
17 there?

18 A Uh-huh.

19 You didn't see anybody?

20 A No, just people in the apartment like
21 straight ahead over here.

22 : Okay.

23 A My eyes was, you know just looking.
24 That's the first thing, you know, when I got out and
25 turned, I just seen pink a shirt.

1 : You saw somebody on the
2 balcony.

3 : . So you are
4 saying you drove through that little field to get
5 away?

6 **A** Just drove right here on the grass part,
7 where the grass is, went around the police car.

8 And you didn't see
9 anybody standing in that area watching?

10 **A** Huh-uh, no.

11 MS. WHIRLEY: Were you looking for people?

12 **A** Huh-uh, no.

13 : Somebody could have been
14 there, but you just didn't recognize seeing it?

15 **A** Yeah, right.

16 : You were wanting to go?

17 **A** Yeah, exactly, yeah.

18 When this
19 scuffle was going on, you said you could see Michael
20 Brown's feet kind of moving and shuffling. Did you
21 ever, did it ever appear to you that he stepped back
22 and then went to the car and then stepped back again
23 and went to the car?

24 **A** Like, I mean, I guess you can kind of say,
25 what you mean like letting go and coming back?

1 : No.

2 **A** Yeah, like dancing movements. It wasn't
3 like standing still hitting or punching, it was like
4 a dancing, like they was probably just grabbing each
5 other or something, and just moving around, just
6 back and forth.

7 : Did you hear the shot at
8 the car or did you --

9 **A** The first shot?

10 : The first shot.

11 **A** Uh-huh. That's when I told her to
12 back-back, open the doors and basically take cover
13 if we hear another one.

14 : At that point did he turn
15 and run?

16 **A** Who?

17 : Mike Brown, sorry, Mike
18 Brown.

19 **A** From the first shot?

20 : Yeah.

21 **A** Like when we back, we back-back, as soon
22 as we stopped, that's when he start coming on
23 s side.

24 : You didn't hear a shot and
25 then he went back to the car and scuffled with the

1 officer?

2 **A** No, they was basically still right there.
3 They was still right there after the first shot.
4 And by the time got to we back-back slow, slow,
5 wasn't no fast move back, this was slow. So by the
6 time, I guess, probably the time we back-back, it
7 was probably like what, five or six seconds, that's
8 when end up seeing him running past her door.

9 : . To clarify,
10 five or six seconds past after the shot before you
11 saw Michael Brown leaving or running, so he might
12 have stayed at the window for a few seconds after
13 the shot?

14 **A** Yeah, uh-huh.

15 . Did you ever see
16 a passenger vehicle, like a Windstar minivan in
17 front of the police vehicle pull up literally nose
18 to nose? Did you see another passenger vehicle? I
19 know you are blocked by the police vehicle, might be
20 difficult to see the other side, did you notice
21 another passenger vehicle approach from the West
22 Florissant side and pull up in front of that police
23 vehicle?

24 **A** No, I didn't notice it, no.

25 MS. ALIZADEH: , when you

Page 190

1 were leaving and you went around the police car.

2 **A** Uh-huh.

3 MS. ALIZADEH: Were there cars on the
4 other side of the police car?

5 **A** Coming in?

6 MS. ALIZADEH: Yeah.

7 **A** No.

8 MS. ALIZADEH: You didn't see any cars?

9 **A** No cars coming in the whole time that I
10 seen.

11 MS. ALIZADEH: Did you drive straight out
12 Canfield to West Florissant?

13 **A** Yeah.

14 MS. ALIZADEH: Did you see anybody
15 standing in the street or in the yards of those
16 houses?

17 **A** No, not as I remember.

18 MS. ALIZADEH: Not that you remember?

19 **A** Huh-uh.

20 MS. ALIZADEH: And I have some other
21 questions, but not kind of at the scene. So let's
22 stick with questions about what happened at the
23 scene if you have any.

24 MS. WHIRLEY: Anything else at the scene?

25 MS. ALIZADEH: Okay. So I

1 just, I know you said is driving and after
2 you left the scene, where did you guys go?

3 **A** We went up, I told her to take me home,
4 but went up on the side, what's that street, what's
5 that Ferguson, on the side of Ferguson Market, is
6 that Ferguson or something like that?

7 MS. ALIZADEH: So you went out to West
8 Florissant, then you make a left?

9 **A** Made a left and quick right by that store.

10 MS. ALIZADEH: Okay.

11 **A** And went on out to Pagedale.

12 MS. ALIZADEH: You don't live in Ferguson;
13 is that right?

14 **A** No.

15 **Q** (By Ms. Alizadeh) Are you familiar with
16 Ferguson, the area?

17 **A** Uh, that street, from going through that
18 street, that was about my second time going through
19 that street, well, third time from the incident.

20 **Q** Do you know, does live in
21 Northwinds Apartments?

22 **A** Yes, I just thought about it, Northwinds,
23 that's the name of it.

24 **Q** That's the name?

25 **A** Yeah.

1 **Q** So you had take you home?

2 **A** Uh-huh.

3 **Q** And when you went home, who is the first
4 person you told about what you saw?

5 **A** When I went home?

6 **Q** Well, you went home after, you had her
7 take you home, right?

8 **A** Yeah.

9 **Q** Did you go home or did you just get out
10 and leave your house?

11 **A** No, I went to my house.

12 **Q** Right. So when you, after she drops you
13 off, does she stay or does she leave?

14 **A** She left.

15 **Q** Okay. So now that is gone, who is
16 the first person you told about what you saw?

17 **A** My sister.

18 **Q** Your sister?

19 **A** Uh-huh.

20 **Q** Okay. Now, at some point you knew that
21 there were, there was a big disturbance that
22 happened within a few hours of the shooting?

23 **A** Right.

24 **Q** Did you ever go back down to Canfield and
25 watch what was going on or be a part of that?

1 **A** No, huh-uh.

2 **Q** No?

3 **A** No.

4 **Q** What about, and then we know that in days
5 after that there was looting and rioting and
6 protesting, I mean, protestors are one group and the
7 looter and rioters are definitely a different group?

8 **A** Right.

9 **Q** Did you ever go up there and protest or be
10 involved?

11 **A** A week afterwards, but it was in the
12 daytime.

13 **Q** In the daytime?

14 **A** Daytime, when it was hot.

15 **Q** So I guess what I'm getting at is, you
16 actually spoke to the police for the first time on
17 August 22nd?

18 **A** Uh-huh.

19 **Q** So what was, what was going on between
20 August 9th and August 22nd, like as far as, you knew
21 that there were people saying hands up, people
22 saying no hands up, and you'd seen it?

23 **A** Uh-huh.

24 **Q** What was going on in your mind about why
25 wouldn't you come forward and tell the police what

1 you saw?

2 **A** Just, I don't know, just the thought, I
3 guess, just being there really. I didn't want to
4 get into it, you know.

5 **Q** Didn't want to be involved?

6 **A** Yeah, just be involved, you know. Just
7 seeing what was going on on TV every day, and this
8 and this, you know, you never know how people react
9 to certain things. Did you know this or you know,
10 you might know much more. So they might could be,
11 you know, after you or not. People are crazy out
12 here, so they might come for you first if you say
13 something.

14 **Q** Sure. But at some point you got together
15 with the police, so how is it that the police knew
16 to contact you?

17 **A** Um, well, a friend of mine, his name is
18 , his daddy, he knows --

19 **Q** You know what, it is hard to hear you when
20 your hands are in front.

21 **A** A friend of mine , his daddy knows
22 Mike Brown's people and they wanted to talk to me, I
23 guess, probably to hear about it. I don't remember
24 the man's name though.

25 **Q** Did your friend know that you had

1 been there and seen it?

2 **A** Yeah, afterwards.

3 **Q** Okay. So at this point you had told your
4 friend that you had seen it?

5 **A** Yeah.

6 **Q** And was friends with Mike Brown's
7 family or people?

8 **A** Yeah, so his daddy, I guess friend,
9 whoever he knew, got in contact with some guy and he
10 knew some guy from the NAACP.

11 **Q** Okay.

12 **A** I guess they gave him my number and then
13 they contacted me and like I said, it took me a
14 couple days from then to even go talk to them.

15 **Q** Okay. So other than your sister, and we
16 know you talked to the police on the 22nd, did you
17 ever give a detailed statement to anyone else about
18 what happened?

19 **A** No.

20 **Q** So no one else, whether it was someone
21 from Mike Brown's family, did you ever meet with
22 people from Mike Brown's family and tell them what
23 you saw?

24 **A** No.

25 **Q** What about anybody from the NAACP --

1 **A** Just and the rest of the
2 people that was with him from St. Louis County.

3 **Q** Okay. They met you at the NAACP to take
4 your statement, correct?

5 **A** Right.

6 **Q** How is it that you got to be at the NAACP?

7 **A** Uh, I said my friend daddy knew
8 somebody, who knew somebody, and they contacted me.

9 **Q** Your friend dad arranged for that
10 to be a meeting place for you?

11 **A** I guess he just wanted me to talk to them
12 because I told them I didn't want to get into it, so
13 I didn't tell them either.

14 **Q** And that was, you said he wanted me to
15 talk to them, you mean your friend or your
16 friend dad, who wanted you to talk to them?

17 **A** Yeah, I was telling that I was there and
18 told his daddy, his daddy came around, this and this
19 and that, you know, I still didn't say nothing to
20 them. And he end up giving my number to somebody
21 and they end up calling me.

22 **Q** Okay.

23 **A** The guy from, the from the
24 NAACP.

25 **Q** The ?

1 **A** Uh-huh.

2 **Q** And did you ever meet with the attorney
3 that represents Mike Brown's family?

4 **A** No.

5 **Q** Okay. You mentioned in your statement
6 that you had talked to a person named Attorney ?

7 **A** Attorney ?

8 **Q** Yeah.

9 **A** That was somebody that daddy.

10 **Q** Was that

11 **A** I just called him

12 **Q** Okay.

13 **A** Yeah.

14 **Q** All right. You didn't give him a detailed
15 statement of what happened, the attorney did you, I
16 mean, was he your attorney or someone else's
17 attorney that you met with?

18 **A** I guess that was somebody else's attorney.

19 **Q** Okay.

20 **A** That was representing them at the time,
21 which I end up giving them a statement because
22 that's where I was going to the NAACP so.

23 **Q** So did you give them a statement before
24 you talked to the police or after you talked to the
25 police?

1 **A** Before.

2 **Q** Okay. Did you feel that anybody, whether
3 it be your friends or people from Mike Brown's
4 family or the NAACP or anyone else, do you feel that
5 they were wanting you to say something other than
6 what the truth was or what you saw?

7 **A** No. You mean, mix up a story or
8 something?

9 **Q** Well, I wanted to know if you felt
10 pressured in some way to come forward and say
11 something?

12 **A** No, I just felt like, I didn't want to
13 just not say nothing.

14 **Q** Okay.

15 **A** So that's why, you know, talk to the NAACP
16 because I know that. I don't know, I just felt, it
17 didn't feel right no more so, and I know people are
18 looking for statements out here. So I just kind of
19 felt, you know, after the stuff started calming down
20 is when I calmed down and kind of realized to say
21 something.

22 **Q** So just, so I can also be clear, you said
23 that from the time Mike Brown turned around.

24 **A** Uh-huh.

25 **Q** That was pretty much at the spot where his

1 body fell on the ground?

2 **A** Uh-huh.

3 **Q** So he didn't go towards the officer after
4 he turned around?

5 **A** No.

6 **Q** Okay. And have you been out to Canfield
7 since this happened?

8 **A** Um, like I say in the day. I went to
9 like, I don't remember the dates, I know it was two
10 times I basically just stood by McDonald's the time
11 they kept closing right there. And say what, three
12 or four days from then, I went to go to the visual,
13 went to the visual, stood there for a minute and
14 left.

15 **Q** What do you mean by looking for the
16 visual?

17 **A** No, looking at the visual, you know, the
18 stuff that was in the street.

19 **Q** Oh, okay. The memorial?

20 **A** The memorial, that's what I meant to say.

21 **Q** The memorial they were putting in the
22 street in memory of Mike?

23 **A** Uh-huh.

24 **Q** Did you ever after dropped you off,
25 have you ever had a conversation with her about what

1 the two of you witnessed?

2 **A** Yeah, basically every day from when we see
3 it on TV.

4 **Q** Okay.

5 **A** I mean, you know, not trying to put things
6 together, but seeing things on the TV that is just
7 crazy stuff going on just back and forth, and back
8 and forth.

9 **Q** I'm not trying to suggest you were trying
10 to get your stories together, the reason I ask is
11 hasn't been returning calls. Do you talk to
12 her about that we would like her, you ever talk
13 about coming in and talking about this?

14 **A** Yeah, but you know, she works every day,
15 deal with kids every day.

16 **Q** Do you think if we could have her come in
17 at a time that it didn't interrupt her work, do you
18 think she would come in or is she just not wanting
19 to be involved, she doesn't return calls?

20 **A** I guess, I don't know how she really feels
21 about it now. I haven't just straight up and down
22 asked her.

23 **Q** Okay. Do you know anybody else who claims
24 to have seen this that hasn't come forward to the
25 police or anyone?

1 **A** Huh-uh, I don't know nobody in the
2 Canfield area.

3 **Q** Okay.

4 **A** I don't know nobody from up there.

5 MS. ALIZADEH: Anybody else have any
6 questions.

7 : . You
8 said earlier that you really didn't want to get
9 involved because you felt, I know what you mean,
10 there are crazy people out there.

11 **A** Uh-huh.

12 : Were you afraid of the
13 people, other witnesses or afraid of the police or
14 both, or whatever was your main concern holding you
15 from coming forward?

16 **A** No, this stuff is, just the stuff that was
17 going on every day how your mind back and forth.
18 Hopefully.

19 But you were concerned
20 because your story may have been different than
21 somebody else's and you were afraid that they may
22 have been judgmental towards you?

23 **A** Right, judgments, yeah, yeah.

24 MS. WHIRLEY: Is there another hand?

25 : You said that

1 you don't live in the Canfield Apartments; is that
2 correct.

3 **A** No.

4 Do you live in Northwinds.

5 **A** No, I live in

6 : You don't live in the
7 particular area. How long has , do you know
8 how long she's stayed there?

9 **A** Um, I can't really say a number. I guess,
10 I think she said two years.

11 : Two years?

12 **A** Something like that.

13 : If I heard, I'm not sure
14 if I heard you correctly, I think your voice is kind
15 of low, she has children as well.

16 **A** Yes.

17 : Is that correct? In
18 speaking with her, I guess you two have a pretty
19 close friendship.

20 **A** Uh-huh, yes.

21 How long have you known
22 her?

23 **A** Um, since approximately about a year.

24 About a year?

25 **A** About a year.

1 : Okay.

2 **A** Some months.

3 : In speaking with her, is
4 it that she might be concerned about the safety, her
5 safety and the safety of her children is why maybe
6 she's not coming forward at this point?

7 **A** It might be because it is just, thing with
8 her too, she is just trying to get away from there
9 because there is just too much going on.

10 : Too much going on?

11 **A** Yeah. I mean, we talked about it, you
12 know, she said before she wanted to, but I don't
13 know how she really feels about it now.

14 : I'm sorry, is there a lot
15 of conversation in the air, that okay you know, if
16 you say something, something might happen to you or
17 to your car or whatever, okay, is that the kind of
18 feeling that's going on around there in Ferguson at
19 the time or what?

20 **A** I don't know.

21 : You don't know?

22 **A** I don't live over there.

23 Okay. You don't frequent
24 the area too much any more?

25 **A** No, at all.

1 Not at all, okay. I can
2 understand that.

3 MS. ALIZADEH: And has never said
4 anything about being threatened, has she?

5 **A** No.

6 MS. WHIRLEY: When is the last time you
7 talked to her?

8 **A** Yesterday when she got off of work.

9 MS. WHIRLEY: Okay. So you talk to her
10 still frequently?

11 **A** Uh-huh.

12 MS. WHIRLEY: You will let her know we are
13 trying to reach her?

14 **A** Yeah, yeah.

15 MS. WHIRLEY: And what happened, I mean,
16 not what happened, just that we want to talk to her?

17 **A** Right.

18 MS. WHIRLEY: Is there anything that you
19 want to add or tell us, a question that we didn't
20 think to ask or something you feel is important for
21 this grand jury to know?

22 **A** No, basically told everything, that's what
23 happened.

24 MS. WHIRLEY: Okay. We have another
25 question?

1 : Sorry, one more. Again,
2 you said you were sitting in the car, you heard the
3 first gunshot, and can you explain again the second
4 shot you heard fired was when, what was happening
5 when that second shot was fired?

6 **A** Oh, okay. When the first shot happened, I
7 told to roll back, open the doors, you know,
8 kind of take for cover, you know, for a thought. So
9 we basically stopped, so Mike Brown came on her
10 side, you know, scooting off or whatnot. I heard a
11 second shot from then. I didn't see the officer or
12 none of that.

13 I don't know if he was in the car or
14 he might have open his door slightly and shot, I
15 don't know because the car is catty-corner. I
16 couldn't see through the tint. I didn't basically
17 see the scuffle or nothing, I just saw his feet.

18 MS. ALIZADEH: You opened your door, did
19 open her door?

20 **A** Uh-huh, I told her to.

21 MS. ALIZADEH: And did you get out of the
22 car?

23 **A** No.

24 MS. ALIZADEH: So you both just stayed in
25 the car, but opened the doors.

1 **A** Right, uh-huh.

2 : Go back
3 to the second shot. Did it appear to you that
4 Michael Brown was running when he heard the second
5 shot?

6 **A** He was basically, he was basically past
7 door. I don't know if he might have been
8 back by the wheel or just passing her back end, but
9 I just wasn't looking at all directly.

10 I was basically looking like walking
11 past, heard a second shot, it is kind of ducking.
12 We didn't know where it went or where it was coming
13 or whatnot, yeah.

14 MS. WHIRLEY: He was traveling away from
15 the officer when you heard the second shot?

16 **A** Yeah, yeah.

17 . How far apart
18 were your car and the police officer's car?

19 **A** Um --

20 MS. ALIZADEH: There is two different
21 distances because they back up.

22 : Good point. Initially
23 before, you back up, how far apart are your two
24 cars?

25 **A** Um, basically feel like, it wasn't bumper

1 to bumper, but say might have been 3 or 4 feet,
2 enough to see up under a SUV, you know.

3 And then when you guys
4 backed up, be able to back up, how far back did you
5 back up?

6 **A** Yeah, probably like 8 feet by then, 7
7 feet.

8 : Okay.

9 MS. ALIZADEH: Now, you brought up another
10 point that I want to ask about. You said you can
11 see underneath the car, and I know it is an SUV and
12 sits up higher, but don't you think, if you were 3
13 or 5 feet.

14 **A** See, I'm the passenger, the car is
15 catty-corner, I can see straight up under there,
16 right up under there. She couldn't see it from her
17 side, she couldn't see like there, right at the feet
18 like I could. I could see, you know, just from
19 looking right up under the SUV.

20 MS. ALIZADEH: You were looking through
21 the windshield, front windshield when you could see
22 underneath the car.

23 **A** You couldn't see through the back
24 windshield, it was tinted.

25 MS. ALIZADEH: No, no, 's car, you

3 I just
4 want to make sure I understand what both of those
5 people are trying to get to. When you were looking
6 through the windshield and under the car, you are
7 maybe a foot from the police cruiser?

9 : It wasn't until you
10 backed up that you were about 5 feet from them?

12 Then you have a better
13 view of things but then by that time you were
14 trying --

18 : You can still see, the
19 reason you can only see under the truck was because
20 you are --

23 MS. WHIRLEY: Anyone else? Okay. I guess
24 that concludes the question and answer period with
25 .

1 **A** Yes.

2 (End of the testimony of .)

3 MS. WHIRLEY: We're back on the record at
4 2:20 p.m. on September 25th, 2014. Having heard
5 's testimony. All 12 grand jurors
6 are present, Kathi Alizadeh and Sheila Whirley and
7 the court reporter.

8 Now we are going to hear 's
9 recorded statement with a police officer and also I
10 believe someone from the federal investigation was
11 there also. You will hear the different voices.
12 This interview was conducted on August 22nd, but I
13 will go ahead and play it with that little bit of
14 introduction.

15 MS. ALIZADEH: We're going to pause the
16 recording. Are you ready to play?

17 MS. WHIRLEY: Yeah, let me bring it up.
18 There we go, that one is up.

19 MS. ALIZADEH: Enlarge that for a second.

20 MS. WHIRLEY: Are we ready?

21 MS. ALIZADEH: Pause the recording.

22 (Recording is paused.)

23 (This is the interview of

24)

25 MS. WHIRLEY: The interview concluded at

1 approximately 3:03 p.m.

2 MS. ALIZADEH: I just wanted to add that
3 during the playing of the interview, I had marked a
4 map as Grand Jury Exhibit Number 28. And originally
5 I put it up on the screen, but we couldn't do that
6 while it was playing so that kind of went around and
7 I wanted just to make a record that the map that
8 drew on or was used during his
9 interview is Grand Jury Exhibit Number 28.

10 Did you all have a good chance to look at
11 it?

12 MS. WHIRLEY: I do want to say when I said
13 that the interview 3:03 p.m., I mean that we stopped
14 watching it today on September 25th, 2014 at
15 3:03 p.m., or 3:02, whatever time I said. That's
16 all I have.

17 MS. ALIZADEH: So that's all the witnesses
18 and evidence that we have lined up for today. We
19 were planning on quitting at 3:15, you have 15
20 minutes more in your day now.

21 (End of the testimony for September 25,
22 2014.

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9

10

11

12

13

14

15

16

17

18

19

20

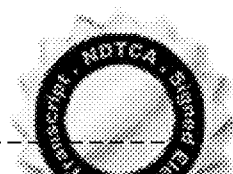
21

22

23

24

25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 9/25/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 Prosecuting Attorneys Office

18 100 South Central Avenue

19 Clayton, MO 63105

20

21

22

23

24

25

Page 214

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 Prosecuting Attorneys Office

4 100 South Central Avenue

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Gore Perry Reporting and Video

FAX 314-241-6750

314-241-6750

www.goreperry.com

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VIII

Date: September 30, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 30, 2014

VOLUME VIII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2 STATE OF MISSOURI

3
4 STATE OF MISSOURI

5
6
7 vs.

8
9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 30th day of September, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY VOLUME VIII

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is Tuesday,
5 September 30th at 8:32 a.m. Present is myself,
6 Kathi Alizadeh, and Sheila Whirley of St. Louis
7 County Prosecutor's Office. All 12 grand jurors are
8 present as well as the court reporter, who is audio
9 recording and taking down everything that is being
10 said this morning.

11 I want to give a little pep talk to you as
12 it were. I can only imagine the disruption that
13 this causes in all of your lives and schedules, and
14 I hope you know how appreciative that we are that we
15 have the 12 of you who have agreed, even though
16 maybe your arms were twisted a little bit, but
17 agreed to, you know, devote the time and effort that
18 this matter takes.

19 Don't think I'm understating it or
20 overstating it to say how important this is. And I
21 know you all, you know, since you're not a jury,
22 there is no admonition that you not watch the news
23 and anything like that, and I know that you can't
24 really avoid seeing things about this in the news
25 and, you know, not only here locally, but as well

1 throughout the country. This is a very public
2 matter and it is very important that we get this
3 right.

4 And, as you know, Mr. McCulloch made a
5 statement in the very beginning we were going to be
6 as thorough as possible. And that means anybody who
7 says that they saw part of this or knows something
8 about it, is going to be able to be heard.

9 Even people that are reluctant to come in,
10 we're going to do whatever we can to get them here
11 because it is important that you have all the facts
12 and information.

13 And I know sometimes it seems like it is
14 very tedious because some of these eyewitnesses have
15 made multiple statements and again, Mr. McCulloch
16 has promised that there wasn't going to be anything
17 that you didn't have the opportunity or weren't able
18 to see or hear, and that means playing all of these
19 statements for you.

20 And we do that because, obviously, there
21 is times when if a witness makes multiple
22 statements, sometimes over time their statements
23 changes, sometimes dramatically, sometimes only
24 slightly and insignificantly, but I think that those
25 are things that you all have a right to consider

1 when the witness testifies, if they've made previous
2 statements that are different than what maybe they
3 are telling you in the grand jury.

4 That happens in every case, every time a
5 witness makes a prior statement, that statement can
6 be brought up, as you know well, you said this
7 previously, how come you are changing your story.

8 And, you know, neither Sheila and I are
9 prepping these witnesses in the way we would if we
10 were having a trial. We try cases, we have our
11 witnesses come in and we talk to them about what is
12 going to happen, we go over what their testimony is
13 going to be, not in the sense like rehearsing, we
14 want to know what they're going to say before they
15 get up there and testify.

16 And that's just good lawyering. No one
17 would ever expect me to put on a witness in a trial
18 when I didn't know what they were going to say.

19 But in this case, you know, we don't want
20 to have to, we don't want to in any way influence
21 what these people are going to come forward and say
22 to you. And so we don't do any prepping with any of
23 these witnesses, other than to explain to them what
24 is going to happen when they come in here, the
25 process. So I don't know what they're going to say

1 when they get here.

2 I mean, I have an idea because they've
3 made prior statements, I assume they are going to
4 say something like they said before, but the reality
5 is, I don't know, and that's why it is important
6 that we play for you those prior statements so that
7 you know what they have said previously and can
8 compare that to what they say today when they
9 testify.

10 A lot of times, I know it is tedious and
11 it seems redundant, why are we hearing this person
12 say the same thing now three times.

13 If the person makes the same statement
14 three times, you may consider that when you are
15 deliberating about how that, what that means for
16 that person's credibility, their ability to have
17 observed what they say they saw and recall what they
18 say they saw. Those were all things that I think
19 are important because there are a lot of people that
20 see bits and pieces of what happened that day, and I
21 think you can even see right now how, you know,
22 depending on where you were standing, it affects
23 what maybe you say you saw, and that's human nature
24 too.

25 So, again, Sheila and I are not worried,

1 but very, we're concerned about the speed that this
2 is coming in. We're going to do our best to try to
3 kick it up if we can.

4 A lot of these eyewitnesses you are going
5 to hear from who have made multiple statements, we
6 expect that hopefully that's going to be less and
7 less and eventually, you know, we'll get through the
8 eyewitnesses, and then you are going to hear from
9 ballistics people, and lab people, and DNA people,
10 and, of course, those witnesses don't have prior
11 recorded statements that we'll have to present to
12 you. They may have reports that you will get copies
13 of, but at any rate, I know that this is tedious. I
14 know you want your lives back, your lives back the
15 way they were.

16 All I can tell you is that this will be
17 over at some point, this is not indefinite, and
18 we're doing everything we can to try to get through
19 this as quickly as possible.

20 We were hearing the other day that there
21 is rumors that you all are going to be done this
22 week. I'm here to tell you, no, that's not
23 happening.

24 Originally, we had made estimates we would
25 get done about the end of October, early November.

1 We may go into mid November.

2 As I said in the beginning, if this takes
3 until January for you all to have what you need to
4 make this decision, then that's what we're going to
5 have to do.

6 We'll do it as quickly as we can without
7 rushing through it and skipping through things that
8 need to be done.

9 So that being said, I truly, truly
10 apologize for the disruption in your lives. You all
11 really seem to be a great group of people, I'm so
12 glad you all get along as you do, it would be awful
13 if we had people that, you know, had conflicts and
14 bickering going on. You all seem to be, as best as
15 you can, hanging in there with us.

16 So, again, Sheila and I thank you for your
17 patience. So that being said, yes.

18 : I have a
19 question. I try not to watch the news, I try not to
20 read anything about this because I like to have an
21 open mind so I have all the facts that is presented
22 here.

23 My concern is that, um, my concern is that
24 everybody is saying hurry up, hurry up, hurry up,
25 from what I'm hearing. Hurry up, make a decision,

1 hurry up and get this done, hurry up and get that
2 done.

3 And I know that this information has been
4 disseminated. I know Mr. McCulloch before has said
5 there is a process and this is the process that we
6 have to follow.

7 Is the NAACP, or these other, you know,
8 coalitions, are they confirming what he is saying to
9 the people of Ferguson? I mean, I don't know if you
10 can comment on that, but.

11 MS. ALIZADEH: Well, all I can tell you --
12 : I think everybody needs to
13 ratchet it down a little bit and let us do what we
14 can do. I have faith and trust in everybody in
15 here, you know, to make the decision that's
16 appropriate. I'm not saying it is the right
17 decision, I'm not saying it is the wrong decision,
18 but make the decision that's appropriate based on
19 the facts. But is that being disseminated by these
20 groups or whatever to the people there?

21 MS. ALIZADEH: Well, there has been, as I
22 said, there have been rumors, I think there was
23 someone who had tweeted yesterday, a person of
24 public, a public person that, you know, I hear
25 unverified rumor the grand jury is going to have

1 their decision by Friday. I don't know where they
2 get this stuff. I don't know where that comes from,
3 but I know that last week and yesterday
4 Mr. McCulloch did give interviews to the media.

5 Last week he gave interviews to several
6 media outlets describing the process. The fact how
7 a grand jury is selected, you know.

8 My office has nothing to do with how you
9 all are selected. The fact that you were selected
10 way before this even, you know, happened, you know.
11 And then the process of how, you know, when you have
12 regular lives, this is not like a jury in a trial
13 where Monday through Friday from 8:00 to 5:00 you
14 are going to be here until it is done. That's not
15 how it works. In a trial that's how it work, I
16 mean.

17 We have jurors that we have to tell them
18 in advance this is going to be a two-week trial,
19 this is going to be a three-week trial. But he has
20 made those statements and, you know, I can't, I
21 can't help what goes around in the rumor mill. I
22 don't think we have much control over that.

23 But I will express to him those thoughts
24 that if any wisdom in trying to bring together some
25 of the people in the various communities who can

1 disseminate that message that, you know, be patient.

2 I mean, there is that catch phrase people
3 always talk about, rush to judgment. That was a
4 phrase made popular years ago. People keep saying
5 hurry up, hurry up. We're not going to rush to
6 judgment here.

7 If we wanted to, we could present this
8 case as we do any other case. We could have a
9 detective come in here and tell you what he thinks,
10 you know, the evidence is, and then you all would be
11 making your own decision based on that, but that's
12 not how we've chosen to do this because of the
13 importance of letting all sides be heard in this
14 matter.

15 So I will talk to Mr. McCulloch about the
16 strategy behind that, that it might be, because we
17 all want everybody to just calm down. It will
18 happen, there will be an answer, but you have to be
19 patient, you have to let the grand jury do their
20 job, you have to let us do our job.

21 And, you know, the problem is too, we
22 can't tell people how often you're meeting, what
23 days you're meeting, how many witnesses are
24 testifying, because we're prohibited from talking
25 about that.

Page 14

1 And so when people ask questions how often
2 are they meeting or how many hours a week or how
3 many witnesses are they hearing from, we can't
4 answer those questions.

5 I think just the fact that the questions
6 are asked and we can't answer it, I wonder if that
7 might create even more like, well, why aren't you
8 telling us this.

9 So I will talk to him and maybe we'll kick
10 that around and we meet daily, except for these
11 days. We usually don't meet on these days, but we
12 meet pretty much every day and talk about what's
13 going on and how we are progressing.

And so yes,
I'm going to
piggyback on her question. I've heard a lot of
people talking about, this is people who should
know, talking about why don't they just arrest him,
and then figure out what's going on, why don't they
just take action, do they not understand the
process? Is that the problem, or is there a way to
bypass this because it seems to me that we're doing
what needs to be done and we're doing what's right
and people are not seeing that.

25 MS. ALIZADEH: Well, you know, the one

1 thing I will tell you is that, you know, my friends
2 and neighbors know what I do and they know I'm doing
3 this. And trust me, they are asking me questions
4 all the time.

5 : I hear you.

6 MS. ALIZADEH: All I can say is I don't
7 want to talk about it, I don't want to talk about
8 it. I'm just crazy busy, doing what we can, I'm not
9 going to talk about it. I don't want to talk about
10 it. It is like I go home, I still bring work home,
11 I don't want to be talking about it and I shouldn't
12 and I don't. But I do tell them, we're working, you
13 know, we're working hard and so it is just going to
14 take a while before this process is completed.

15 And, you know, as far as like you saying
16 watching the news and everything, I don't watch the
17 news. I truly don't. I watch the news in the
18 morning so I can see what the weather is, if there
19 is like a traffic accident on the highway on my way
20 in so I need to go a different route.

21 I don't want to see what's going on, even
22 though I know it's there and I hear about it,
23 because, number one, I just need to have a little,
24 you know, of my personal life that isn't affected by
25 this, but also I just don't want any of that to

1 affect what I'm doing.

2 I can't worry about what's going on out
3 there because I can't control it. And as Sheila
4 knows and will tell you, I'm a control freak, and I
5 think you all know that.

6 When I can't control something, I don't
7 want to have, I just have to put that over there.
8 Yeah, I can't listen to too much of this on the news
9 and I can't be concerned, like I said, we were
10 talking yesterday with these rumors, who came up
11 with that, how is that getting out.

12 But it is like, you know, it is like being
13 in high school. These rumors get started, I have no
14 idea who started them, and then it is like the game
15 of telephone because next thing you know the rumor
16 morphed into something different and we can't worry
17 about that, we can't worry about that.

18 Just know that we're working behind the
19 scenes every day, hard to get this put together for
20 you guys. We also, I will remind you and press upon
21 you if there is anything that you think that you
22 need that you don't have, and I know that you have
23 made the comment, , previously, about
24 wanting to hear from the private medical examiner
25 that the family Michael Brown had hired. We're

1 looking into that.

2 You all have asked questions along the
3 way, and trust me, we are not ignoring those
4 questions, we are doing what we can to see. You
5 think there is something we need to know about or
6 hear that we haven't given you, then we're not doing
7 our job and we want to make sure we give you
8 whatever you think you need.

9 MS. WHIRLEY: Did you have a comment?
10 : . Last
11 night on the news, I know you just said you don't
12 watch the news, it was stated that Officer Wilson
13 had a case pending, a previous case pending. My
14 question is, how much does that affect what we're
15 going through?

16 MS. ALIZADEH: It shouldn't affect what
17 you have. I was aware of that. Simply because I
18 saw some cameras out yesterday, and I saw an
19 attorney that was commenting about it and I heard
20 about what it was.

21 But, you know, up until August 9th, he was
22 an on duty police officer who made traffic stops and
23 arrests and did other things other police officers
24 do and so I would imagine, I've not looked, but I
25 would imagine he has pending cases in our office.

1 How those are handled and what comes of
2 those cases shouldn't be your concern. I will tell
3 you that I do not believe, and I will look into
4 this, but I do not believe that he will, I mean, I
5 know he won't be testifying in front of this grand
6 jury any more because you're only hearing this
7 matter.

8 I don't know that, I can't say for sure he
9 wouldn't be called to court or called to testify on
10 anything else, but I think it is unlikely, but I
11 don't know. I don't know that necessarily will have
12 any impact on what you all are doing.

13 That's the best I can say about that.

14 On for today we have a witness here, his
15 name is . He's going to tell you what
16 he knows about this matter and , of
17 course, has made previous statements so we're going
18 to start out by listening to those statements.
19 First statement was done on August 12th, and it was
20 done by the County Police.

21 And, remember, as I said a lot of times
22 when the police do a statement, then the FBI has to
23 come along and do their own statement, so after we
24 hear the statement by the County Police, we will
25 hear a statement that was done by the FBI.

Page 19

1 You all remember that last time I played
2 that video that purportedly has comments
3 made by , and
4 then I was trying to play the audio back, and I
5 thought then I might not have the right clip. So I
6 straightened that out, so we may play that also
7 later today if we have a gap in things.

8 We don't want you sitting here with
9 nothing to do. We're going to keep you busy as long
10 as you're willing to work.

11 you can turn off the recorder. The
12 recording will be paused while we are playing the
13 interview of that was done on
14 August 9th by St. Louis County police detectives and
15 that recording is contained on Grand Jury Exhibit
16 Number 17. And, pause that recording.

17 (This is the interview of
18 being played at this time.)

19 MS. ALIZADEH: During the playing of that
20 statement, I passed around to you copies of the map
21 that I marked as Grand Jury Exhibit Number 30.

22 (Deposition Exhibit Number 30
23 marked for identification.)

24 MS. ALIZADEH: Which was a drawing that
25 was done during the statement of It

1 is apparent in the statement that there was another
2 drawing done, I don't know if I have that one, I
3 will have to check and see if I have it and if not,
4 I will get that for you as well today.

5 Remember, we talked about they were
6 drawing the car and the position of the car or
7 something.

8 So the next statement is about an hour
9 long as well, so do you all want to take a
10 five-minute break for bathroom and stand up. All
11 right. We will do that. It is 10:09 a.m. How
12 about 10:15, is that enough time?

13 (Recess)

14 MS. ALIZADEH: It is 10:21 on
15 September 30th, we took a short break. This is
16 Kathi Alizadeh. Sheila Whirley, as well as all 12
17 grand jurors and the court reporter. And we are now
18 going to play for you a recorded statement that was
19 done of , who was the gentleman who we
20 just played the statement that he made to the County
21 Police.

22 This is the statement that he made last
23 week during an FBI interview. I just looked and it
24 appears to an hour and 18 minutes long, and it is
25 cued up and ready to go. If we don't have

1 transcripts as of right now because the statement
2 was only last week.

3 So if we get transcripts while you're
4 still seated in this matter, I'll get those to you
5 for your review later.

6 All right. And at this time I will ask
7 you, to pause the recording while we play the
8 recorded statement of

9 (This is the interview of .)

10 : Today is September 24th, it
11 is 10:10 a.m. This is Special Agent ,
12 I'm here with DOJ trial attorney and USA
13 . And would you state your name, sir?

14
15 : , okay.

16 : , I met you before.
17 (inaudible) My name is and I am with the
18 Civil Rights Division of the Department of Justice,
19 and is a prosecutor here, federal prosecutor
20 based here in St. Louis. So we are working on this
21 investigation with the FBI, and because we know you
22 gave an interview with the County Police, we didn't
23 get a chance to meet you and we wanted to meet you,
24 okay?

25 : Okay.

1 : So all your answers need to be
2 out loud because this is being recorded, but if you
3 nod your head or shake your head I'll remind you.

4 I understand.

5 : And I'm sure you know this, and
6 I have no doubt that we just want you to know that
7 if you talk, some type of false statement or lie or
8 embellish or exaggerate, it's a crime to make false
9 statements to federal agents, we want you to know
10 that.

11 : I understand.

12 : Okay. And we want what you
13 know versus what you assume. So if there is a
14 distinction when you talking about something and you
15 assume it, we want to know what you assumed versus
16 what you, yourself, know, what you heard and saw
17 that today.

18 : Okay.

19 : It is natural that you've heard
20 other names and we may need to ask you about that as
21 well, but we want your observation. It is important
22 not to guess, if you guess, let us know.

23 : Okay.

24 : If I ask a question, and you
25 answer a question that seems confusing, let us know

1 because if you answer, we'll assume that you
2 understand.

3 Okay.

4 : Okay?

5 : Uh-huh.

6 : And you know you're at the FBI,
7 and you came through security, but we want to make
8 that you know it is voluntary. So at any point you
9 have had enough, you want to leave, you let us know.

10 Okay.

11 : We are not going to force you
12 to stay here.

13 No problem.

14 : Do you have any questions of
15 us?

16 : No.

17 Just real quick, I want to
18 make sure I have your name spelled right. Can you
19 spell it for me?

20 : .

21 : Okay.

22 :

23 : Okay, thank you.

24 : you spoke to County
25 Police back on August 12th. Do you remember

1 speaking to them?

2 : Yes.

3 : Okay. So we are, I'm not going
4 to go through your whole account because I know that
5 you are, you already gave that and going to the
6 state grand jury tomorrow, right?

7 Yes.

8 : I don't want to make you rehash
9 the whole thing.

10 Okay.

11 : and I are with the
12 federal prosecutor's office, we are prosecutors. So
13 we won't have the opportunity to see you tomorrow,
14 so that is why we listened to your recorded
15 statement, we have read the transcript. We just
16 have some specific questions that don't jump out at
17 the recording because we can't see you.

18 Okay.

19 : That is what we want to focus
20 on.

21 : All right.

22 : There were certain things that
23 you, um, you talked about and when you talk about,
24 you said do this or do that. Do this and do that
25 doesn't come across in a recording and it,

1 obviously, won't come across on this recording. But
2 in the beginning when you saw the, the tussle in the
3 car, can you describe for me or show me what you
4 actually saw Michael Brown do and what the police
5 officer were doing?

6 Well, actually, as I just
7 stated to them, from my porch I can only see from
8 the passenger side.

9 : Okay.

10 : I don't know if he had
11 grabbed him or what, but you could see them tussling
12 in the car, they were moving around.

13 : When you say he grabbed him --

14 I don't know who grabbed who.

15 : I know. When you say he?

16 The police officer.

17 : Okay.

18 Because he was walking, he
19 must have said something to him and he was
20 approaching the truck. Then we saw the tussling.

21 : Let me ask you, you said he
22 must have said something to him, you mean --

23 : I think the officer said
24 something to him because Michael started walking
25 towards the truck.

1 : Okay. That's what I was going
2 to ask you, what made you say, when you say he, I'm
3 trying to figure out.

4 I'll make sure I state it.

5 Okay. I know when you use the
6 expression he must have said something, that's one
7 of those assumptions. When you say that, I want to
8 you to explain that's why you are making that
9 assumption.

10 Well, I'm assuming he said it
11 because he was approaching the car. I mean, if the
12 officer tells me to stop and come here, I'm coming
13 there, okay.

14 : Okay.

15 : I'm going to approach you, I
16 want to talk to you. I'm going to find what is
17 going on.

18 : That's fine, that makes sense.

19 But I could see them
20 tussling, you know, and after that is when the first
21 shot rang out.

22 : Let me ask you about the
23 tussling specifically. I know you said from what
24 your vantage point was, can you describe from your
25 vantage point what Michael Brown's position was?

1 He was outside the car door.

2 : Okay.

3 : Outside the truck door. He
4 was in one of those big 4x4, not 4x4, SUVs.

5 : Right.

6 He was on the outside and the
7 officer was still in the truck.

8 : And how is Michael Brown's
9 body?

10 : He was like, he was, I could
11 see the top of his head, he had a hat on.

12 : Okay.

13 : I could see the top of his
14 head, and then he dropped down and he disappeared
15 for a minute. Next time I saw his head is when I
16 heard the shot, that's when he popped up.

17 : Okay.

18 Okay.

19 : Were you able to see from your
20 vantage point whether Michael Brown's body was bent
21 over --

22 : From my vantage point I can
23 say clearly he was not inside that truck. He was
24 partially, maybe his head, was right there at the
25 officer's head.

1 : Okay.

2 But so for his body being in,
3 no, I couldn't say with 100 percent accuracy that
4 his body was, but I'm quite sure it wasn't.

5 : Okay. So you don't know for
6 sure?

7 : No.

8 : What about his hands?

9 : They were inside.

10 : Okay.

11 : Uh-huh.

12 : So his hands were inside, just
13 correct me if I say this wrong. Michael Brown hands
14 were inside the car?

15 : I believe so.

16 : Okay. You couldn't tell if any
17 part of his like shoulders or anything were in it,
18 is that fair?

19 : No, no.

20 : No, you couldn't tell or no
21 they weren't?

22 I can't tell.

23 : Okay. Can you tell, you said
24 his head disappeared from view. So do you not know,
25 can you tell whether any part of his head was inside

1 the car?

2 : No.

3 : No, it didn't or you can't

4 tell?

5 : No, I can't tell.

6 Okay, fair enough. Were you
7 able to see any movement that the police officer was
8 making inside the car?

9 I could see him jerking
10 around.

11 : Okay.

12 I could see his body, see his
13 torso, I could see maybe from like the shoulders up,
14 jostling around like they are moving back and forth
15 like this, just like some kind of tug of war or
16 something was going on.

17 : Okay. Just for the recording
18 won't pick up what you are. You are kind of leaning
19 back and forth in your chair?

20 Right, they are kind of
21 rocking back and forth, like they were in some type
22 of struggle.

23 : Okay.

24 Okay. That you could clearly
25 see that they were struggling, but I could not tell

1 how much of his body was in the truck.

2 : Okay.

3 I can't say for certain how
4 much of his body was in the truck.

5 : That's fair.

6 : You are referring to Michael
7 Brown?

8 : Huh?

9 : How much of Michael Brown's
10 body was in --

11 How much of Michael Brown's
12 body was in the truck?

13 : The officer was in the truck
14 at the time?

15 : Officer was in the truck.

16 : When you say we, we saw, who
17 are you referring to?

18 : Had some other family members
19 there on the porch with me.

20 : Is that your brother and
21 sister-in-law?

22 : Yes.

23 : Was there too?

24 : Yes.

25 : Okay. And so once the shot

1 rang out and Michael Brown started running, how soon
2 after did the police officer get out of the car?

3 A matter of seconds.

4 : Okay. Was it instantly or was
5 there a slight pause?

6 There was like a slight
7 pause. I would say within two or three seconds, he
8 was coming out.

9 Okay.

10 As Michael was running away,
11 the other gentleman, Mike went one way, the other
12 gentleman went the opposite direction.

13 : The other gentleman was Michael
14 Brown's friend?

15 Michael Brown's friend.

16 : Do you know his name?

17 No, I don't, I don't know
18 him.

19 : Okay.

20 : I've seen Michael Brown in
21 the neighborhood, he passed me. Myself and the
22 other lady, we always sit out. I'm collecting
23 Social Security, she's retired, we just sit out and
24 we talk, watch around. And I seen him walk past
25 because he has a friend who stays in an apartment

1 who is just beyond me.

2 And he would always come by and say, how
3 you doing, sir, how you doing, ma'am, how you all
4 doing, you know, everything else. That's the only
5 contact I had. Other times I may have seen him at
6 the stores in the neighborhood.

7 : Okay. We are veering off a
8 little bit. Just so I can ask you, you have a
9 friend that, Michael Brown has a friend that lives
10 in the apartment complex?

11 : I have no idea.

12 : I thought you just said.

13 Oh, Michael Brown has a
14 friend that stays, not the one that was with him, I
15 don't know him. Him, I know nothing about.

16 : I understand that. I just ask
17 you the friend that Michael Brown stays with in the
18 apartment complex, do you know that friend's name?

19 : It is a female, no, I don't.

20 : Do you know in which building
21 she lives in?

22 : Uh --

23 Here is a map if that helps.

24 I believe it's, it is

25 : Okay.

1 I think so.

2 : Do you know which level?

3 No. Because she was on third
4 floor. I think she moved down, I'm not sure.

5 : Okay.

6 I can't say for certain.

7 : Okay. So back to what we were
8 just talking about, the friend that Michael Brown
9 was with that day, we'll just refer to him as the
10 friend, would that be easier?

11 : Okay.

12 : Okay. You said Michael Brown
13 took off running and there was a pause, police
14 officer chased. What was that friend doing?

15 : After he ran, he disappeared,
16 you couldn't see him. You don't know, we thought he
17 had ran around to the side of the building, but
18 someone is saying and other people was saying one of
19 the reason that I heard and read that he was
20 actually behind the other police truck that was
21 there, he ran behind this other car.

22 : So not straight?

23 : So I didn't see him.

24 : I want to just know, just tell
25 us initially you saw him with Michael Brown,

1 correct?

2 Right.

3 : I'm talking about the friend.

4 Right.

5 : During the tussle that you
6 described, where was the friend?

7 Practically on the sidewalk.

8 : Okay. What was the friend
9 doing?

10 Just standing there watching
11 what was going on between officer.

12 : From your vantage point where
13 Michael Brown took off running, what did the friend
14 do?

15 He ran the opposite way.

16 Did you see him again?

17 No.

18 : So when the police officer took
19 off running after Michael Brown, can you describe,
20 were you able to see his gun?

21 Let me stop you.

22 : Sure.

23 : He did not take off running
24 after Michael.

25 : Okay.

1 Excuse me.

2 : You okay?

3 I'm having spasms, okay.

4 This is not showing me anything, okay.

5 If you don't like this map,
6 we'll go with that one.

7 All right. You are looking
8 at, okay, all right. This is, I can't tell which
9 one is which right here.

10 : If this doesn't help you, you
11 can --

12 This is Canfield.

13 Coming from West Florissant.

14 Uh-huh.

15 Coming around. This is the
16 last driveway, okay.

17 : Okay.

18 : This is one right here. This
19 driveway right here, okay, his friend went toward
20 West Florissant. Michael ran towards the first
21 driveway which is located where the memorial is on
22 the post.

23 The officer got out of the truck, came
24 around to the back of the truck.

25 : Okay.

1 Assumed his position like
2 this. (indicating)

3 : And you are showing, was the
4 gun out in the front of you?

5 : The gun was out like this, he
6 had his hand out, he was in his position and he
7 told, that was after the shot he got out, when he
8 got shot he ran. By the time he got to the edge of
9 the driveway after he crossed the sidewalk, he got
10 on the black part of the driveway he stopped,
11 Michael stopped. He was looking at himself to see
12 where he was hit, he was doing this, but he had
13 stopped.

14 The officer, at that time, he had come
15 around to the back, Michael had his back turned to
16 him. He told him stop, but he had already stopped.

17 Michael turned around to face him and he
18 had his hands shoulder high, just a little bit above
19 his shoulders, but they were out away from his body.

20 : Okay. Let me just stop you for
21 one second. So you are saying when the officer got
22 out of the vehicle, you are saying he ran around his
23 car and stopped and did not chase after Michael?

24 : No.

25 : And when Michael was running

1 away, the officer was not shooting at him; is that
2 correct?

3 : No, he didn't shoot then.

4 : Okay.

5 : He didn't fire, he already
6 had fired one shot when he came around to the back
7 and assumed the position. He yelled at him to stop,
8 which Michael had already stopped, when Michael
9 turned around, he told him again, stop.

10 : Okay.

11 Michael took a step off the
12 sidewalk. As soon as his foot hit the street, the
13 officer let loose, wham, wham, wham.

14 : Okay.

15 Right.

16 : So that initial shot though
17 occurred inside the vehicle, correct?

18 : Correct.

19 : Okay. So you're saying that
20 the next time any shots were fired was when Michael
21 Brown was facing the officer; is that correct?

22 : Correct.

23 : And that was after the officer
24 said stop?

25 : Right.

1 : And then he didn't shoot until
2 Michael Brown made a movement?

3 : Made a movement.

4 : And the movement was totally
5 opposite, correct?

6 Right. He took a step to the
7 street. It looked like he was giving up. Because
8 that is what we were saying. He is giving up, he is
9 giving up, you know, we're looking at him, he's
10 giving up. But then as soon as he took a step, he
11 got his foot in the street, he fired three shots.

12 : All right. Let me ask you
13 about when you said he had his hand up. You had
14 described previously that he was standing, as you
15 said, his hands up around where the shoulders were,
16 his palms were facing him.

17 : No, they were like this.
18 Palms are facing the officer, they were like this.
19 Indicating)

20 : Okay.

21 : You are the police officer, I
22 turned around and I did like this.

23 : Okay. Show your palms are out?

24 Right, right.

25 : Okay. Just so I can

1 understand. From my understanding when the police
2 were interviewed by the County Police, you described
3 he kind of stopped and looked down to his right?

4 When he stopped at this time,
5 yes. He kind of, when he stepped off, he was still
6 like this, but he had his hands up, he was still
7 trying to find out where he was shot to me.

8 : And then tell me what makes you
9 say that?

10 : Because he looked down to his
11 side.

12 : Okay. You said his right side?

13 : Yeah, this side, yeah,
14 looking on this right side and then he took a step
15 out. And he had his hands up and as soon as he took
16 that step and got to street, maybe about to, he is a
17 big guy, he could have made it about three steps.

18 : Let me ask you this, when he's
19 running, he stops in front of the driveway. Based
20 upon your vantage point, you think that he stopped
21 because he was looking at to see where he was shot?

22 : Yes.

23 : Okay. So when he did that, at
24 that moment he stopped, where were his hands
25 initially?

1 Like this, he had them like
2 this. He took them away from his body to see, he
3 was like looking, he was looking.

4 : All right. That's a little bit
5 different --

6 No, I told it before, I said
7 when he stopped he was looking, he was like this,
8 his hands were not steady like this, but he had them
9 up to look at because he's a big guy, he had to look
10 and see what was up.

11 : He was like moving his arms.

12 Moving his arms to see what
13 was going on.

14 : You have your palms sort of
15 facing you like he was checking --

16 Right, he's checking out his
17 own body.

18 : Okay.

19 Okay. But when he turned to
20 face the officer he was like this. He had his hands
21 up, palm facing the officer like, okay, you got me.
22 He had already told him to stop.

23 : All right. I need to just go
24 back and try and (inaudible) a little bit. When he
25 was checking out his body, were you able to see?

1 I can't tell.

2 : Is there anything that stood
3 out to you?

4 : Nothing stood out to me.

5 : Okay.

6 You know.

7 : And so when he turned around
8 and took that step is when he had his palms out?

9 Right.

10 : So right after that when the
11 officer started shooting, what did Michael Brown do?

12 : After he fired that first
13 round, that first volley. He hit him, he started
14 staggering, he first kind of went back like, pow,
15 from the impact.

16 : Okay.

17 And then he started
18 staggering. And he was looking at the officer as he
19 brought his head up, he looked down, oh, God, I've
20 been shot. He looked up at the officer and he was
21 looking at him and he was staggering, he was trying
22 to stay on his feet. And myself and my family is
23 telling him stop, dude, stop, stop, stop.

24 : Were you actually saying that
25 out loud?

1 : Yes, he couldn't hear us, you
2 know, from where we live.

3 : I know he couldn't hear you,
4 but were you actually yelling it in hopes?

5 : Hoping that he would hear but
6 he was staggering. We could see that he was
7 staggering and he took about, I don't know, three or
8 four more steps, but as he was taking his steps
9 forward at that time, the officer took a few steps
10 back, he was still in his spot. When Michael took
11 the other steps and he was staggering, his body was
12 like -- can I stand up, please?

13 Yeah, absolutely.

14 Okay. He was standing up, he
15 was shot. He was leaning like this, but his head
16 was like this. And he was standing up staggering,
17 he was trying to stay up on his feet like this.

18 : Okay.

19 And he was definitely, we
20 were yelling at him stop, stop, stop. My
21 sister-in-law and said, oh, God, he's
22 getting ready to kill him, he's getting ready to
23 kill him. And no sooner than he said that, no
24 sooner those words came out of their mouth, he was
25 going down, it looks like he was going down. And he

1 let off four more shots pow, pow, pow, pow.

2 : Okay. When the officer was
3 shooting was when Michael Brown was coming towards
4 him; is that right?

5 Yeah, he was not charging
6 him, he was defenseless, hands up, he was trying to
7 stay on his feet and you could see that his knees
8 was beginning to buckle, he was going down. When he
9 shot him as he was going down, he hit face first,
10 splat.

11 Where were his arms when he
12 fell to the ground? You are showing arms at either
13 side of his head?

14 When his body hit is when I
15 ran up there his arm, one was like, I can't exactly
16 tell on the body, one was like this when he hit
17 down. I guess they moved when he hit the ground,
18 but he was dead on the way down.

19 Can you picture where his arms
20 were on the ground?

21 Kind of like.

22 : I don't want you to guess if
23 you don't know.

24 No, I can't say for sure.
25 I'm trying to picture it, but to tell you the truth,

1 I didn't really want to see it, you know, because
2 when I ran up there and I saw who it was, I'm like,
3 oh, my God. I just saw him earlier this morning.

4 : I'll get to that in a second,
5 but let me just clarify. So you saw two additional,
6 two volleys of shots --

7 : Right.

8 : Correct?

9 : Right.

10 : Each time the officer was
11 firing, Michael Brown was coming towards him?

12 : Yes.

13 : Okay. And at no time did
14 Michael Brown say anything, correct?

15 : I could not tell or hear if
16 he did say anything.

17 : You didn't hear him yell, don't
18 shoot?

19 No, I didn't.

20 : Were you able to hear the
21 officer say stop?

22 Oh, yeah, he was very loud.

23 : You didn't hear Michael Brown
24 say anything like okay, okay, okay?

25 No, I didn't hear that.

1 : Okay.

2 : Listen, I'm dealing with two
3 very excited . One is , and this is the
4 first time seen anything like that and
5 right here.

6 : Talking in your ear?

7 Right.

8 You were able to hear the
9 officer?

10 : Oh, yeah.

11 : You didn't hear anything from
12 Michael Brown?

13 No.

14 : From your vantage point, you
15 didn't see his mouth moving as though he was saying
16 anything?

17 My eyes was really focused on
18 the officer because when he started moving,
19 staggering forward, I wanted to see what he was
20 getting read to do cause everybody was like, he is
21 getting ready to kill him.

22 : Okay.

23 So I wanted to see what he
24 was getting ready to do, but Michael was staggering.
25 You could see him clearly staggering, you know. And

1 then when he started like he was going down, he
2 fired again and that's when I said, oh, my God, he
3 just killed him.

4 : Okay. So I just want to
5 (inaudible), when this was all happening, your
6 attention shifted to the officer, correct?

7 : I could still see Michael, I
8 wanted to see what he was going to do. I had both
9 of them in line of sight.

10 : Okay. Is it fair to say that
11 Michael was more, just based on how you are
12 describing it and the visual you just gave me, is it
13 fair to say that Michael was more in your peripheral
14 vision at that point?

15 : Both of them, both of them.
16 From my vantage point, I can see both, okay. But to
17 say, now I'm trying to make this as clear as I can.
18 I can see both of them, but as Michael was
19 staggering toward him, you know, trying to keep his
20 balance, as he was moving forward, you could see, I
21 could see the officer stepping back.

22 When he took those steps back and Michael
23 was staggering forward, I thought, oh, my God,
24 that's when they said he is getting ready to shoot
25 him. Sure enough, as soon they said that, he let

1 loose.

2 : That's when you all are
3 yelling stop, stop, stop, you wanted Michael to
4 stop?

5 Yeah, we wanted Michael to
6 stop. They anticipated in a split second,
7 , he's getting ready to kill him.

8 : Let me ask you this,
9 . On August 12th, I want to take you
10 through what you said at that time.

11 You said as he faces the officer, this is
12 Detective asking you this, as he faces the
13 officer, you say that his hands go up to a point
14 where you said about to his shoulders almost.

15 Right.

16 : That's when he has his palms
17 sort of facing himself and he's looking over his
18 body?

19 When he got first shot and he
20 got to the driveway, his hands were up facing
21 himself because he was looking like at himself.

22 : Right, let me --

23 When he turned around.

24 : Uh-huh.

25 He gave up, his hands was up

1 to the shoulder, that's when he went up facing the
2 officer.

3 : Okay. You went on to say
4 back on August the 12th, Detective says, your
5 arms are like palms up and hands and fingers are
6 roughly shoulder height, is that fair enough to say?

7 You say yeah, about close to his shoulder.

8 Do you agree with that?

9 Yeah, yes.

10 : With his palms facing
11 towards himself like this?

12 No, not turned, his hands are
13 like this.

14 : No, I'm talking about --

15 They're not, excuse me, what
16 you are saying, the hands are pointed toward him,
17 they were not, I didn't say they were pointed toward
18 him. I said his hands were like this. I described
19 it. I didn't say they were pointed toward him. The
20 only time I said his hands was anywhere near is when
21 he first got shot.

22 When he turned, they were this way.

23 : All right. Let me just take
24 you through this, okay, and just see if you agree
25 with this. On August 12th, Detective asked

1 you, your arms are like palms up, and hands and
2 fingers are roughly shoulder height, is that fair
3 enough to say?

4 You say, yeah, close to his shoulder,
5 right?

6 Uh-huh.

7 : And he asked you at somewhat
8 of angle? You say at 35 to 45 degree angle from the
9 body. About like this, and you have the palms up,
10 right?

11 : Oh, yeah.

12 : And you say he is standing
13 there, he looks, he looks down looking at his body.
14 That's where you're saying you thought he was
15 looking to see if he was shot?

16 : Right.

17 : Okay. And then after that,
18 you go on to say that Detective asked you,
19 Michael Brown is standing facing the officer at this
20 point with his hands at his rib cage. And you say,
21 yeah.

22 And Detective says hands, palms up,
23 like at his rib cage.

24 And you say, uh-huh. Does that sound
25 right?

Page 50

1 Yeah.

2 : On basically when Michael
3 Brown, this is what he asked you, Michael Brown is
4 standing facing the officer at this point with his
5 hands at his rib cage, and you say, yeah.

6 Detective says hands, palms up, and
7 you say uh-huh. Is that the way you recall it
8 today?

9 Yeah.

10 : And you go on to say, or
11 Detective asked you, and he was looking down
12 at his body at some point. You already told him he
13 was looking down at his body. Detective
14 says, he was looking down at his body at some point,
15 and you say right, right, uh-huh. Okay. All right.

16 Is that the way recall it?

17 Yeah.

18 : Okay. Just to be clear too,
19 we talked about when you thought that the officer
20 must have said something to Michael Brown because
21 Michael Brown then approached the vehicle, that's
22 when you saw the tussle.

23 So you actually saw Michael Brown come to
24 the side of the vehicle, he approached the side of
25 the vehicle?

1 Right, he wasn't that far
2 from me.

3 : Okay.

4 His friend was still, when he
5 looped around, Mike was still in the street, his
6 friend had backed up. His friend had actually --

7 : That's when he goes to the
8 sidewalk?

9 Yeah, he steps back, you
10 know.

11 : Let me ask you this.
12 had asked you this a little while ago about, and you
13 sort of were very clear about where everyone was.
14 But she had asked you about when the officer went
15 after Michael, where was his gun at that time, or
16 could you see it. And you corrected her and said,
17 well, he just went to the back of the vehicle and
18 assumed his stance.

19 : When he came out from around,
20 he must of already pulled it out of his holster as
21 he was coming around.

22 : And that's what I'm
23 wondering. Could you see that, could you see where
24 the gun was before he assumed his stance?

25 It was in his hand and he

1 brought it up.

2 : Okay. Before he brought it
3 up in a stance, it was in his hand.

4 : It was in his hand.

5 : You are directing like out
6 by itself?

7 Right. He's pulling it out
8 and as he came around so he could get a line sight
9 on Michael, he whipped his hand up, gun is already
10 in his hand, put it in his palm and aimed.

11 : Shortly after that he said
12 stop?

13 : He said stop. When he said
14 stop, Michael had already stopped.

15 : Uh-huh.

16 When he turned around, he
17 said stop again. When Michael took another step, he
18 said stop. As he hit the street, after he said
19 stop, he fired. That's when he started staggering
20 around. You could tell he got hit the way his body
21 jerked, okay. And as he was coming forward, trying
22 to keep his balance, I guess keep from falling, he
23 couldn't stand. He was trying to get himself in a
24 position, I believe, so that he could stand up.

25 As he took those steps, the officer took

1 about two, three steps back. As he did that at the
2 same time, he yelled stop again. Michael was then,
3 you could tell he was about ready to fall. At the
4 angle of his body, torso practically straight, knees
5 wobbly, but the torso was almost at a 45 degree
6 angle, his hands are slowly coming down.

7 : His hands were coming down?

8 : Right, coming down.

9 : And he was bent toward the
10 officer?

11 : He was bent toward the
12 officer.

13 : Let me stop you there real
14 quick. On August 12th, again, I want to take you
15 back to what you said. Detective asked you
16 where you describe exactly this point, Detective
17 asked you, and where are his hands at this
18 point.

19 And you say, after he hit him with the
20 three shots, they were down.

21 Right.

22 : Detective says, okay,
23 where at?

24 You say, down beside his body like this.

25 And then he says, you were basically putting your

1 hands down at your side.

2 And you said, yeah, they, like they were
3 down.

4 : Right.

5 : Is that the way you recall
6 it today?

7 : Right.

8 : That was after three shots?

9 : After the three shots.

10 : Because he was going down?

11 : Yeah, he was hit. As he was
12 coming forward, he was trying to maintain his
13 balance.

14 And I know this, I've been shot, all
15 right. I've been shot in the leg, so I know how it
16 is to try to get your balance.

17 And as I try to make this perfectly clear,
18 his torso was straight, knees wobbly, but his upper
19 torso was bent and he was still, kept his focus on
20 the officer.

21 : So to be clear, from your
22 vantage point, and I don't want you, I know you were
23 shot so you know how it feels to be wobbly. From
24 what you could actually see, Michael Brown was
25 focused on the officer, correct?

1 : Uh-huh.
2 He was bent forward, correct?
3 : Uh-huh.
4 : Is that yes?
5 Yes.
6 : Okay. His arms were at his
7 side at this point?
8 : Right, right.
9 : He was moving toward the
10 officer?
11 Right, very slowly and
12 wobbly.
13 And the officer had said stop?
14 Right.
15 : At that point, Michael Brown
16 hadn't stopped; is that correct?
17 : It looks like he was falling.
18 He was staggering, he was staggering, trying to stay
19 up. Okay.
20 He was shot, he was hurt. He was trying
21 to keep up on his feet. He wasn't going toward the
22 officer to try to get to him. He was trying to
23 stand up. He was trying to maintain himself, but
24 you could see his body was giving out. And the
25 angle his body was, when he told him to stop that

1 last time when he's looking at him and that's when
2 the comments were made, he's getting ready to kill
3 him.

4 And no sooner than they said that he was
5 going like this, his body was coming like this
6 because he wasn't even looking and he fired. That's
7 the only way he could have hit him in the head, the
8 only way. He was already on his way down. The man
9 was unarmed, you had already put three to four shots
10 in his body.

11 Granted, he is a big boy, but he was hurt,
12 he was hurt.

13 : And this is the point right
14 before that, that final shot you refer to --

15 : Right.

16 : -- trying to tell him to
17 stop?

18 Right, right. When he fired
19 off that last volley, he hit down face first. I've
20 got a very hysterical who has never seen
21 anything like that in her life. My sister-in-law is
22 going berserk. My brother and I look, we didn't
23 even see the other officer, he had just moved away.

24 Our focus, our focus is So when I
25 got , he got his wife and got them, took in

1 the apartment, got them calmed down, I came back
2 out, I left and I ran up the street because I wanted
3 to see what happened, not what happened, but to see
4 him, you know, just some visible reason I wanted to
5 see the body. As I got there and close and I saw
6 his face, I knew who it was.

7 : You talked before too about
8 at that point people started coming out from
9 everywhere?

10 From everywhere.

11 : Can you tell us about that,
12 what was going on at that time?

13 They all, they running out,
14 from my vantage point I can see every apartment on
15 the opposite side of the street. The gentlemen who
16 were working, my apartment, my bedroom, I can see
17 them and the apartment that they are working on and
18 I'm watching them. They are making a lot of noise,
19 but anyway, from the front of my house, I couldn't
20 see them. I knew they were there, I knew they were
21 there. People on my side and my street, no one was
22 there.

23 The immediate apartment building where he
24 was shot, I couldn't tell if anybody was up there.
25 The apartments that are already in the back of the

1 driveway where he was stopped at, where the memorial
2 is, I didn't see anyone on this side of the street
3 in my sight.

4 The other part I can't see that.

5 : Just tell me about when you
6 went out there, you know, you mention people coming
7 out from sort of everywhere from the back of the
8 complex.

9 : From the back of the complex,
10 from everywhere.

11 : And you talk about
12 August 12th, the one reason you came forward is in
13 your own conscious you wanted to make sure the
14 family got the truth about what really happened,
15 that is why you decided to come forward?

16 Yes.

17 : You were concerned about
18 what other people were saying. What were you
19 concerned about?

20 You have to understand out
21 there, they were looking for anything. Majority of
22 them that came running out from the other sides and
23 the back, those three or four gentlemen that run up,
24 oh, he had his hands up like this.

25 : Like straight up in the air?

Page 59

1 Straight up in the air.

2 : With his palm facing the
3 officer?

4 Yeah, we were standing, no.
5 The gentleman that was besides us, the workers, no.
6 We knew that. And then you could see, you have to
7 understand the mentality of some of these young
8 guys. They have nothing to do. If they can latch
9 onto something, they embellish it because they want
10 something to do. This is something that give them,
11 okay, now we have something to do to get into.

12 I've lived out there off and on for almost
13 years. Majority of them do not work. All they
14 do is sit around and get high all day. That's it,
15 and just talk stupid. And they had that there, when
16 we was standing there, someone at the top of the
17 hill, I had got back to my porch, someone at the top
18 of the hill, my brother and my sister and , I
19 had back on the porch when I came back,
20 fired off some shots. The officers heard it and
21 they started running, okay.

22 Everyone that was on the other side of the
23 street started pointing, where did it come from,
24 everybody started pointing. We had two people,
25 never seen these people before in my life in the

1 whole time I've been out there, came up, you all
2 better not say nothing. You all snitching and all
3 of this and that upset .

4 : They said this to you

5
6 They were talking. I was
7 looking at the officers. was down there and I
8 happen to turn when said like what, what. You
9 know, I was like, wait a minute, I said turn around,
10 everybody was still doing this. But she and this
11 other girl had made a point to say something to .

12 To ?

13 Right.

14 : About not snitching?

15 About not snitching.

16 Two females?

17 Yeah, I'm like what? And I
18 told the girls, I tell you what, you all used a very
19 derogatory term, turn around. Everyone is pointing
20 that way, you know. For three days I had to deal
21 with because that shook to the core, just
22 not use to anything like that.

23 : Can you explain this, what
24 prompted these girls to come over to ?

25 Because everybody was

1 pointing, you know, when they heard the shot. I was
2 pointing. Where did it come from. I said right up
3 there.

4 : Because you were telling the
5 police where the shot came from?

6 Right, but the thing was, the
7 whole crowd was pointing up to the top of the hill.
8 And I'm like, wait a minute, they single out and
9 wasn't even pointing.

10 I understand, okay.

11 : Okay. So the thing is, I
12 live there, when it comes to saying certain things,
13 I've got to protect I don't care. I'm sorry
14 that happened to Michael Brown, I'm sorry for his
15 family's loss, but I have a ,
16 that's number one. I don't care about nothing. I
17 really wasn't going to say anything. I really
18 wasn't because I got to protect and
19 scared, was scared for three weeks, she was
20 scared.

21 : Let me ask you this, before
22 whenever we was talking about people coming out and
23 hands up in the air, you said there were workers
24 nearby who were saying hands in the air?

25 No, no, no, they didn't say

1 that.

2 : What did they say?

3 : They said the same thing I
4 said and my brother did. His arms were shoulder
5 length, just above his shoulders.

6 : Can you describe these workers?

7 : They working, they are
8 plumbing, some plumbers.

9 What they look like
10 physically?

11 : Younger, white hair gentleman
12 and --

13 Both white?

14 Uh-huh.

15 : But they were actually there
16 with you correcting all of these other younger
17 people?

18 No, everyone did that. It
19 wasn't until a couple days later, because I saw him
20 when I was out there watching everything going on.
21 I saw him talking to a couple officers, but he was
22 talking to a plain clothes detective and a Ferguson
23 officer, I think, I'm not sure. I couldn't see, but
24 I know he had a blue shirt on, Ferguson wears blue
25 shirts. I assume it was a Ferguson officer and the

1 other gentleman was in a suit.

2 And he was talking to him. The younger
3 guy, he was like, oh, he was going nuts, you know,
4 but the older gentleman was talking about what he
5 saw.

6 A few days later because he was coming
7 around and doing something on every building. And
8 he gets out, eventually said, yeah, everybody out
9 there talking about the poor man had his hands up in
10 the air. He said, I didn't see that, he said, did
11 you see that? I said, no, I didn't see that. So
12 the young guy say, he was with him, I didn't see it
13 either.

14 : These are the two white
15 workers that you are talking about?

16 : Yeah, right.

17 : They were back there a few
18 days later and talked to you personally?

19 : They didn't talk to me, just
20 in the course of conversation they were working on
21 our building.

22 : You were there and had that
23 conversation?

24 : Right, right. I'm standing
25 there, he come down there and working on the pipe.

1 I was barbecuing, that's how the conversation
2 started. And we got, he said, man, I'm so shook up
3 and everything else about this and that. He said,
4 well, it got crazy all of these guys over there,
5 everybody running around, they're talking about the
6 man had his hands all the way up in the air, he
7 didn't. Did you see that? I know you saw it,
8 didn't you? I said, yeah. He said, did you see
9 what I see? I said, yes. He didn't have them all
10 the way up. And we both, at the same time, same
11 position, okay. Young guy quit after that. He
12 said, I'm not coming out here.

13 : You said there was a lady with
14 you during this conversation?

15 Older lady, she didn't see
16 the incident though.

17 : Who is she?

18 : She's the downstairs lady.

19 : Was there any other
20 conversation within that day about this?

21 : No, uh-huh. All he had to do
22 was connect the pipe. They had missed a connection
23 on the pipe and then we got to talking about
24 barbecuing, talking about, started talking about
25 other things. He lived in Jefferson County. He

1 said how bad it is down there, you know. Now I have
2 to come here, stuff happens everywhere.

3 : Everywhere.

4 You know, he said, this was
5 crazy, you know.

6 : Did he have anything else to
7 say about it, anything crazy about it?

8 No, that's just the way the
9 people reacted.

10 : Let's go back to that. You
11 first started talking about the two white workers
12 that were there when you first came down.

13 : Uh-huh.

14 : People were coming out and
15 saying all kind of things. And you talked about
16 people talking about him having his hands straight
17 up in the air you kind of said, no, that's not what
18 I saw.

19 Uh-huh.

20 : Maybe I misunderstood. Did
21 you say also that the workers were down there at the
22 same time saying, no, we didn't see that either at
23 that time?

24 No, he didn't say that at
25 that time. When I came down after the shots were

1 fired and everything else, I came back down because
2 the crowd was big, it grew in a split second. I
3 walked down to the edge of my driveway and I looked
4 over to see the building, I can see the building
5 they are working on from my bedroom window.

6 He was talking, as I said, he was talking
7 to a detective because his car was parked up on the
8 grass on my side of street. And another officer in
9 uniform had on a blue shirt. I didn't see the
10 insignias, but I'm just saying that because Ferguson
11 wear that types of collar, that may be a Ferguson
12 officer that I had not talked to that man at all
13 that day.

14 : Okay.

15 : I did not speak to him.

16 : All right. Let's back up a
17 little bit then. When you come down and there are
18 people saying things that you didn't see, how
19 quickly after those last shots were fired was that
20 happening? I mean, where people were actual
21 actually saying things like that?

22 : After he hit the ground, I
23 would say it took at least about a minute.

24 : That's when the crowd starts
25 to gather, it was like an instant?

1 In a minute, maybe 20, 30,
2 two, three minutes, at least be about 70 or 80, it
3 grew.

4 : Not just the crowd, but
5 people talking about saying things that didn't
6 happen?

7 : Right, right. They start
8 embellishing it when the stepfather showed up.

9 : When, I'm sorry?
10 The stepfather.

11 : The stepfather.

12 He's the first one that I
13 later found out, I didn't know it was the stepfather
14 until a few minutes later when he approached. They
15 had started the tape up and he was trying to get to
16 him. Oh, you know, my God, yeah, he was screaming
17 and hollering. And the officer is trying to calm
18 him down.

19 And then I saw his cousin, a little girl,
20 she has blond hair, she ran up the street. They all
21 came from Northwinds. That's where the majority of
22 the crowd came from.

23 When you say they started
24 embellishing, what did you hear?

25 Oh, the officer ran up behind

1 and shot him in the back.

2 : That's not true?

3 Not true.

4 What else?

5 : He hads his hand straight up
6 in the air, not true. Then some guy, I don't know
7 who the heck it was, I had never seen him before, he
8 came out of the blue. He was coming out saying that
9 Mike had reached in and got the gun out of his hand,
10 not true.

11 : You mention on August 12th
12 that after that it was everyone started coming from
13 the back saying, oh, my God, he had his hands up in
14 the air telling him don't shoot, don't shoot, don't
15 shoot. And you said he never uttered a word, right?

16 : Right.

17 : Referring to Michael Brown?

18 I said that I could hear.

19 : Right, right. Just what you
20 saw and heard.

21 That I could hear.

22 : And you went on to say,
23 that's when everyone come back and all of them
24 started saying things, oh, he was on his knees.

25 Yeah.

1 : When he shot him, he shot
2 him on his knees?

3 : Right.

4 : And then he came by and they
5 said he was lying down and the officer came and shot
6 him in the head.

7 That was false.

8 : None of those things
9 happened?

10 None of those things
11 happened, none of those things.

12 : I also want to ask you, you
13 said early on when we were talking you saw Michael
14 Brown earlier in the day?

15 Uh-huh.

16 : Can you describe your
17 interaction of what you saw?

18 : Me and the lady was sitting
19 outside, sitting on the step. She was sitting in
20 her chair on the lower level and he come up, instead
21 of going through the driveway, they cut across the
22 grass right there.

23 : When you say that was he with
24 his friend that he was there during the incident?

25 : No, he was with some girl. I

1 never seen her before either. And he came through
2 and he say, how you doing, sir, how you doing,
3 ma'am. I said, how you doing. I said, you all
4 doing okay? Yeah. He said all right, looks like it
5 is going to be a good day. All right. And he
6 walked up.

7 : About what time was that.

8 About, it was early. It was
9 early. I don't know, probably around 8:00,
10 somewhere after 8:00.

11 Did you see him at all that
12 morning.

13 : Next time I saw Michael he
14 was laying on the ground, or the street.

15 : Have you seen that girl he was
16 walking with, have you seen her since.

17 : I think I have. I can't say
18 100 percent sure. I wasn't paying too much
19 attention to her. He was talking to me. You
20 talking to me, I'm looking at your face.

21 : Do you know her name?

22 No, no, I don't know.

23 Let me ask you.

24 : I don't want to know anybody
25 else.

Page 71

1 : Let's talk about that. You
2 talk about the things, the crowd grew and the young
3 guys out there saying things that were not true.

4 August 12th, you said something about this, I want
5 to ask you about it. By living out there if you go
6 against what they are saying, you think they might
7 nut you up and go crazy. What do you mean by that?

8 They had it in their mindset
9 of what happened. They're set. They are looking
10 for a reason to explode because they don't have
11 anything to do.

Why, why look for a reason to
explode?

14 They got nothing else to do.
15 They are running all day, they are drinking and
16 they're getting high all today. We see this all the
17 time.

18 We have been on Canfield Green apartment
19 management to get all the drugs out of there. Okay.
20 All the time. Northwinds got so bad they put gates
21 up. When the gates up, the crime went up. You
22 know, I don't trust anyone out there.

23 They all walking around with their pants
24 below their butts and everything else, no T-shirts
25 on and they are so strong they will stand right

1 there in front of you and roll that stuff up.

2 I had to run two of them off my porch who
3 and came and sit on my porch while and
4 grandkids are inside, I'd been to the doctor's
5 office. (inaudible) They are sitting on my porch,
6 on my chairs rolling up their blunts. That's how it
7 is.

8 And if they strong enough to do that and
9 they feel you are going up against them, huh-uh,
10 never, I've got I have to protect.

11 : What would happen to somebody
12 like that?

13 Oh, shoot, they'll jump you,
14 they'll jump you.

15 : Do you think that's the general
16 feeling there if someone say something to either us
17 or the local police, goes against what they want,
18 that they will go against them.

19 I think now as it is getting
20 longer in time, the majority of them in our
21 neighborhood, my community, want the truth. It is
22 that outside forces that are coming in. When they
23 burnt that thing down yesterday, 80 percent of the
24 people were from the city, not from there. Cars
25 were coming in, the parking lots were full. That

1 lets us know immediately this is not Canfield, this
2 is not Ferguson.

3 : You mention the burning down
4 issue, the memorial?

5 Yes.

6 : Did you see that?

7 Oh, yes.

8 : What did you see?

9 : I was standing outside in the
10 morning, I come out every morning, step out, try to
11 smoke a cigarette outside. I stepped outside, there
12 was a gray car and a red car, I mean, a white and
13 black car, sorry, sitting there. A gray, dark gray,
14 charcoal gray car pulled up there, now there's three
15 of them.

16 The first two, they were taking pictures.
17 In fact, a girl was in the white car, she got out
18 and stood on the driver's side, took a couple
19 pictures, got in. And I saw those two drive off.

20 The charcoal gray car pulled up beside it.
21 I said, oh, I forgot my cigarette butt, I left it on
22 the kitchen counter. So I walked in, I got it, I
23 came back out, I left and I walked to the other side
24 of the porch, just look around, I like to look
25 around, see the cars and see who is out and

1 everything else. By the time I reach my door step,
2 my front door, he gunned it or she gunned it or they
3 gunned it and the car peeled off.

4 Next thing I know, whoosh.

5 : It shot up?

6 It just blew up and there
7 wasn't no slow flame, it just whoosh.

8 : You talking about the memorial?

9 Yes.

10 : Did you see anybody go other
11 and do anything?

12 : I didn't see anybody. They
13 could have done anything from the car window. They
14 could have threw something out of the window. But
15 that was definitely to me an accelerant because the
16 way the fire went up, it just went whoosh. It
17 wasn't a slow burn. I mean, they talking about a
18 candle, candle, most of that stuff was wet.

19 : Okay.

20 : Most of it was wet.

21 All right. We are going to
22 leave this running.

23 I'll talk to myself.

24 Okay.

25 : We'll be back in just a

1 minute, thank you.

2 MS. ALIZADEH: There is no conversation
3 during this break, so I'm going to try to fast
4 forward it, it is not long.

5 : All right. , I
6 don't think we have much. We don't want to take up
7 a lot of more of your time. We just have a few more
8 questions for you, okay.

9 My understanding is before we took the
10 break, you talk about one concern you had,
11 obviously, after this shooting occurred, people
12 coming out and saying things that were not true
13 based on what you saw, correct?

14 Yes.

15 : One of those things these
16 young men coming out saying that Michael Brown had
17 his hands all the way up in the air like
18 surrendering at the time that the shooting was going
19 on; is that correct?

20 : Right.

21 : You didn't see that?

22 : I did not see that.

23 : Okay. I just want to
24 clarify that. If I could, I referred you to some of
25 your statement on August 12th and I just want to

1 make sure that I understand your statement then and
2 now, okay. And if you like, I have another copy
3 here, you can refer to if you want to or I can read
4 you these portions, is that fine?

5 : That's fine.

6 : Okay. At the bottom of page
7 seven it said, you are referring to Michael Brown,
8 you said that he had like one foot on the grass and
9 one foot on the driveway, which you told us today.
10 And then he turned around and he was like this. So
11 that is why people thought he raised his hands, and
12 I think you are talking there about people claiming
13 that he had his hands raised. You said he did
14 something like this, is that what you are referring
15 to him looking at his body?

16 Looking at his body. And I
17 stated there they embellish, they embellish.

18 : Okay.

19 He had them up, to make it
20 clearer that he was giving up, they went from one,
21 which is what I saw to something that they probably,
22 they assumed he did and stuck them straight up in
23 the air.

24 : Right, okay.

25 Okay.

8 Okay. And you said you went
9 on page eight, you said he looked down and then he
10 did this, and he looked at the officer and he walked
11 and he took about three to five steps. He hit him
12 again, pow, pow, pow. So you were demonstrating
13 there again and then as you went on, Detective
14 made an effort to kind of narrate the way you
15 were demonstrating on the tape, do you recall that?
16 Back on August 12th, when you were demonstrating for
17 him he was kind of narrating back to you so it would
18 show up on the tape, do you recall that?

20 : Okay. On page 17 of your
21 statement you said as he faces the officer, strike
22 that.

23 Detective asked you as he faces the
24 officer. You say, uh-huh. You say that his hands
25 go up to a point. Where? And you say about to his

1 shoulders almost.

2 And then you go on to page 18, and you say
3 like this. And Detective says, kind of
4 raised? And you say he had his hands up like this.

5 And, of course, you can't see that on the
6 tape so the detective narrates and he says, your
7 arms are like palms up, and hands and fingers are
8 roughly shoulder height, is that fair enough to say?

9 You say, yeah, about close to his
10 shoulder, yes, uh-huh.

11 Not in the position that you
12 got.

13 : Okay.

14 : When I said it, I said like
15 this, not like this. They were close to the
16 shoulder, yeah, about shoulder height.

17 : About shoulder height?

18 About shoulder height.

19 : With palms up?

20 His hands were out, his arms
21 out away from the body, not like this. His were out
22 like this. Away, they are away from his body.

23 : Okay.

24 : Not like this, not like this,
25 not like this, they are away from his body. This is

1 my shoulder, this is exactly how I showed him.

2 Okay. With the palms up?

3 : Palms are up.

4 : All right.

5 : Nothing, I got nothing, I'm
6 giving up.

7 : Okay. You say that they are
8 about close to his shoulder and Detective
9 says they are at about somewhat of an angle. And
10 you say, what would you say, a 35 or 45 degree angle
11 from the body.

12 And you go on to say on page 18, he's
13 standing there and he's looking, he's looking down
14 at his body. And he looks up at the officer and you
15 say, he looks up at the officer and by this time he
16 was standing facing him after he turned around in
17 this position.

18 On page 19 you say, Detective asked
19 you, Michael Brown is standing facing the officer at
20 this point with his hands at his rib cage. So now
21 his arms are further down, his hands are at his rib
22 cage?

23 After the shots.

24 : Okay.

25 : Someone left out it was after

1 the shots.

2 : I just want to make sure.

3 The first volley of shots?

4 After the first volley of
5 shots, his arms came down because he was staggering.
6 Like he was coming, as he got hit like, oh, shoot,
7 he was staggering around, all right.

8 They had to come down a little bit, they
9 were coming down. Like I said, when they weren't at
10 his body, I didn't say they were next to his body.
11 He asked me a question, I demonstrated and he said
12 something that his narration is not what I showed,
13 okay.

14 : The narration is not?

15 : Whatever he wrote, I don't
16 know, he just stated, yes, but his depiction of what
17 I said of what I showed him is incorrect.

18 : Let me just finish running
19 through it, okay, and we can talk about it.

20 Okay.

21 : Bottom of page 19, Detective
22 says, Michael Brown is standing, facing the
23 officer at this point with his hands at his rib
24 cage. And you say, yeah.

25 And Detective says, hands, palms

1 up, and so they're at his rib cage, palms up.

2 And then you say well, they weren't up
3 against his rib cage, it was out because he was
4 looking down, slightly away from his body.

5 : Uh-huh.

6 : And Detective says
7 that he was looking down at his body at some point.
8 And you say, right, right, uh-huh.

9 And then you go on to say on page 20.
10 Detective says, is anybody saying anything at
11 this point?

12 And you say the officer as he raised his
13 head, he told him to stop. As Michael Brown raised
14 his head, the officer told hold to stop; is that
15 right?

16 Right.

17 : And he says, as Michael
18 Brown raises his head? And you said, as he raises
19 his head, he says stop right there. He asked you,
20 the officer says this? And your response was, yeah,
21 he did say stop. And when he left from that fixed
22 spot, then he was walking toward him.

23 And he asked you, towards the officer?
24 And you say, towards the officer. When he, as soon
25 as he put his foot on the street, he hit him three

1 times.

2 And he asked you like, how many steps do
3 you think he took before the officer fired? He
4 said, big boy, he didn't take that many steps, I
5 really couldn't count, yeah.

6 And so that's the first volley that he has
7 his hands down near his ribs at the time of the
8 first volley?

9 : Right.

10 : Okay. I just wanted to make
11 sure of that. That's why I wanted to ask you about
12 this, sir. You know, there were three or four times
13 where Detective , or you went back to when
14 Michael Brown turned around and where his hands
15 were. And on August 12th, I mean, there wasn't even
16 any mention with him having his hands up with his
17 palms facing the officer or all the way up.

18 : I didn't say, when he turned,
19 his hands was up, he was looking down to see where
20 he was hit.

21 : Uh-huh.

22 : His back was turned like
23 this. As he was turning around, still looking, when
24 he faced the officer, there they were.

25 Above his shoulders now?

1 No, they are right by his
2 shoulders, right by his shoulders.

3 : On the 12th you only
4 describe him as having his palms up toward the sky,
5 right?

6 No, I did not say that they
7 were pointing up. I said, his hands were up like
8 this. I didn't state palms towards the sky.

9 : All right.

10 If you go say that, no, no,
11 no, no, I never said pointed up.

12 : This isn't something he
13 wrote.

14 I didn't say pointed up
15 toward the sky.

16 : Detective asked you,
17 your arms are like palms up and hands --

18 : Palms up?

19 : -- with hands or fingers are
20 shoulder height?

21 Isn't this up?

22 : Palms up, right?

23 Is this up? I've got them
24 down like this now, this is my depiction of up, not
25 like this, this is my depiction.

1 : All right. One thing that
2 concerned me though is that people are coming
3 forward and saying that he had his hands up.

4 : Above his head.

5 : Above his head.

6 : Like this, all the way up.

7 : All right.

8 He didn't.

9 : But consistently as it is
10 described on August 12th, you have your palms up,
11 right? And not facing towards the officer, but
12 palms up, correct?

13 Right. When he turned to
14 face the officer, his hands were in this position.

15 : Okay. With his palms facing
16 out, sir, or were the palms facing up?

17 This is what I consider up.

18 So you consider this up?

19 : We need to be able to
20 describe this for the tape, that's --

21 This is facing forward, to
22 clarify?

23 Well, he was facing up then
24 facing forward.

25 Okay.

1 : Not like this. They were
2 facing him, hands u like this is my hands palms
3 facing the officer they weren't like this pointed
4 towards the sky. They were pointed toward him.

5 : That's what I wanted to ask
6 you is because on August 12th, I mean, you never
7 said anything at any time about his palms actually
8 facing the officer.

9 I said his hands were up. I
10 never said his palms were facing the sky. I said
11 his hands were up, about shoulder length, arms out
12 away from the body, that's what I said. I'm going
13 to stick with that because that's what I saw.

14 : Before the first volley
15 though, his hands were coming down towards his rib
16 cage?

17 Yeah, he was looking for
18 them, he's still looking like. He's searching to
19 see where he was shot. His arms were like this.

20 : All right. Now you have
21 your palms sort of facing --

22 Right, like this. He is
23 searching his body and looking at his arms and
24 everything to see where he was shot.

25 : All right.

1 : When he turned around and
2 faced the officer, I'm going to say it again, this
3 is what I saw. His hands was up shoulder length,
4 palms facing the officer, not up toward the sky.
5 That is my definition of palm, hands up, okay.

6 Now, when the people down the street
7 demonstrate they say hands up, they are like this.
8 Not like that, but like this.

9 : Hands straight up in the
10 air?

11 Right.

12 : And that didn't happen?

13 : No.

14 And just to clarify there,
15 you were then demonstrating that after he turned
16 around, his hands come back down towards his rib
17 cage and you were demonstrating, I want to make sure
18 this is clear for the tape. If you don't agree with
19 what I say, correct me, and I know that you will.

20 Uh-huh.

21 : When his hands come back
22 down, you're demonstrating that his palms are then
23 sort of facing towards himself as he is looking at
24 his body seeing if he is injured?

25 : Right, still looking, he's

1 looking again.

2 That was immediately before
3 that first volley of shots?

4 Right.

5 : And that was at the time
6 that the Officer Wilson was staying stop.

7 He had already stopped. He
8 was looking, he was turning around, still looking.
9 The officer said stop, he was turning. Okay. He's
10 doing this, my back is to the officer. He is
11 looking at his body like this. And just as he
12 started turning, the officer said stop and he was
13 still looking.

14 And then he looked up, and when he was
15 caught looking at the officer, his arm proceeded to
16 go out like this. Palms away from, facing the
17 officer, arms away from the body, palms facing in I
18 give up stance, I give up.

19 The officer again says stop. He wasn't
20 moving, he took a step up. He stepped out on the
21 street, his hands were still in the exact same
22 position, palms facing up, arms away from the body
23 and he shot him.

24 : Now, you just said though
25 that before he shot, before that volley, his hands

1 had come back down towards the rib cage.

2 He came down, right. He
3 still turned around before the shots, he looked up
4 and as he faced the officer, his hands went up. He
5 was still doing this as he was turning, looking at
6 himself. He was checking his body out to see what
7 was going on it.

8 As he turned, I'm looking, I'm turning,
9 I'm looking, his hands like this.

10 : You have your hands and your
11 arms --

12 Right, like this. It was
13 away from the body, palms are facing like this.

14 : Palms are facing towards his
15 own body?

16 Okay. I'm looking up, I see
17 you, you're the officer. His arms went up. That's
18 when I demonstrated to him as I was standing there,
19 okay.

20 Now, he asked me a question, yes. Hands
21 were up, that's it. This is what I say hands were
22 up. Not this. Every depiction of everything that
23 these people are doing out in the street so far,
24 photographs and T-shirts, hands up. Not palms up,
25 hands up.

1 : The hands straight up.

2 Right.

3 : That's what they are saying.

4 My definition what I saw his
5 hands were up like this, same way.

6 : Shoulder height?

7 But only they were here.

8 All right. But if I
9 understand correctly, what you said today and what
10 you said on August 12th is, he then takes a step or
11 two forward off that curb.

12 Uh-huh.

13 : The officer was saying stop
14 again.

15 : Uh-huh.

16 : And at the time of that
17 first volley, his hands had come back down towards
18 his rib cage where again he is looking to see if he
19 had been shot.

20 I have to say he already had
21 them down. As he turned, he started to face the
22 officer, his hands were up. They didn't come back
23 down again until after the volley was fired.

24 : The first volley?

25 : The first volley.

1 : I know we went over that at
2 length. So now, so tell me (inaudible) if so he's
3 running away, he stops.

4 : Uh-huh.

5 : I'm looking around, seeing
6 what's going on. He turns over this shoulder?

7 No, turn your back, you are
8 looking at yourself.

9 : I'm looking at myself, okay.

10 : All right. Now slowly turn
11 to me during the same thing.

12 : Over this shoulder?

13 : Whatever. And then as you
14 turn and you turn around and face me, then your
15 hands go like this.

16 I go like this. A round of
17 shots go off, his hands are still here.

18 His hands are here and then
19 he steps forward, stop.

20 As he's turning around, you
21 said going like this, does he take a step forward?

22 : As he did that, he took a
23 step forward, he said stop, but his hands was up by
24 the time he said stop.

25 Stop.

1 : He took a step, he was out in
2 the street. When his foot hit the street, bam, bam,
3 bam.

4 : So that's the first. So then
5 where do his hands go?

6 He is like this, he is like
7 this, they moving down.

8 He started doing this?

9 He didn't really tell, but he
10 got hit.

11 You show it was kind of like
12 a round.

13 It was like, oh, and then he
14 stopped. And then he was staggering to stay on his
15 feet, I'm staggering to stay on my feet, you're the
16 officer.

17 Yes.

18 I'm staggering to stay on my
19 feet and then I raise up like this, my hands are
20 still in this position.

21 Okay.

22 All right. I'm staggering,
23 I'm like this, I'm falling forward, I'm just
24 staggering towards you, I'm coming towards you.

25 : Okay.

1 : He takes three steps back as
2 he started staggering. He's still in the position.
3 When he started staggering forward, he let loose
4 again.

5 But he is staggering forward.

6 That's how he was. He was
7 barely up. He was trying to keep focus on the
8 officer.

9 : When you say he fell, he
10 didn't hit his knees, he fell face first.

11 : No, face first.

12 : The whole time he never moved
13 his hands down like this?

14 They were coming down as he
15 was falling.

16 : His hands could have been at
17 his side when he fell?

18 It could have been.

19 Okay.

20 : Let me ask you one more
21 time, they weren't --

22 : They weren't up under his
23 body.

24 : You say on August 12th, you
25 said Michael Brown standing facing the officer at

1 this point with his hands at his rib cage or

2 Detective says that and you say, yeah. And

3 he says, hands, palm up and you say uh-huh.

4 And he was looking, he says he was looking

5 down at his body at some point and you say, right,

6 right.

7 You said the officer as he raised his head

8 he told him to stop. He asked you, as Michael Brown

9 raised his head. You say as he raises his head, he

10 says stop right there. You say the officer said

11 this. And you say, yeah, he did say stop and he

12 left from that big spot that he was walking towards

13 him.

14 And he asked you, towards the officer?

15 And you say, toward the officer when he, as soon as

16 he put his foot on the street, he hit him three

17 times.

18 How many steps do you think he took before

19 the officer fired? You told him you didn't count

20 it.

21 So what you indicated there was at the

22 time he takes the steps toward the officer, and the

23 officer says stop right there, and then fires that

24 first volley, you say that just before that, Michael

25 Brown is standing, facing the officer at this point

1 with his hands at his rib cage, hands, palms up. So
2 this is while he is looking?

3 : They are about like this.

4 Yeah, but they're not, they are like this, they are
5 up.

6 That's fine. On August 12th
7 you said that at the time --

8 : Right.

9 : -- the first volley
10 happened, he was facing the officer with his hands
11 at his rib cage hands, palms up. Is that accurate?
12 Is that accurate what you said?

13 Yes, uh-huh.

14 : And then that's the first
15 volley of shots?

16 : First volley.

17 : Okay, I think I understand.
18 Hands up, no matter how you
19 say it, hands up.

20 : At his rib cage.

21 Right, about right in here.

22 He's a big boy.

23 : Right.

24 : All right. He had definitely
25 given up.

1 : The hands are at his rib
2 cage at the time of the first volley of shots?

3 Right.

4 : And with his hands, with his
5 hands --

6 Away from his rib cage, away.
7 Not at his rib cage, away, his arms are still
8 extended.

9 : Okay. So you have your hands
10 kind of out by your sides now.

11 Is this my rib cage?

12 I'm just trying to understand
13 for the tape. Your hands are now, they are lower
14 now, hands down by the side.

15 All right. (inaudible) The
16 ribs.

17 : Is it fair to say that at
18 the time of that first volley, Michael Brown is
19 standing, facing the officer, with his hands at his
20 rib cage, hands, palms up. Is that yes?

21 : I don't like the phrase palms
22 up because when you say palms up, I'm saying his
23 hands are like this.

24 : all I'm doing is
25 asking about your statement on August 12th.

Page 96

1 Okay. I didn't say palms up.

2 Hands up. I never said palms up.

3 : Okay. Well, repeatedly on

4 August 12th it was palms up.

5 No, I said hands up, I never

6 said palms up.

7 : All right, that's fine.

8 I said hands.

9 : I don't think we have

10 anything else. I just wanted to clarify that and

11 make sure what we have here, but what you've

12 indicated though is what you said on August 12th was

13 accurate and that is at the time of the first volley

14 he had his hands at his rib cage; is that right?

15 Yes.

16 : Okay.

17 Okay. So the interview is

18 completed 11 (inaudible).

19 MS. ALIZADEH: Okay. It is 11:33, we just

20 completed playing the recorded statement of

21 that was done by the FBI. Just making a

22 point of saying on the record that they took a break

23 during the interview. And I did fast forward

24 through the break because there was no conversation

25 during that time period, so we went forward to where

1 the interview resumed. Would you all agree with
2 that? You heard resume the interview, correct, all
3 right? Everybody is shaking their head, okay.

4 So we have here. Are we
5 ready to bring him in? Everybody ready?

6 Anybody need to stand up, go to the
7 bathroom? Let's take a two minute break.

8
9 of lawful age, having been first duly sworn to
10 testify the truth, the whole truth, and
11 nothing but the truth in the case aforesaid,
12 deposes and says in reply to oral
13 interrogatories, propounded as follows, to-wit:

14 EXAMINATION

15 BY MS. ALIZADEH:

16 Q Would you please state your name and spell
17 it for the court reporter, please?

18 A .

19 Q And, , I'm going to walk back
20 here because if I can't hear you, and I have
21 actually not the best hearing in the world, but I
22 know we might not be able to hear you. The
23 microphone that is in front of you does not amplify
24 your voice, it is recording.

25 So, and if any of you at any time

1 can't hear what he says, you need him to repeat
2 something, please raise your hands.

3 So, can you tell me how
4 old you are?

5 **A** .

6 **Q** And where do you live?

7 **A** .

8 **Q** That's in the Canfield Green Apartment
9 Complex?

10 **A** Yes, it is.

11 **Q** And how long have you lived there?

12 **A** Uh, about years.

13 **Q** And back in August of this year you were
14 living there; is that right?

15 **A** Yes.

16 **Q** And you lived there, I'm not going to ask
17 you the names, but you lived there with ;
18 is that correct?

19 **A** Correct.

20 **Q** And I'm going to show you, this is a
21 laser pointer. So there is a little button right
22 here and there is a map that is next to the witness
23 stand. It is marked Grand Jury Exhibit 25. We have
24 been using this for the past few meetings.

25 Do you recognize this as being the

1 streets and the buildings that comprise the
2 apartment complex of Canfield Green?

3 **A** Yes.

4 **Q** Okay. And just to situate yourself, this
5 is Canfield Drive that goes all the way through the
6 apartment complex, correct?

7 **A** Correct.

8 **Q** I will tell you over in this direction is
9 West Florissant?

10 **A** West Florissant.

11 **Q** As you are going down Canfield in this
12 direction you are going east and then the Northwinds
13 Apartments are east of the Canfield Apartments,
14 would that help orient you to how this is set up,
15 correct?

16 **A** Yes, uh-huh.

17 **Q** So now can you use the laser pointer and
18 point to what building you were living in in August?

19 **A** Right there. (indicating)

20 **Q** Okay. And so just so we can understand
21 these buildings, these are apartments; correct?

22 **A** Correct.

23 **Q** Do you have to enter the building before
24 you get into your apartment or does each apartment
25 have an exterior door?

1 **A** We have a porch, you walk up the steps, I
2 stay on the second floor and I go through the door.

3 **Q** So from the outside of the building you
4 walk up exterior steps?

5 **A** Yes.

6 **Q** And then your front door is on the
7 exterior of the building?

8 **A** Correct.

9 **Q** And so is there like a little, is it
10 wooden steps?

11 **A** Yes.

12 **Q** So is there like, uh, you said porch, like
13 a little decking area?

14 **A** Yeah, a little small wooden porch.

15 **Q** Okay. And that's right where your front
16 door is?

17 **A** Yeah, off, go from one side of the
18 building, from one side of the steps all the way up,
19 one continual porch.

20 **Q** So where you were pointing before, this
21 little jet out on the roof of the building.

22 **A** Yes, there are steps right here. You come
23 around and you go up these steps.

24 **Q** Okay.

25 **A** This is the overhang right over the steps.

1 **Q** Okay. So this part is like an overhang
2 that covers the steps from the elements?

3 **A** Right, yes.

4 **Q** And so you said that the decking or the
5 porch, some people call it a balcony?

6 **A** Right.

7 **Q** It goes all the length of the building?

8 **A** Yeah, right. It spans almost halfway
9 between where I am now where the red dot is and the
10 end of the building, so just to about the middle.

11 **Q** Okay. Are there other apartments front
12 doors on this side of the building?

13 **A** Mine is on this side, this is this is
14 and the third floor and

15 **Q** If this is the west side of the building,
16 there is other front doors is what I'm saying.

17 **A** There's one more.

18 **Q** Okay. And you all share that balcony
19 then?

20 **A** Correct.

21 **Q** And you said you are on the second floor?

22 **A** Right.

23 **Q** So is there another way to get out of the
24 apartment besides the front door?

25 **A** No.

1 **Q** No slider, no glass or anything?

2 **A** Well, we have sliding glass doors, excuse
3 me, other than the front door that opens out onto
4 the porch. So we can get a breeze.

5 **Q** Okay. So you can go out onto the porch
6 through the sliding glass door?

7 **A** Correct.

8 **Q** As well as the front door?

9 **A** Yes.

10 **Q** Okay. And so, um, from when you stand,
11 now, is there any furniture on your porch?

12 **A** Yes, I have two chairs and a table.

13 **Q** Do you have a habit or just something you
14 like to do is to sit out on the porch?

15 **A** Yeah, I like to sit out on the porch early
16 in the morning. Sometimes, especially when the kids
17 are going to school I sit out and keep an eye on
18 them. And I have a neighbor downstairs who lives in
19 the lower level and sometimes her and I sit out and
20 talk, you know, since I'm collecting Social
21 Security, I don't work and she's retired, and keep
22 each other company, just keep an eye out.

23 **Q** Okay. And just, again, so I'm clear, does
24 this porch or deck or balcony, whatever we are
25 calling it, does it wrap around to the other side of

1 the building?

2 **A** No, it doesn't.

3 **Q** So when you sit on your chairs, are you
4 north of the little staircase?

5 **A** I'm right here. (indicating)

6 **Q** Okay. And so from that position when you
7 are on your balcony at that position you have a good
8 shot down Canfield?

9 **A** I can see all the way down to this end.
10 Almost right to the bend.

11 **Q** Okay. So now, let's talk about the 9th of
12 August. You know the exact times are not important,
13 but this occurs a little after noon on the 9th?

14 **A** Yes.

15 **Q** Do you remember was there anything that
16 memorable about your day prior to that? Do you
17 remember anything happening or special?

18 **A** It was normal. I was watching the
19 gentlemen that were working on this side here. They
20 were making a lot of racket, they were doing a lot
21 of plumbing and excavation over here.

22 My bedroom window is located on this
23 side, so I can see this building completely and I
24 can see up to about right here from my window.

25 **Q** Was home that day?

1 **A** Yes, was.

2 **Q** Okay. Now, we know that other people
3 arrived at the apartment, but in the morning, was it
4 just you and your home that day?

5 **A** Yes.

6 **Q** And so just to be clear, from your bedroom
7 window, which you say is on the north side of the
8 building, there is no balcony?

9 **A** No.

10 **Q** You can't get out of your bedroom from
11 there?

12 **A** No.

13 **Q** Okay. So, and it was a clear day?

14 **A** Yes, it was.

15 **Q** Sunny and hot, right?

16 **A** Right.

17 **Q** Do you have air conditioning in that unit?

18 **A** Yes, central air, yes.

19 **Q** Pardon me?

20 **A** Central air, yes.

21 **Q** So would you of had your windows closed, I
22 mean, it is August 9th I would imagine you probably
23 have the AC running?

24 **A** Well, we didn't turn it on, we like to
25 keep it off for a while. We will turn it off early

1 in the morning and wait until the temperature rises
2 because can't take the cold that much. So I
3 usually wait until maybe 1:00 or 2:00 and then I
4 will turn on the air when it starts to get hot.

5 Q When you don't have the air on, do you
6 have the windows open or closed?

7 A Open.

8 Q How about the sliding glass door, would
9 that be open, do you have a screen for that slider?

10 A Sometimes has it open, sometimes
11 doesn't. occupies the living room.

12 Q Okay.

13 A That's domain.

14 Q All right. So, at some point, we know
15 that your brother and his wife come over to you and
16 apartment, correct?

17 A Correct.

18 Q But at some point there is something that
19 draws your attention to the street, correct?

20 A Correct.

21 Q Whatever it is, and we'll talk about it in
22 a second, whatever draws your attention to the
23 street, is that before or after your brother and his
24 wife get there?

25 A It is practically simultaneous.

1 **Q** Okay.

2 **A** I was looking out the window and I saw two
3 gentlemen walking down, they were right on the
4 middle line walking down the street. I couldn't
5 overhear, but they were saying something to the
6 workers. They were walking in the very middle of
7 the street, which caught my attention.

8 I saw my brother's truck coming this
9 way, so I got up to meet him at the door. That's
10 what happened.

11 **Q** Okay. You saw two gentlemen walking down
12 the middle of the street you say?

13 **A** Right.

14 **Q** And they were walking west toward West
15 Canfield?

16 **A** Right.

17 **Q** I mean West Florissant.

18 **A** Yes, towards West Florissant.

19 **Q** Just to be clear about this, did you see
20 them walking and then do you see them later in a
21 different position?

22 **A** When I, as I saw them pass, I saw my
23 brother's truck coming down, I got up.

24 **Q** Did you see --

25 **A** By the time I got to the door and opened

1 the door, my brother had just pulled in.

2 Q Okay.

3 A They were located right about right here.
4 (Indicating).

5 Q Okay.

6 A They had progressed past this one driveway
7 and they were right about here, almost close to the
8 next driveway.

9 Q Okay. And now the two men we're talking
10 about, was one of the men Michael Brown?

11 A I later found out it was, yes.

12 Q But it is the same person that you later
13 see get shot in the street?

14 A Yes.

15 Q And we know, we've heard from your
16 previous statements that you knew who he was from
17 the complex, but you didn't know his name on that
18 date?

19 A No, I didn't.

20 Q And you weren't friends with him other
21 than a polite greeting in passing?

22 A Yes, he has a friend who lives in this
23 building right here. He would come through every
24 now and then, he would speak to me and the lady
25 downstairs or sometimes I see him at the store, at

1 the QuikTrip or any of the other stores. He would
2 always speak to me, I would speak to him.

3 Q But you recognized him as someone you had
4 seen in the complex?

5 A Right.

6 Q What about his friend?

7 A I had never seen him before.

8 Q Okay. And Mike Brown, we know is a big
9 guy?

10 A Yes.

11 Q He was 6'5" or something like that?

12 A Yes.

13 Q And the other gentleman, was he shorter?

14 A Shorter.

15 Q Skinnier?

16 A Thin, dreadlocks I think it was, braids,
17 whatever you call them.

18 Q And so you saw those two guys walking
19 from, they stopped, you saw them talking to the two
20 construction workers?

21 A Yeah, kind of slowed down, they were
22 talking to them as they were steadily walking.

23 Q Okay. So they didn't stop and chat for
24 like 30 minutes or anything like that?

25 A Not for long, I don't think they stopped

1 that long, no.

2 **Q** And at this point, other than you saw them
3 walking down the middle of the street, was there
4 anything that was odd to you?

5 **A** No.

6 **Q** Nothing?

7 **A** Nothing odd, no.

8 **Q** And so you see your brother driving his
9 truck down and he pulls onto Caddiefield, does he
10 park and he and his wife get out of the truck?

11 **A** He parks, almost immediately as soon as he
12 comes in because right behind him was an officer,
13 excuse me, he was coming in this direction. And my
14 brother got out and heard him say something, I
15 couldn't overhear what he said.

16 **Q** Okay. Let me stop. You said your brother
17 got out and you couldn't hear what he said. Are you
18 talking about your brother?

19 **A** No.

20 **Q** Saying something?

21 **A** No, by the time he got to the porch, the
22 truck was coming down, the officer's vehicle was
23 coming this way. By the time my brother got to the
24 porch, he was just past the two guys. He slowed
25 down and then he kind of went a little further and

1 then he backed around and he turned around and he
2 came in, like cut them off.

3 **Q** Okay. So let's stop. So your brother has
4 got, what is it a pickup truck or SUV?

5 **A** He has a SUV.

6 **Q** SUV. So he's coming in from this
7 direction, does he pass this Mike Brown and the
8 other kid walking in the street?

9 **A** Yes, he had just passed. He had to pass
10 them when he got to my driveway. They were past my
11 entranceway right there, they were about right here.

12 **Q** So your brother goes past them, did he
13 have to go like around them, are they still in the
14 middle of street?

15 **A** Yeah.

16 **Q** They are still in the middle of the
17 street?

18 **A** Right.

19 **Q** Your brother then goes this direction and
20 you said you see a police vehicle?

21 **A** Right.

22 **Q** And is it an SUV?

23 **A** Yes, it is.

24 **Q** And it is a Ferguson vehicle?

25 **A** Yes.

1 **Q** And you see it driving in which direction,
2 coming from here?

3 **A** Going this way, going eastbound.

4 **Q** When is the first point you notice the
5 Ferguson vehicle, where was it?

6 **A** When my brother pulled in, he was about
7 right here. (indicating)

8 **Q** And you say he was driving this way?

9 **A** Yes.

10 **Q** East?

11 **A** Right.

12 **Q** And then does he pass the two guys that
13 are walking in the street?

14 **A** I'm looking, my brother's back there, we
15 looked around, him and his wife. He kind of slowed
16 down and said something. And he had just got maybe
17 a few feet past them, right about here, all right,
18 and they were steadily walking. I couldn't hear
19 from the distance, I couldn't hear anything that
20 they are saying.

21 **Q** Okay.

22 **A** Next thing we know.

23 **Q** Let me stop you. Are you now, where are
24 you in your apartment?

25 **A** I'm on the my porch.

1 **Q** By the front door?

2 **A** I'm outside my on the front door right at
3 the railing.

4 **Q** Okay. And so you stayed, you couldn't
5 hear if anything was said?

6 **A** No.

7 **Q** And then what happens next?

8 **A** The officer backs his car up and he kind
9 of put the car at an angle with the front pointed,
10 okay. Let me see right here. His car was pointed
11 toward that tree, there is a tree right there if you
12 can see it. And I'm looking at the passenger side,
13 we're looking at the passenger side, we couldn't see
14 the driver's side.

15 **Q** So you're saying that the police vehicle
16 was still pointing east?

17 **A** Yes, he was still pointing east, sort of
18 east. He was sort of at an angle. I've got a 45
19 degree angle.

20 **Q** But he never turned around in the street?

21 **A** No.

22 **Q** So he passes the boys and then backs up?

23 **A** Yeah, and cuts them off.

24 **Q** Okay.

25 **A** He cuts in front.

1 **Q** And then the vehicle stops at somewhat of
2 an angle?

3 **A** Yes.

4 **Q** Okay. But from your vantage point here,
5 you are seeing the passenger side of the car?

6 **A** Yeah, I couldn't see the driver's side.
7 We're looking at the passenger side, and Michael and
8 the gentleman were on this sidewalk, on this side.

9 **Q** So, let's be clear --

10 **A** No, they were close to the side -- they
11 are on the sidewalk side, but they were still in the
12 street.

13 **Q** Were they on the driver's side of the
14 vehicle?

15 **A** At that time, when he cut them off, they
16 were both on the driver's side.

17 **Q** Okay. So let me ask you, when they were
18 walking down the street, did they stay on the yellow
19 line in the middle of street?

20 **A** Yeah, they stayed in the street.

21 **Q** But the officer cuts them off?

22 **A** Right.

23 **Q** And so, but they're on the driver's side
24 of the car at this point?

25 **A** Yes, but they are still in the street,

1 they're not on the sidewalk, they are still in the
2 street.

3 Q All right. And so is the officer's
4 vehicle between you and the boys?

5 A Yes.

6 Q Now, we know Mike Brown was tall, could
7 you see his head over the roof of the car?

8 A A little bit, yes.

9 Q Okay. But did you, was it, what about the
10 smaller guy?

11 A Couldn't see him.

12 Q Couldn't see him?

13 A No.

14 Q Then why don't you describe what happened
15 next?

16 A Okay. After the officer stopped and
17 pulled in that position. Michael walked, something
18 he was saying, I don't know what he was saying or
19 whatever. He proceeded to walk towards the
20 officer's truck on the driver's side. They was
21 still located right here. (indicating)

22 Q Okay.

23 A Okay. Then my brother noticed, he said
24 wait a minute, looks like they're struggling. We
25 are looking at the car, we can see them tussling,

1 all right. His head was above the truck for a
2 moment and then it went below it.

3 Q Okay.

4 A All right. And it was still tussling.
5 His friend had backed up a step back on the
6 sidewalk, then we heard a shot. His friend ran this
7 direction, Michael ran to this driveway right here,
8 beside this building.

9 Q Just so we can be clear, this street is
10 Copper Creek Court?

11 A Right.

12 Q So you are saying, you had the pointer,
13 the little laser --

14 A Right, right here.

15 Q -- at the corner of Canfield Drive and
16 Copper Creek Court?

17 A Right, he had ran towards this way. As
18 he's running --

19 Q He's running east down Canfield?

20 A As he's running this way, the officer got
21 out of his truck, came around from the back, got to
22 this side where he was now on the driver's side
23 because he had a clear line of Michael over here.

24 Then he assumed his position with the
25 pistol. As he turned around, as he came around, he

1 was coming up with the gun. He held the gun up like
2 this. (indicating) When he got to here, Michael was
3 standing right on the grass and he was like looking
4 down at his body.

5 Q Okay. Let me stop you here. At this
6 point have you seen anything in Michael's hands?

7 A No.

8 Q When he was stopped, when they were
9 talking down the street, did you see anything in his
10 hands?

11 A No.

12 Q How about the other boy, anything in his
13 hands?

14 A No.

15 Q They weren't carrying anything that you
16 saw?

17 A No.

18 Q And then you said, you know how important
19 some of this gesturing has been, right?

20 A Uh-huh, right.

21 Q So they are here to actually witness what
22 you are going to do. And so you say when Michael
23 Brown gets to, is he in the grass actually?

24 A He's is standing at the very edge. Okay.
25 The driveways are blacktop, he is stopped right at

1 the blacktop right, at the very edge.

2 Q Okay.

3 A His back was turned to the officer.

4 Q Okay.

5 A And he had his hands like this, like he's
6 looking down at his body to see.

7 Q Okay. Can I ask you to stand up that will
8 really help them to see what you're doing and he's
9 stopped now?

10 A He's stopped with his back towards the
11 officer and he stopped and he was doing this. As he
12 was trying to see where he was shot.

13 Q Okay.

14 A All right.

15 Q Uh-huh.

16 A As he was turning, at that time the
17 officer had already been around to the back of his
18 truck and got into his spot. By the time he got
19 there, while Michael was there, he was slowly
20 turning around and the officer said stop. When
21 Michael turned around, he just put his hands up like
22 this. They were shoulder high, they weren't above
23 his head, but he did have them up. He had them out
24 like this, all right, palms facing him like this.

25 The officer said stop again. Michael

1 then took a step, a few steps it took for him to get
2 from that blacktop to the street. When he stepped
3 out on the street, the officer said stop one more
4 time and then he fired. He fired three to four
5 shots. When he hit him, he went back. Can I stand?

6 Q Sure.

7 A When he hit him he, did like this, and he
8 went like, like his balance -- he started staggering
9 and he looked up at the officer like why.

10 Q Now, just to be clear, you can't hear him
11 say anything?

12 A I can't hear him say that, but he's
13 looking at him and he is doing, you know. So then
14 as he's stopped, he's trying to steady, he starts
15 staggering, my brother says, he's not going to stand
16 up, he's getting ready to fall, he's getting ready
17 to fall.

18 He looks like he was trying to stay
19 on his feet, and he started staggering toward the
20 police officer and he still had his hands up.

21 At some point between the officer's
22 truck, which by that time this is about 30, 35 feet,
23 when he reached out into the street, he started
24 walking toward the officer, the officer took three
25 steps back and he yelled out stop to Michael again

1 three times.

2 Michael's steadily walking toward
3 him. More or less to me and to my brothers, he was
4 staggering.

5 Q Okay. To your brothers, did you have more
6 than one brother?

7 A Well, I mean my brother. I didn't mean to
8 say brothers, my brother. He was staggering, you
9 know. And as he was staggering forward, his head,
10 his body kind of went down at an angle. He was like
11 this, more or less fighting to stay up. You could
12 see his legs wobbling.

13 Q Were his hands the way you had them?

14 A His hands were coming down like this, all
15 right. And he had his head up and he's facing the
16 officer like this and he is steadily moving, and the
17 officer was moving back, stop. He yelled stop the
18 third time, he let off four more shots, but as he
19 was firing, Michael was falling. After he stopped
20 firing, Michael, he went down face first, smack.

21 When that happened, another police
22 truck SUV pulled in behind him, again, assumed
23 almost that exact same spot. He pulled in almost at
24 the exact same angle.

25 The officer, when we looked around,

1 he was gone, we didn't see him. His friend, we
2 never saw him.

3 Q When you said we looked around, the
4 officer was gone?

5 A He left.

6 Q Are you talking about --

7 A He didn't drive off, he walked away. He
8 must have walked back to the other officer.

9 Q Okay. Are you talking about the officer
10 who did the shooting?

11 A Who fired the shot.

12 Q Okay. He had walked away from Michael
13 Brown's body?

14 A Right.

15 Q Okay.

16 A He walked back and the other officer was
17 coming towards the driveway. We never saw him.

18 This is when I lost sight of what was
19 going on.

20 Q Why did you lose sight of what was going
21 on?

22 A Because [redacted] freaked out,
23 and sister-in-law freaked out.

24 Q Did you go inside your apartment?

25 A No, [redacted] was standing right at my shoulder.

1 **Q** Okay.

2 **A** Okay. All I did was turn around, was
3 like oh, my God, was about ready to collapse.
4 , oh, I never seen anything like that. That's
5 when my attention turned to

6 My brother's attention turned to his
7 wife. She was standing to right. My attention
8 was to . So when I grabbed to try to calm,
9 because get together and got in, backed
10 up and went in and sat down. I told hold on,
11 I'll be right with you.

12 My sister-in-law came in and she
13 walked in the door and she was freaking out. She is
14 running all through the house. And when we looked
15 back, we never saw the sight of the other officer.
16 We saw the other police officer walked up to the
17 sidewalk. He stopped right there. And then
18 everyone from this side, from this building, this
19 building, started running up to the front. And then
20 there was a crowd that came from this way.

21 It is almost like someone had,
22 whatever kids are doing and the crowd is whoosh,
23 came right there, that was it.

24 **Q** Okay. Now, you wear glasses I see?

25 **A** Yes.

1 **Q** Do you need them for distance or reading
2 or both?

3 **A** Both.

4 **Q** Did you have them on that day?

5 **A** Yes.

6 **Q** So when you wear your glasses, would you
7 say your vision is good?

8 **A** Yes.

9 **Q** Okay. Now, after the officer shot Michael
10 Brown and he went down in the street, did you ever
11 see anybody move Michael Brown's body or than when
12 they took it away?

13 **A** No, huh-uh.

14 **Q** What about the officer who shot, did you
15 ever see his car move after that?

16 **A** No, it stayed in that position the whole
17 time.

18 **Q** Okay. And then you know that, did you see
19 later in the day that there were multitude of police
20 officers there?

21 **A** Tremendous amount.

22 **Q** And did you see that they were doing crime
23 scene work, they're collecting things, they're
24 taking measurements, did you see any of that?

25 **A** I saw a few of them. When they got there,

1 they put tapes up, can't even see there's a pole and
2 another tree right here. They ran it from here to a
3 pole here, across the street and then there's
4 another tree here. They had almost like boxed it in
5 right there.

6 While they were doing it, that's when
7 the stepfather, I later found out was the stepfather
8 and his cousin were coming down the street. She was
9 screaming and hollering, and my focus was on the
10 stepfather because I was trying, they was trying to
11 keep him from crossing the tape. He wanted to go
12 over and see his body.

13 When he got there, I left out of my
14 apartment, went around the street, got right up here
15 where his head was pointing towards this direction
16 to see who he was. I had an idea, but I wasn't
17 sure. When I got there, I saw his face, that's when
18 I noticed who he was. When I saw that, I'm like oh,
19 my God. So I went immediately back. I just wanted
20 to go down there to see.

21 I'm still worried about and
22 my sister-in-law because they was still freaking
23 out. When I got back, the lady that is downstairs
24 with me and I told her. You know that big guy that
25 we see? We call him the gentle giant. You know the

1 gentle giant that comes through? She say, yeah.

2 That's who is laying out in the middle of the
3 street, and then she freaked out.

4 Q Right, of course.

5 A Uh-huh.

6 Q And , I'm not trying to confuse
7 you or have you change your recollection in any way?

8 A Okay.

9 Q After this occurred, police officers
10 arrive on the scene and were taking photographs, did
11 you see any of that?

12 A No, I didn't.

13 Q Okay. I am going to show you a couple of
14 photographs that were taken and these are
15 photographs that have been identified previously as
16 contained in Grand Jury Exhibit 3. Detective ,
17 the crime scene person, had taken these photographs.
18 And I am going to show you what I've marked as Image
19 Number 24.

20 I didn't mark it, it is already
21 marked as Image Number 24, okay. Now, looking at
22 that image, if I tell you that in this direction the
23 cameraman is facing West Florissant.

24 A Uh-huh.

25 Q And this is the officer's vehicle in

1 street, do you see which direction it is facing?

2 **A** Yes, it is right there.

3 **Q** But it is generally, you're right, it is
4 catty-corner, but it is facing towards West
5 Florissant?

6 **A** Right. I'm thinking, see here is the
7 sidewalk. See where it is looking towards me is
8 right down the street.

9 **Q** So I'm going to show you Image Number 25,
10 which is a little closer view of that vehicle?

11 **A** Yeah, I'm still seeing it's pointing
12 toward the sidewalk from my viewpoint. It is
13 pointing toward the sidewalk.

14 **Q** And this direction is West Florissant?

15 **A** Correct.

16 **Q** Does that change your recollection of
17 which direction the officer's vehicle was facing?

18 **A** Yes, it does. This is wrong, this is
19 wrong.

20 **Q** You are saying this is wrong and I want to
21 make sure we're clear on. Do you believe that the
22 pictures are wrong?

23 **A** From the angle.

24 **Q** You think that the pictures are wrong from
25 the angle. Let me see if I can find different

1 pictures from different angles. This is Image
2 Number 18. That's Officer's Wilson car there.

3 **A** Okay.

4 **Q** This is Number 19, this is Officer
5 Wilson's car?

6 **A** Yes, okay. My apartment is on this side.
7 So, yes, that is correct.

8 **Q** So does that change your recollection
9 about which direction the car was facing?

10 **A** I'm saying, yeah, I still say it was
11 pointed towards the guy, his body. This is the
12 angle, yes, I had it this way. It is that way from
13 my angle from where I'm looking.

14 **Q** Okay. So but you still believe that the
15 officer's vehicle came from this direction?

16 **A** Right.

17 **Q** Okay. And it never turned around in the
18 street?

19 **A** I didn't see it turn around.

20 **Q** Do you know how the officer's vehicle
21 got --

22 **A** He did it, he went past here as he was
23 going, all right. And then he eventually backed up
24 and turned. (indicating)

25 **Q** So it backed up?

1 **A** Yeah.

2 **Q** And so put it in reverse, I assume?

3 **A** Right, in reverse and turned around, cut
4 him off because they were still in the middle of the
5 street. When he passed them, he had to get a better
6 angle so he could get closer to them, I guess.

7 **Q** Okay.

8 **A** So yes, you are right. From my angle, the
9 truck was there.

10 **Q** As we're looking at Image Number 29, which
11 is again West Florissant to the right of the
12 picture.

13 **A** Uh-huh.

14 **Q** This would be the north side of the
15 street?

16 **A** Right, this side right here.

17 **Q** This side of the street is the north side
18 of the street?

19 **A** Right, uh-huh, that's the north side.

20 **Q** You are standing on the sidewalk on the
21 north side of the street, that's the passenger side
22 of the vehicle; is that right?

23 **A** Right.

24 **Q** And your apartment is actually on the
25 south side of the street?

1 **A** No, it bends around. See how it bends
2 around? The truck is pointing this way, I'm still
3 looking down toward it, I'm still, I'm looking at
4 the passenger side.

5 **Q** Okay. Now, from the point that you saw
6 Michael Brown stop and he turned around, to the
7 point where he eventually fell into the street, can
8 you give me an idea, your best estimate of how far
9 that was?

10 **A** I'm only guessing from where the officer
11 was standing the first time he stopped, about 30,
12 35 feet.

13 **Q** Okay.

14 **A** I might be off on that.

15 **Q** Okay.

16 **A** Because you understand also I'm way back
17 here, this.

18 **Q** Right here?

19 **A** Right here.

20 **Q** Okay.

21 **A** They are located right here. So to judge
22 the distance from there to there, you know, I may be
23 off from that.

24 **Q** Sure. But he runs in this direction,
25 comes to about this corner and turns around. Do you

1 recall when he turned around, did he turn around so
2 that he faced your direction or did he turn the
3 other way clockwise or counterclockwise or do you
4 know?

5 **A** He turned over left. So that would be
6 what, counterclockwise, yeah.

7 **Q** So if you are the officer and I'm Mike
8 Brown.

9 **A** Spin to your left, turn around to your
10 left, like that.

11 **Q** So as he turned towards the officer, his
12 back went to you?

13 **A** Yes.

14 **Q** Okay.

15 **A** Uh-huh.

16 **Q** Now, you said in a previous statement that
17 when he was looking down, it looked like he might
18 have been looking at his hands.

19 **A** Hands or side or whatever, he was trying
20 to look, I said looking at his body to try to see
21 where he was shot.

22 **Q** And you said previously that you could see
23 something on his hand?

24 **A** Yeah, it looked like he had something from
25 the distance, we weren't quite sure. In fact, we

1 kind of discussed that. I have told the officer it
2 looks like he had something on his hand, but I can't
3 give you 100 percent, I can't say for 100 percent
4 that it was something.

5 Q Okay.

6 A Because the distance I'm from him, I can't
7 really tell.

8 Q Sure.

9 A You know, that's what I thought.

10 Q As he turned around and he's turning
11 around away from you to face the officer, then if
12 he's on this corner and you are right here, you're
13 seeing him primarily from behind?

14 A Right, his back was turned. When he got
15 to the edge of the driveway where your finger is,
16 his back was turned to us and his back was facing
17 our side of the street. He had stopped. This is
18 the street, he stopped and he did like this. And he
19 was turning around like this, you know, on the left
20 side as you turn, that's the way he was turning.

21 Q He turned to face the officer, was the
22 officer in the street actually?

23 A Yes, he was at the rear of his vehicle at
24 that time. He had to pull his gun out and he had it
25 in his hand, you know, the defensive spot I guess,

1 or whatever they said it is.

2 **Q** Michael Brown would have been looking back
3 in this direction?

4 **A** He was looking, okay. The officer was
5 standing on this side out in the middle of the
6 street right here. He was looking this direction,
7 not that way.

8 **Q** This is the sidewalk right here.

9 **A** Well, he is looking out this way because
10 the officer's truck is still in the street. He's at
11 the rear of the truck, he's at the rear of his
12 vehicle.

13 **Q** And his vehicle was pretty much in the
14 middle of the road, correct?

15 **A** Right.

16 **Q** So the officer is in the middle of the
17 road?

18 **A** Practically, not in the middle, not in the
19 middle, he's closer to the side, he's closer to the
20 street, to the sidewalk.

21 **Q** On the south side?

22 **A** Yes.

23 **Q** Okay. So when Michael Brown turns, he's
24 looking in this direction?

25 **A** Yes, he's trying to see where the officer

1 is.

2 **Q** So from that direction, and where your
3 vantage point is, you can't really see his face at
4 that point, correct?

5 **A** No, just the side view.

6 **Q** Okay. And so you say, you said then at
7 that point his hands go up?

8 **A** Yes.

9 **Q** And the officer is telling him to stop,
10 but he moves towards the officer?

11 **A** Correct.

12 **Q** Okay. And if I were to tell you that from
13 this corner of Caddiefield, I'm sorry, Canfield
14 Drive and Copper Creek Court to where Michael
15 Brown's feet were in the street, in other words,
16 when he fell down, okay, and his body laid there.

17 **A** All right.

18 **Q** From his feet to that corner is 48 feet
19 and 2 inches, does that sound about right?

20 **A** I couldn't say for a certainty. If you
21 say that's the measurement, that's what it is. I
22 don't know the distance.

23 **Q** Okay.

24 **A** I'm not good at that distance.

25 **Q** Okay. But you saw him travel, when I say

1 travel, he moved from this corner toward the officer
2 until he was down dead in the street?

3 **A** Right.

4 **Q** And if that was measured, I don't want you
5 to comment on somebody else's accuracy, if someone
6 measured it and said it was 48 feet and 2 inches?

7 **A** I would have to agree.

8 **Q** Does that sound about right?

9 **A** I would have to agree, but I'm saying from
10 my vantage point from what I thought or assumed, it
11 looks like it was about 35 feet. If it measured
12 that much, then it is.

13 **Q** Okay. And as you say he turns around, he
14 puts his hand up and he starts to move toward the
15 officer, you hear the officer tell him to stop?

16 **A** Right.

17 **Q** And you said he gets two or three steps
18 and the officer shoots pow, pow, pow, three or four
19 times?

20 **A** Yeah.

21 **Q** And at that point you kind of acted, not
22 acted, I didn't mean to say acted, but you
23 demonstrated that he kind of appeared to have been
24 hit?

25 **A** Yes.

1 **Q** Did you see blood on him at that point?

2 **A** From my distance we couldn't see it.

3 **Q** Okay. And at that point also, I mean, you
4 are seeing him kind of from behind also?

5 **A** No, we're looking dead almost to his side.
6 Turn your shoulder facing her, I'm looking at your
7 side.

8 **Q** Okay.

9 **A** About like that.

10 **Q** A full profile?

11 **A** I'm looking at his profile.

12 **Q** Okay. And then he takes a few more steps
13 toward the officer, I mean, if the measurement is
14 correct, at some point he travels 42, or 48 feet and
15 2 inches from the corner to where his feet were.
16 But he only moves twice, according to what your
17 recollection is, correct?

18 **A** First time when he told him to stop, he
19 moved and stepped out into the street. Then he
20 started to stagger forward, the officer took some
21 steps back. He told him to stop, he yelled stop
22 three times again and after he yelled the third stop
23 he fired again.

24 **Q** Okay. Now, after the first round of
25 shots, not in the car, but after Michael Brown

1 turned around and you say you said his hands were in
2 this position. (indicating)

3 **A** Yes.

4 **Q** Or thereabouts?

5 **A** Correct, about shoulder height.

6 **Q** After he turned around, now you've said
7 previously that his hand kind of went limp by his
8 sides?

9 **A** Yeah, well, they started to come down
10 after he fired off that first volley.

11 **Q** Okay.

12 **A** He started coming, he was trying to keep
13 himself up. He looked like he was hit, so his hands
14 were naturally coming down.

15 **Q** So if you have a profile of him.

16 **A** Uh-huh.

17 **Q** And his hands are like this, as his hands
18 come down, could it be that his hand went somewhere
19 around his torso? (indicating)

20 **A** No, his hands kind of came, they were
21 still out to the side, he was still like this. He
22 was trying to balance himself, his hands came down
23 about chest or waist. He had his head up looking at
24 him and he was staggering, trying to stay on his
25 feet.

1 As he was moving, he was staggering
2 and that's when my sister-in-law and said,
3 oh, my God, he's getting ready to kill him. And
4 that's when the officer was backing up and that's
5 when he fired, I think he yelled stop, excuse me, he
6 fired the next round, next volley.

7 **Q** Okay. I'm not going to be so, I'm not
8 going to belabor this too terribly much. Do you
9 recall in your statement with the County Police, you
10 said after he was shot the first time his arms went
11 limp to his side?

12 **A** I said his arms were coming down, yes,
13 they were coming down.

14 **Q** Okay. And I know you haven't had an
15 opportunity to review your statements and I
16 understand that and your first statement was on
17 August 12th, so this would have been like on a
18 Monday after that shooting happened, 9th, 10th, 11th
19 12th, no, Tuesday, I guess. So I'm going to show
20 you what has been printed up, and this is a
21 transcript that is of August 12th.

22 **A** Okay.

23 **Q** Detective , do you remember
24 him?

25 **A** Yes.

1 **Q** And there was another detective,
2 correct?

3 **A** Uh-huh.

4 **Q** And they spent almost an hour or about an
5 hour talking to you that day. And at some point,
6 I'm going to refer you to page number 21. And you
7 talk about where his hands were after the first
8 volley of shots. And then you say after he hit him
9 with the three shots, they came down?

10 **A** Here, and I stood up and I showed him.
11 Like I said, his hands were about right here and
12 they look like he, looks like his hands, like I said
13 in the statement were limp, they were going down.

14 **Q** Detective says, okay, where at?
15 And you say, down besides his body like this. So
16 obviously you are demonstrating.

17 **A** Yes, coming down. By the time, when I
18 showed him, he asked me where they were, I stood up
19 and showed him that his hands were coming down.
20 They were down almost by his side, they were coming
21 down.

22 **Q** And then he says, okay, and you are
23 basically putting your hands down at your side and
24 you say, yeah, they were like they went limp.

25 **A** Yeah, they were like this.

1 **Q** Okay.

2 **A** This is the way I demonstrated.

3 **Q** Okay. And that's one of the problems
4 because obviously we can't see what you were doing
5 that day.

6 **A** Right.

7 **Q** And so that's why all of these times
8 people have been asking you, they go into, seems
9 like great lengths to try to describe what you are
10 doing, but for these people, if you would stand up
11 please one more time.

12 **A** Okay.

13 **Q** As Mike Brown stops.

14 **A** Right.

15 **Q** At the corner.

16 **A** Uh-huh.

17 **Q** Do what you say you saw him do with his
18 hands?

19 **A** The first time?

20 **Q** Yes.

21 **A** After the shot was fired from the truck.

22 **Q** Yes.

23 **A** When he reached right here.

24 **Q** Uh-huh.

25 **A** His back was turned. He was like this,

1 looking at himself to see what is going on. And he
2 started to turn with his back to me like this, he
3 had his hands up like this, and he looked at the
4 officer. The officer was at the back of his truck,
5 he yells stop.

6 So Michael took a step from the
7 blacktop to the street, he was walking towards him.
8 He was walking towards him, but he had his hands up
9 like this. (indicating)

10 When he stepped out into the street,
11 the officer fired three times. When he hit him, he
12 started to stagger around and his hands started,
13 like this coming down, so his hands were going limp
14 and he was staggering toward the officer.

15 As he was moving towards the officer,
16 the officer was moving back, and the officer told
17 him stop, stop, stop. By the time he said the third
18 stop, Michael was still trying to stay up on his
19 feet. That's when the comments were made behind me,
20 no, he's not going to shoot him again, the man can't
21 even stand on his feet. The next thing I know, he
22 fired the other shots.

23 He couldn't hardly stand up, so when
24 he fired, he was going down. When I went down and I
25 looked and I'm saying okay, that's the only way he

1 could have hit him in the head. He had to be going
2 down.

3 Everyone come back from the back
4 said, oh, no, he went down to his knees. He did not
5 go down to his knees. And then they said, the
6 officer walked up to him and shot him in the back of
7 his head. No, that's not what happened, okay. The
8 officer didn't walk over there and say okay, bam,
9 no, he didn't do that.

10 Michael did not go down on his knees
11 and stand there like that in front of the officer
12 like that. When he shot the last rounds, he went
13 down and he landed face first. Okay. When he hit
14 that ground, that's when my attention went from him
15 to her.

16 **Q** Right.

17 **A** All right. That's when everyone started
18 running up here making accusations and assumptions
19 they saw this young man lying down in the street.
20 They saw this police car, they saw the other car
21 over here, this other officer on the north side of
22 the street, on the sidewalk, then it went from zero
23 to 100 in a split second. Because the crowd got
24 there and then you had everyone that's on this side
25 here in the immediate building right across from him

1 that everyone over here came out.

2 It went from whew, it was terrible.

3 Q And from the time that Michael Brown
4 stopped on that corner until he fell in the street,
5 are we talking about a matter of just a few seconds?

6 A A few seconds. Again, that incident as
7 I've described from the people coming up, that
8 incident after that first shot, initial shot at the
9 truck when they ran it went from zero to 100 in a
10 split second also. It was slow motion to us, but it
11 was moving.

12 Q And just backing up briefly and talking
13 about what happened up at the truck. You said that
14 because the truck was pointed toward Northwinds and
15 they're on the driver's side, the car is between you
16 and them, correct?

17 A Right.

18 Q And so you can't really see what's going
19 on inside the truck, would that be fair to say?

20 A No, we couldn't.

21 Q You said, at some point in the previous
22 statement you said, when the officer fired or when
23 he heard the gunshot, it seemed like he was trying
24 to get him off of him?

25 A I don't know what was happening in that

1 truck.

2 Q Okay.

3 A I could not tell you. I could not see.
4 All we could see was there was some type of
5 disturbance or altercation at the side of that
6 truck, okay. We could not see if the officer got
7 out of the truck and/or Michael they say he got out
8 and Michael pushed him back in. We can't see that
9 because we are on the opposite side.

10 All I know is that when we heard that
11 shot and his friend went that way and Michael went
12 there, the officer exited his vehicle, came around
13 to the back and assumed the position. That's what
14 we saw.

15 Q Okay.

16 A And then after that, whew, they scattered.
17 It went bam, bam, bam, bam, it went so fast.

18 Q But do you remember on August 12th, again,
19 I'll show you here on a transcript when the officer
20 was asking you, and he's talking about what was
21 happening, what was going on at the car.

22 A Right.

23 Q And Detective says, who never
24 exited the car? And you said, the officer. And he
25 says, okay. And you said, he never exited. He shot

1 him to get him off of him, that was your impression
2 on the 12th?

3 **A** Right, that's my impression on the 12th.

4 **Q** Okay. Has that changed, do you still feel
5 that the officer, in your opinion, it looked look he
6 was trying to get him off of him?

7 **A** Whatever was going on in that truck, if
8 Michael had a grip on him or he had a grip on
9 Michael, some way he just felt the only way he can
10 get him out or so that he can get control of the
11 situation was to fire. He fired.

12 When he came out and he stepped out
13 into that street and he fired the first volley, we
14 figure okay, that's it. We were also yelling at
15 him, and my sister-in-law yelling, stop
16 man, stop, stop, stop.

17 As he was staggering forward, that's
18 when he said oh, my God, he's getting ready to kill
19 him because he backed up, the officer backed up and
20 then he shot him again.

21 To this day no one is going to change
22 my mind, if he had not fired that last volley, that
23 young man would have been alive. Because even
24 though he was coming toward him, he had no weapon.
25 His hands were coming down. They were not in front

1 of him they, were to his side.

2 Q Okay.

3 A He was staggering, trying to stay on his
4 feet. The only way he could have got shot in the
5 top of his head when he was firing that last round,
6 he was on his way down, he hit him in the top of his
7 head. Eye, top, only way.

8 Q So in a matter of seconds, you can clearly
9 see that Michael Brown was going down?

10 A Right.

11 Q When the second volley went out?

12 A Right.

13 Q When the second volley went out.

14 A That second volley went off, he was
15 coming, you can almost tell his body was going limp
16 because he was like this, he was like this. He was
17 looking up at him, like I'm looking at you and I'm
18 still trying to stay on my feet. Only way he could
19 do was go down, he's top heavy. The man was
20 290 pounds. (indicating)

21 Q But from this point to where he moved
22 toward the officer, you would agree if the
23 measurement said 48 feet, that that's about right?

24 A I said 30, 35, if it says 48, it was 48.

25 MS. ALIZADEH: Sheila, do you have any

1 questions?

2 MS. WHIRLEY: Yeah, just for
3 clarification.

4 Q (By Ms. Whirley) You heard the first shot
5 in the car; is that correct?

6 A At the car.

7 Q And when was the next time you heard
8 shots?

9 A Was when Michael got to this driveway.

10 Q Okay. So when the shot was fired at the
11 police car, Michael ran?

12 A Right.

13 Q Did the officer trot or run after him?

14 A No, he exited his vehicle, Michael was
15 going in this direction to here. He had to come
16 around so he can get an eye on him. If he went
17 around to this side, I don't think he could have
18 seen him. I mean, if he hadn't of stopped, I don't
19 think he would of had a good line of sight on him.

20 I think in his mind, the only way he
21 thought maybe he thought he was going to run back
22 the way he came, I don't know.

23 Q Okay.

24 A What was going through the officer's mind,
25 I don't know his procedure or what they are trained

1 to do. All I know is he came out of the car and he
2 came around to the back. He was standing at the
3 rear.

4 Q Okay. Did he shoot at Michael Brown while
5 Michael Brown was running?

6 A We didn't hear no shots until after he got
7 there and he moved off. When Michael got there, he
8 had already stopped. He stood right there and the
9 officer told him stop.

10 Q Okay.

11 A Even though he had already stopped.

12 Q Okay. So between the time that Michael
13 Brown ran from the police car and Michael was at the
14 intersection of Copper Creek --

15 A Copper Creek and Canfield.

16 Q -- and Canfield. You didn't hear any
17 shots fired?

18 A No.

19 Q So Michael Brown, he tells Michael Brown
20 to stop?

21 A Right.

22 Q Michael Brown had stopped, but his back
23 was to the officer?

24 A Yes, and he was turning, he was turning as
25 the officer yells stop.

1 **Q** At the time that his back was to the
2 officer, did it appear to you that he had been shot?

3 **A** I assume that he was because his hands was
4 up, he was standing with his back to us, but he was
5 looking at his body. As he was turning, he was
6 still looking down. And, you know, when he yelled
7 stop, his head came up and was looking at the
8 officer, and he did like this. (indicating)

9 **Q** Okay. So when he had his back to the
10 officer and he had stopped at that intersection that
11 we just talked about.

12 **A** Right here. (indicating)

13 **Q** He appeared to be shot to you at that
14 time?

15 **A** I assumed he was.

16 **Q** Why?

17 **A** Because of the proximity of him and the
18 officer at the truck.

19 **Q** You felt he must have been shot at the
20 truck?

21 **A** Right.

22 **Q** Okay. So he turned around and you already
23 demonstrated that he had, he was staggering and he
24 had his hands up, was it in your opinion was he
25 surrendering at that point?

1 **A** When he left from here and he was walking
2 toward him, I believe he was giving up.

3 **Q** Why?

4 **A** Because his hands was up, he was walking
5 toward him. Where was he going to go. The officer
6 was standing there with a gun dead aimed on him.

7 **Q** And you never saw a weapon with, you never
8 saw Michael Brown with a weapon?

9 **A** No, no.

10 **Q** Did you ever see Michael Brown appear to
11 be reaching for a weapon?

12 **A** No, no, his arms never went down to reach
13 for his belt, his hands stayed in this position
14 until he stepped off, off of this right here into
15 the street. And then when he got shot, that's when
16 his arms started moving. He was like oh, my God,
17 that's it, okay.

18 At that time when he fired off that
19 first volley right there, it still didn't look like
20 he was trying to reach for any weapon, he was trying
21 to see what was going on, where he was hit, all
22 right.

23 As he was coming off of there and
24 fired that next volley, his hands were coming down
25 beside his body. It was like he got hit, that's it.

1 He started staggering, he was staggering as he was
2 doing it. As he came, his body, his torso, his legs
3 were straight up, but his torso was almost like at a
4 45 degree angle with his head came up to look at the
5 officer.

6 The officer moved back three steps as
7 Michael was walking toward him or staggering toward
8 him, he took about three steps back and he was still
9 yelling. I clearly heard him tell Mike, stop, stop,
10 stop. But you can say that the man was in distress,
11 he was trying to stay on his feet. As he said that,
12 after he said the last stop, he fired.

13 Q Could you tell, I know you said you are
14 not good with distances, but could you tell how far
15 the officer was from Michael Brown when he fired
16 those last shots?

17 A After looking at it, again, I'm bad at
18 distances, but I would say at least about 20,
19 25 feet.

20 Q 20, 25 feet. Okay. I'm going to walk out
21 and by that I mean I'm going to come where you are
22 in this room.

23 A Uh-huh.

24 Q And then I'm going to start going
25 backwards so you can let us know how far, I'm going

1 to be Michael Brown and you will be the officer,
2 okay?

3 **A** Okay.

4 **Q** So I'm going back, and you let me know
5 when it is the distance that it appears to you how
6 far they were when the officer fired the last shots.
7 Farther than this?

8 **A** Close to.

9 **Q** Close to this?

10 **A** Close, might be a few feet further back.
11 If not 5, less than 5 feet further back.

12 **Q** We are talking 15, 20 feet?

13 **A** Right.

14 **Q** Okay. And in your opinion, right before
15 the officer fired those last shots, well, first let
16 me ask you this, you said that he was going down and
17 that's how you think he got the head shot, how did
18 you know he was shot in the head?

19 **A** We went around there, the amount of blood,
20 excuse me, after they covered him up, they put a
21 white sheet over his body, white sheet covered his
22 head. When I went back up there, the sheet had,
23 this is his head, the sheet extended about this far
24 out, about 2, 3 three feet this way, about 3 feet
25 this way. It was completely soaked. Can only come

1 from the head shot.

2 Q Soaked with blood, the top of it?

3 A The sheet was soaked. It turned from
4 white to complete red.

5 Q So you knew he was shot in the head, did
6 you ever --

7 A I didn't know he was shot in the head.

8 Q Okay.

9 A I didn't know he was shot in the head. I
10 assumed he was shot in the head.

11 Q Got it.

12 A Later on when it came out that he was
13 shot, because when we looked at myself and a few
14 other people looking at it, they say there was
15 another older gentlemen standing up there and this
16 lady oh, my God, he must have been shot, all that
17 blood. He must have been shot, he must have been
18 shot in the head, you know. That's when they were
19 all up over on this side of the street was saying
20 yeah, he walked up to him, pow.

21 Q You knew that wasn't right?

22 A I knew that was wrong.

23 Q Okay.

24 A But I wasn't going to say anything because
25 I lived out there years, okay. To go against

1 anything that they have already assumed would be to
2 put , ,

3 I'm not in good health. My only
4 concern is . I'm sorry that man got killed, I'm
5 sorry for his family, but I wasn't going to do
6 anything that would jeopardize .

7 Q Okay.

8 A That is my main concern. That's why I'm
9 out there.

10 Q And those last shots, in your opinion, the
11 officer did not have to fire because Michael was
12 already disabled?

13 A He was already disabled, yes, in my
14 opinion he was already disabled because you could
15 clearly see the man was in distress and was trying
16 to stay on his feet.

17 Q It does not appear he was charging the
18 officer?

19 A No, he was not charging.

20 Q Or threatening the officer?

21 A He was not threatening, he was staggering
22 toward the officer.

23 Q Okay.

24 MS. WHIRLEY: Anybody else questions?

25 : . The last

1 you guys were just talking about. So your opinion
2 right before the last volley of shots, he had lost
3 control of his body when the yelling stop, stop,
4 stop, your opinion is that he couldn't stop because
5 he had lost --

6 **A** No, he couldn't stop because he was
7 wobbly, you could see he was trying to stand up.
8 You could see clearly, we could see he was trying to
9 stand up. That's when and them were
10 yelling at him, man, stop, please stop, please stop,
11 he was trying to stand up. Because the way of the
12 angle of his body, he was like bent over with his
13 head up. And you could see almost instantaneously,
14 you can see him going down. You know, that's why
15 everyone sitting up there talking about he went down
16 to his knees he went face first.

17 : I'm going to say it again,
18 your opinion then is that you felt like he could not
19 stop?

20 **A** No.

21 He could not control his
22 body?

23 **A** No, he could not control his body, he had
24 been hit. I don't know how many people in here or
25 if anyone has, but I know I have. I've been shot.

1 And when that bullet hits you, you don't immediately
2 feel it. First thing you feel is the heat and when
3 that heat hits you, everything goes haywire.

4 He could not stand it okay.

5 : I have
6 a question. When you and Kathi were talking, she
7 indicated it was 48 feet and 2 inches from where he
8 was first shot at the corner to where he was last
9 shot. When he was last shot and fell to the ground
10 we determined that it was about 20 feet, you said 20
11 to 25 feet, we determined 15 to 20, we are going to
12 split the difference 20 feet, okay. Heated
13 situation, everybody is crazy.

14 **A** Uh-huh.

15 : The officer doesn't know
16 whether or not he has a weapon and Michael Brown is
17 still moving forward.

18 **A** Yes, he is he is staggering forward.

19 : If it took just a few
20 seconds for him to travel 48 feet and 2 inches, it
21 wouldn't take very long for him to travel 20 feet,
22 right?

23 **A** Right.

24 : What do you think the
25 officer should have done?

1 **A** After he fired and he was coming --
2 : He was coming towards
3 him, I know you say he was staggering, but the
4 officer did not know any of these things.

5 **A** I don't know their procedures. Okay.
6 They're saying he's coming, he's probably menacing,
7 I've heard all kind of things.

8 : You can't really see his
9 face though, right?

10 **A** I cannot see his face, but I can clearly
11 see his hands were coming down.

12 : You can see like this?

13 **A** He was not coming at him in a menacing
14 way. He was fighting to stay on his feet, he was
15 steadily walking, he's steadily walking.

16 I understand.

17 **A** As he's walking toward him, he's
18 staggering toward him, the officer is backing up.
19 He backed up. All right. Then he fired the last
20 shot. He kept on going, he made a few steps and
21 then bam, he went down now.

22 Now, I don't know the distance that
23 it was he had moved a certain distance before he
24 fired the last few shots, okay. He staggered, if it
25 took that many steps, then that's what it took,

1 that's what I saw.

3 **A** Yes, ma'am.

4 : You know now that he
5 don't have any weapon, but at that moment when that
6 happened, you don't know if he has a weapon or not?

7 **A** I cannot see any weapons in his hand.

8 : Okay. You don't see it.

9 **A** I do not know if he had any on his body,
10 but I didn't see any weapons in his hands.

11 I understand, sir. I
12 want you to answer me, at that moment you were sure
13 that he didn't have any weapon?

14 **A** Yeah.

15 : You don't see it?

16 **A** I don't see hit.

17 But you are not sure he
18 don't have any weapon?

19 **A** Right, that's my assumption, yes.

20 Your assumption?

21 **A** Right.

22 : I don't mean to pick
23 apart --

24 **A** Right, that's what your job is.

25 But you said in here in

1 your statement on the 12th, you said I'm going to
2 call it or I'm going to say it, I feel like he was
3 executed. From what you are describing to us, you
4 know, the police officer saying stop, stop, stop,
5 and him continuing to move and even moving after
6 he's injured, um, do you still feel that way?

7 **A** Yes, because I don't believe he had any
8 weapons on him.

9 : You don't believe --

10 **A** They didn't find any weapons on him. He
11 was hit, he was in distress, he was coming at him
12 and he wasn't coming toward the officer to do any
13 harm, he was trying to stand on his feet.

14 And the only direction his body could
15 move was forward, all right. He knew he hit him, he
16 know how many shots, but as big as Michael was, I
17 don't know what's going through his mind. I can't
18 read his mind, the officer's mind. Maybe he thought
19 that Michael was coming at him as big as he is, he
20 could still do some harm to him.

21 Maybe he did.

22 **A** That's why he felt like he had to use
23 deadly force. I'm seeing someone who is hit, who is
24 clearly in distress, who cannot stand on his feet,
25 why?

1 : Again, I'm going to go
2 back to what you just said. I just have to know,
3 this is very important. You said you don't know
4 what's going through the officer's mind, maybe he
5 did think he was in distress, you just said that,
6 right?

7 **A** Yeah.

8 He didn't know whether or
9 not --

10 **A** He could see that he was in distress.

11 But he didn't know
12 whether he was in danger?

13 **A** He didn't know whether he was coming. He
14 may have assumed that hey, I got this 6'5", 290
15 pound guy and I already put four bullets in him and
16 he is still coming.

17 : And he's still moving
18 toward him?

19 **A** And he's still moving. But he should have
20 clear sight to see that this man was in distress.
21 He could see that he could not, barely stand on his
22 feet. But to take to fire four more rounds was
23 excessive in my opinion, okay.

24 : Thank you.

25 : . Um, you

1 said when the officer exited the vehicle after the
2 first shot is fired what, in your mind, how, can you
3 picture how many seconds it took, he came out, you
4 say, did he come out already, drawn his weapon?

5 **A** I can't see him from the driver's side.
6 As he was coming around, you could see the gun in
7 his hand. By the time he got to the back bumper of
8 his truck, it was in this position. He had already
9 unholstered, he had to cause by the time he got to
10 the back of the truck, it was coming up and he got
11 in that stance quick. (indicating)

12 : If anything would have
13 been in his vision in order to not see Mr. Brown,
14 because you said --

15 **A** Well, he had to turn his back to him for a
16 split second because he's coming around from the
17 back of the truck, he's running this way, Michael is
18 going that way, but he came around to the back of
19 the truck.

20 : Right.

21 **A** To get a line of sight on him. So he had
22 for a split second to come around, but as he's
23 coming round, he could see through his windows. He
24 could look through the windows of the truck to see
25 where he is, okay. But when he came around to the

1 back, he had a better line of sight, but no
2 obstructions to where no one, these two, three
3 people would not be sitting there, then I gotcha.

4 But as I'm coming around, I got all
5 of this glass. I can see through the glass, okay.
6 I see which direction you are going in, okay. I'm
7 coming around, I'm looking through the glass. I'm
8 coming around, I'm at the back of the truck, I see
9 where you are, now you are in the front of my truck
10 the officer's side, now I gotcha.

11 The officer, even though
12 he came around his vehicle, did he ever come at an
13 angle closer because I think I believe I read in
14 your testimony on August the 12th that you said that
15 he had set at angle, like catty-corner --

16 **A** When I said at an angle, I was giving the
17 position that the officer was standing in. He
18 wasn't like this, he stood like this. (indicating)

19 : Right, but then the
20 officer moved closer to curb?

21 **A** So his body was at an angle, his body was
22 like this and his truck --

23 MS. ALIZADEH: Hey, hey, just for the sake
24 of the court reporter, he can't take it down when
25 both of you talk at once.

1 **A** Oh, I'm sorry.

2 MS. ALIZADEH: I'm just, I encourage the
3 question and answer, but it helps him if.

4 **A** We don't talk.

5 MS. ALIZADEH: The question goes and then
6 answer goes, and then the question goes, so he can
7 take it down, sorry.

8 **A** I'm sorry.

9 : I'm sorry.

10 MS. ALIZADEH: That's all right.

11 : So the officer is at an
12 angle position to fire?

13 **A** Right.

14 : Okay. He calls stop,
15 stop, was there any other vehicles in his way of
16 vision?

17 **A** None.

18 : Where he had to go around
19 more?

20 **A** No.

21 : To see Mr. Brown?

22 **A** No.

23 : Okay. Did you ever see
24 Dorian once they both broke away from the car?

25 **A** Who is Dorian?

1 The guy that was with him?

2 **A** Oh, I didn't know his name. I never knew
3 his name. No, huh-uh. Once Michael hit that side,
4 we looked back, I didn't know where he went. We
5 assumed, excuse me, that this is the building, we
6 thought he had ran around to the side of the
7 building over here, but in his statements on the
8 news he was behind one of the police trucks. We
9 didn't see that.

10 I mean, he is a little guy, truck is
11 kind of high, all right. My eyesight was on
12 Michael, for some odd reason we are glued to him,
13 okay. Because as the officer was coming around, we
14 figure that something happened between Mike, we knew
15 Michael was at the truck, we was watching them two.

16 Him, we didn't see him, he
17 disappeared. He was a little guy, he was gone.
18 Okay, but by the time the officer had gotten around
19 here, there was another truck came down and he got
20 in that spot. There was another police officer
21 truck.

22 So he says, Dorian said that he was
23 in there, then standing beside one of the police
24 trucks and he was watching the whole thing. I
25 didn't know that. I never knew him, never seen that

1 guy in my life. All the times that I've seen
2 Michael, I've seen him plenty of times walking
3 through the neighborhood, I never saw him with that
4 guy, never.

5 Did you ever see any other
6 vehicles behind the police SUV?

7 **A** No, after that?

8 : During the shooting?

9 **A** Within what, two, three minutes, police
10 cars from everywhere was coming, you know. But
11 before they, as they were coming, it was the crowd
12 of people were coming from everywhere. From up here
13 at Ellison, this is the first street. From there,
14 from all parts of the complex and from Northwinds
15 they are running up there.

16 The stepfather and them I believe
17 they stayed in Northwinds, he was one of the first
18 ones there. And they started, everyone got on their
19 phones, they were calling and taking pictures, next
20 thing I know there is crowd everywhere, okay.

21 So that is what I was concentrating
22 on because I didn't know what they were going to do
23 because they were getting crazy, all right. They
24 were hyping themselves up.

25 : Thank you.

1 : . Do you

2 have any medical training,

3 **A** Okay, no.

4 : No medical training. You

5 ever serve in the armed services?

6 **A** No.

7 : Anything like that? I'm

8 not saying this to dispute anything that you have to

9 say, I understand that you said that this is your

10 opinion of what you saw that you felt this

11 particular, whatever shots or whatever may have been

12 the cause of Michael Brown's death, and that's

13 clearly from your personal opinion, not from a

14 medical opinion; is that correct?

15 **A** Correct.

16 MS. ALIZADEH: Can I just really quickly

17 want to revisit something. And , you

18 remember when you did this picture or this drawing

19 when Detective was talking to you?

20 **A** Yes.

21 **Q** (By Ms. Alizadeh) Okay. Now, you have

22 here white car, actually that's Detective 's,

23 he labeled white car.

24 **A** Yeah, there was a white car sitting right

25 here at the end of the driveway right here on

1 Canfield pointed toward Canfield. I mean, toward
2 West Florissant.

3 We later found out that this
4 gentleman has a friend that stays back here in the
5 back and when the first shot rang off, that car went
6 this way towards West Florissant. I didn't see it
7 ever again.

8 Q Okay. But you have on your diagram that
9 the car is actually west of the police vehicle?

10 A Yeah, it is on this side. All the cars
11 here. The car is here, his car was closer to this
12 driveway down here.

13 Q All right. So you don't recall the car
14 being on that side of the police car?

15 A No.

16 Q West of the car?

17 A No, it was parked right here. That's what
18 I told him, I said he was sitting right there and
19 after the shot rang off at the truck, he pulled off
20 and sped off.

21 MS. ALIZADEH: I'm sorry, there was some
22 other hands?

23 : . when
24 Michael Brown was, let's say at the lamp post, I
25 guess, on the corner of the asphalt, I guess that's

1 Copper Creek Court?

2 **A** Uh-huh.

3 : And he turned around. And
4 at one point you mentioned you could see something
5 in his right hand or on his right hand?

6 **A** It looked like, looked like he had
7 something on his hand, cause he kept looking at it
8 like this, and he started looking at his body.

9 : Can you clarify at what
10 point you actually saw that?

11 **A** As he turned, and he you could see as he
12 is coming around, he's spinning around, looked like
13 we saw something that was on his hand cause he kept
14 doing like this. He kept looking at hit and then he
15 looked down, he looked at both sides of his body.

16 So I'm guessing he may have touched
17 hisself to see if there was blood or something cause
18 you could see there was splotches cause he's real
19 dark and then he turned around and he did that,
20 looked up. And as he spun around, and then he says
21 that's it, boom. When he turned around, he had his
22 hands facing the officer, we couldn't see the palms.

23 : Okay. It was before the
24 first volley of shots?

25 **A** Before the first volley.

1 : Thank you.

2 **A** Yes.

3 : . How far
4 behind the vehicle was the officer when he fired his
5 first volley of shots?

6 **A** He was practically catty-corner to the
7 rear corner.

8 Okay. So then how far
9 was he from the rear bumper when he fired the second
10 volley of shots?

11 **A** Maybe three to four steps behind it.

12 : All right. So he never
13 actually got past his rear bumper?

14 **A** No.

15 : Okay. Thank you.

16 MS. ALIZADEH: Anyone else have any
17 questions?

18 thank you. Is there anything
19 that we haven't asked you or anything that you think
20 is important for this grand jury to know before you
21 conclude your testimony?

22 **A** No, I think you pretty well covered it.

23 MS. ALIZADEH: Okay. This will end the
24 testimony of

25 (This is the end of the testimony of

1 .)

2 MS. ALIZADEH: Good afternoon, it is
3 2:07 p.m. on September 30th. We are in the grand
4 jury, present is myself, Kathi Alizadeh and Sheila
5 Whirley, as well as all 12 grand jurors and the
6 court reporter, and we have just gotten back from
7 our lunch break.

8 I do have two officers who I believe are
9 going to testify this afternoon. One is going to be
10 Detective He's the officer who is
11 the primary case officer investigating this matter.
12 I'm only going, we're not going to get into the
13 entire investigation. I'm simply calling him to ask
14 him some questions about the interview that he had
15 with

16 And then after that, we will have
17 . If you recall he was the crime scene
18 investigator who went to the Ferguson Police
19 Department, and then followed them to the hospital
20 and actually took pictures of Officer Wilson and
21 then he will testify about seizing other items
22 because we had to interrupt him to get Dr.
23 on, if you recall. Hopefully he will just be like
24 another 30 minutes.

25 Neither of them are here yet, I assume

1 they're on their way, but so we're going to go ahead
2 and start playing some statements of a witness that
3 we anticipate will be testifying Thursday morning
4 for you. This is, this is Grand Jury Exhibit 31,
5 which is a disc that contains media clips, clips of
6 interviews that were done by a witness whose name is
7 .

8 I don't know if you recall this is an
9 employee of that she actually was
10 going to pick up. I'm first playing clip one.

11 As usual, I'm not going to play the clip
12 in its entirety, a lot of these contain comments by
13 the reporter and stuff. I'm starting this at 55
14 seconds and I will play it to a minute and 15
15 seconds, so this isn't long at all.

16 (Clip is being played at this time.)

17 MS. ALIZADEH: All right. I missed that
18 because I was messing around with this. Does
19 anybody need to see that again? I'll start it again
20 because I didn't have the volume up.

21 . Can you freeze
22 it too? I'd like to see the view that she had from
23 her balcony a little better.

24 MS. ALIZADEH: How about I play the whole
25 thing, I go back and freeze it in the middle since

1 some of you didn't hear what was being said. I
2 don't want to stop it in the middle and then we will
3 go back and freeze it.

4 (Clip is being playing at this time.)

5 MS. ALIZADEH: So you want me to go back
6 and look at that video again?

7 Freeze frame it on the
8 intersection and then when we can see that apartment
9 in the background, those two places.

10 MS. ALIZADEH: Okay, I will do my best.

11 (Clip is being played at this time.)

12 : Right there, other time
13 he used the zoom it looked like.

14 : No, that's not his
15 apartment building that we just heard, right?

16 MS. ALIZADEH: Now, if you notice in the
17 street and it is easier to see on the screen that
18 there are some items in the street. It tells you it
19 looks like a couple of those traffic cones and then
20 a looks like a crucifix, and I can't tell what that
21 black thing is.

22 Looks like a statute.

23 (Playing the clip.)

24 Can you show us on the
25 aerial view what building she's in?

1 : She's in .

2 She's number

3 MS. ALIZADEH: Yeah, she's in this

4 building here. And I believe we will hear in

5 her statements, I believe it is , or at least

6 right here. (indicating)

7 Any interest in me going back and freezing

8 again? No, all right.

9 That was a clip that was aired on

10 August 10th, 2014 at 5:30 p.m. on NBC nightly news.

11 This next clip, or the second clip on the

12 disc, Grand Jury 31 aired at 10:00 p.m. on

13 August 10th, 2014 on KSDK.

14 I'm going to start it at 137, if I can.

15 (playing the clip.)

16 MS. ALIZADEH: I'm going to start it at

17 136, it is only going to 149, so this is also very,

18 very brief.

19 (playing the clip.)

20 MS. ALIZADEH: Anybody want to see that

21 again? Next clip aired on 8/15/2014 on CNN program

22 is New Day. I'm going to start this at 28 seconds

23 and this goes until six minutes and five seconds.

24 So this is a lengthier clip. Starting at 27

25 seconds.

1 (playing the clip).

2 MS. ALIZADEH: Anybody need to see that
3 again?

4 Next clip is number four. It aired on
5 August 18th, 2014 at 10:00 a.m. on CNN At This Hour
6 with Berman and Michaela.

7 I'm going to start the clip at 40 seconds
8 and it will play to four minutes and five seconds.

9 (Playing the clip.)

10 MS. ALIZADEH: And then the last clip is
11 clip number five, the fifth clip it aired on
12 August 18th, 2014 at 7:00 p.m. on CNN.

13 I'm going to play this from the beginning
14 until three minutes, it plays until three minutes.

15 (Playing the clip.)

16 MS. ALIZADEH: Anybody need to see any of
17 these clips over again?

18

19

20

21

22

23

24

25

1

2

3

4 of lawful age, having been first duly sworn to

5 testify the truth, the whole truth, and

6 nothing but the truth in the case aforesaid,

7 deposes and says in reply to oral

8 interrogatories, propounded as follows, to-wit:

9

EXAMINATION

10 BY MS. ALIZADEH:

11 Q Would you state your name and spell it for
12 the court reporter.

13

A

,

,

14

15 Q And you're a detective with St. Louis
16 County Police Department?

17

A

Yes, ma'am.

18

Q

And how long have you been with the St.
19 Louis County Police Department?

20

A

Since January of 2002.

21

Q

How long have you been in the detective
22 bureau?

23

A

Since March of 2008.

24

Q

And are you in the Crimes Against Persons
25 Unit?

1 **A** Yes, ma'am.

2 **Q** And were you in that Crimes Against
3 Persons Unit back in August of this year?

4 **A** Yes, ma'am.

5 **Q** And are you the primary case officer
6 involved in the investigation of the shooting of
7 Michael Brown?

8 **A** Yes, ma'am.

9 **Q** And just so we can make clear on the
10 record, the officer involved in that shooting is a
11 Darren Wilson, are you in any way related to Darren
12 Wilson?

13 **A** No, ma'am.

14 **Q** Have you testified before this grand jury
15 before, I mean, not on this matter, but this grand
16 jury has been working since May, have you testified
17 since May to the grand jury to your knowledge?

18 **A** I don't recall.

19 **Q** And this is the first time you've
20 testified regarding the shooting investigation in
21 this matter, correct?

22 **A** Correct.

23 **Q** And I'm not going, we're not going to go
24 into every aspect of your investigation right now.
25 But what I wanted to direct your attention to was an

1 interview that you did on August 12th, 2014 and the
2 subject that you were interviewing was a
3 ?

4 **A** That's correct.

5 **Q** And that interview was conducted, it began
6 at 1557, would that be 3:57 or what is 1557?

7 **A** 3:57 correct.

8 **Q** P.m.?

9 **A** Yes.

10 **Q** And it also was at the New Horizon Seventh
11 Day Christian Church; is that correct?

12 **A** That's correct.

13 **Q** And how is it that you knew that
14 had some information for police?

15 **A** The pastor of the church, Reverend
16 had contacted the St. Louis County Police
17 Department and indicated that one of his church
18 members had information regarding the incident.

19 **Q** All right. And so did you make
20 arrangements to interview he was the
21 church member, correct?

22 **A** That's correct.

23 **Q** You made arrangements to interview him at
24 the church?

25 **A** Yes.

1 **Q** And the grand jury has already heard the
2 statements, so we're not going to go through the
3 statement, but present for the statement was
4 yourself, and then Detective
5 is that correct?

6 **A** Correct.

7 **Q** Was the reverend or pastor , was
8 he present for that interview?

9 **A** He was not.

10 **Q** Where in the church did this interview
11 take place?

12 **A** It took place in a conference room, right
13 outside of Reverend s office.

14 **Q** You had an audio recorder that you used to
15 record the interview that you had that day?

16 **A** I did.

17 **Q** And, in fact, you have recorded numerous
18 witness statements in relation to your investigation
19 into the shooting of Michael Brown; is that correct?

20 **A** Correct.

21 **Q** And are almost all of those interviews
22 audio recordings?

23 **A** Yes, ma'am.

24 **Q** And so did you, were you aware that
25 subsequent to your interview, was

1 interviewed by the FBI and an attorney from the U.S.
2 attorney's office and an attorney from the
3 Department of Justice?

4 **A** I was.

5 **Q** Now, were you a part of that interview?

6 **A** I was not.

7 **Q** Were you present for that interview?

8 **A** I was not.

9 **Q** And so at some point did someone that was
10 involved in that interview contact you about the
11 statement that made during that
12 interview?

13 **A** I was contacted, yes.

14 **Q** And were you aware that that interview was
15 also audio recorded?

16 **A** I was.

17 **Q** And have you listened to that interview?

18 **A** I have.

19 **Q** And have you listened to the interview
20 that you did with him?

21 **A** I have.

22 **Q** Now, you and I had a conversation, my days
23 are really running together, when is it that you and
24 I got together and talked about this, was it,
25 today's Tuesday, was it Friday or yesterday? I

1 think it was Friday.

2 **A** I think Friday.

3 **Q** Okay. Actually, you and I speak on a
4 daily basis; is that right?

5 **A** That's correct, yes.

6 **Q** And I see you at my office or over at DCI
7 almost daily, correct?

8 **A** Yes.

9 **Q** At some point did you and I have a
10 discussion about how demonstrated the
11 way he saw Michael Brown use his hands during the
12 incident on August 9th?

13 **A** We did.

14 **Q** And you recall that in the audio interview
15 that you did with , you actually tried
16 to describe how, are you trying to describe what
17 he's demonstrating?

18 **A** I'm describing what the actions that he is
19 making, how he's demonstrating his hands are, yes.

20 **Q** And when you describe it, do you hear him
21 both after having listened to it, but also live,
22 would he either agree or correct you if it wasn't
23 correct?

24 **A** Yes, ma'am, that's correct.

25 **Q** And so can you please stand up for us?

1 **A** Sure.

2 **Q** There's a part of the interview where
3 says as Michael Brown is running away
4 from Officer Wilson, he comes to a point near the
5 corner of Copper Creek Court and Canfield Drive and
6 he stops. And then he does something with his hands
7 that if you recall, describes as if
8 he is looking on his body or on his hands in some
9 manner?

10 **A** Yes, ma'am.

11 **Q** Does he demonstrate for you during his
12 interview how he was seeing Michael Brown with his
13 hand?

14 **A** He does.

15 **Q** Can you show the jurors what he showed you
16 Michael Brown was doing?

17 **A** Sure. He was seated, but he said that
18 Michael Brown's hands were essentially, I'll
19 describe it palms up with his hands and fingers
20 roughly at shoulder height, elbows not touching his
21 rib cage, but elbows at a natural fall, just as I'm
22 demonstrating to you right now. (indicating)

23 **Q** When he did that, did he move his head to,
24 again, demonstrate what he saw Michael Brown doing?

25 **A** Did

1 Q , yes.

2 **A** Yes.

3 Q How was he, do for the grand jurors what
4 you saw doing?

5 **A** He described it as more of him looking at
6 his hands and kind of looking at his body. He also
7 made reference to looking down at the right side of
8 his body almost as if Michael Brown was checking
9 himself out.

10 Q Okay. And then he then describes for you,
11 you can sit down.

12 **A** Sure.

13 Q He describes for you Michael Brown turning
14 around and then moving toward the police officer,
15 correct?

16 **A** Correct.

17 Q And what does he say Michael Brown does
18 with his hands as Michael Brown turns around to move
19 toward the police officer?

20 **A** That his hands go down.

21 Q And he describes Michael Brown being, at
22 least the officer shooting a volley of shots that he
23 believes he hit Michael Brown and appeared to him it
24 hit Michael Brown and that his hands, I believe he
25 uses the word go limp at his sides?

1 **A** I believe that is correct, yes.

2 **Q** Okay. Now, does he ever describe or
3 demonstrate to you Michael Brown having his hands in
4 front of his torso, whether in his pelvis or belly
5 button region?

6 **A** No.

7 **Q** Does he ever describe for you or
8 demonstrate to you Michael Brown having his hands in
9 the air at the height of his shoulder or head with
10 his palms facing forward?

11 **A** No.

12 **Q** Does he ever use words or describe to you
13 that Michael Brown was surrendering?

14 **A** Use the word surrendering, no.

15 **Q** Are you sure at no time during your
16 interview with him did he demonstrate that Michael
17 Brown's hands were up at his sides with the palms
18 facing away from his Michael Brown's body, facing
19 forward?

20 **A** He did not, no.

21 MS. ALIZADEH: Sheila, do you have any
22 questions?

23 MS. WHIRLEY: Does anyone else have
24 questions? Because I'm kind of reviewing something.

25 MS. ALIZADEH: I'll give you time. I'll

2 Q (By Ms. Alizadeh) Now, Detective, when you
3 talked to _____, did he draw a map that you
4 helped him label during the course of your
5 interview?

6 **A** He drew a map and also identified various
7 points on it and then during the course of the
8 interview, yes, went back and clarified by labeling
9 those.

10 Q Is a copy of that Grand Jury Exhibit 30?

11 **A** Yes, ma'am.

12 Q And from his description of, during your
13 interview, did he indicate that Officer Darren
14 Wilson's vehicle came from the direction of West
15 Florissant traveling east on Canfield Drive?

16 **A** He did.

17 Q And did he also indicate to you that
18 Michael Brown and his friend were walking down
19 Canfield Drive toward West Florissant or in a
20 westerly direction?

21 **A** I would have to check that. I believe he
22 also said they were walking from West Florissant
23 towards Canfield Green Apartment Complex.

24 Q Okay. And in your investigation when you
25 arrived, the vehicle that Darren Wilson was in, to

1 your knowledge and information, had it been moved
2 after Officer Wilson stopped it?

3 **A** No, ma'am.

4 **Q** And is the, I know that the vehicle is
5 somewhat at an angle in the roadway, is the front of
6 the vehicle pointing in a northwesterly direction?

7 **A** Primarily, yes.

8 MS. ALIZADEH: Sheila, have I stalled
9 enough for you to figure out what you want to ask?
10 : This is

11 The view from, that s balcony, did he
12 have a clear view in your opinion of that whole
13 crime scene?

14 **A** Yes, sir.

15 : Okay.

16 **A** Yes, sir.

17 MS. ALIZADEH: Let me follow-up with that.

18 Detective , have you ever been on
19 's front porch.

20 **A** I have not.

21 **Q** (By Ms. Alizadeh) Okay. And we've
22 discussed different points of view and what somebody
23 could see from their vantage point, correct?

24 **A** Correct.

25 **Q** And if was standing on his

1 balcony, he could see the corner of Canfield Drive
2 and Copper Creek Court, would that be fair to say?

3 **A** Yes.

4 **Q** And he could look down the street and see
5 the location where the police officer's vehicle
6 eventually was, correct?

7 **A** Yes.

8 **Q** If Michael Brown had turned around at this
9 corner and walked in a direction down the street
10 toward the officer coming from near the grassy
11 corner toward the middle of the street, would

12 have a straight-on view of Mr. Brown at
13 that point? In other words, could he see his front?

14 **A** No.

15 **Q** Okay. Would he see directly his back or
16 would he see an angle part of that?

17 **A** I would say that he would be able to see a
18 slight angle, but see his back, yes.

19 **Q** Mostly his back?

20 **A** Right.

21 **Q** (By Ms. Whirley) The question I have,

22 I don't know if you have the
23 transcript in front of you, do you?

24 **A** I do.

25 **Q** On page 34. When you are again clarifying

1 whether his hands were all the way up or not and
2 is saying he didn't have them all the way up,
3 but he did have them all the way up, I'm not sure if
4 that's a typo or not. Are you with me?

5 **A** I'm with you.

6 **Q** Enough to notice this officer should know
7 he was not threatening him, he was not in imminent
8 danger, the boy was not threatening him in any way,
9 he's not charging, he was struggling to stay on his
10 feet.

11 So he didn't tell you, he never told
12 you he was surrendering that is as you said,
13 correct?

14 **A** Correct.

15 **Q** But he characterized Michael Brown as not
16 threatening the officer in his opinion?

17 **A** Yes, ma'am.

18 **Q** Okay. And then he was, his hands, he
19 didn't say he had them all the way up, he did have
20 them all the way up enough for this officer to know
21 that he was not threatening him, did he demonstrate
22 what he meant by that?

23 **A** I don't believe he did. I took it that he
24 was still making reference to the same posture that
25 I have previously describe.

1 **Q** Say that again?

2 **A** I took it that he was making reference to
3 the same posture that he had previously described to
4 us.

5 **Q** As not threatening, his hands were up, but
6 he was not being threatening?

7 **A** Correct, the hands that I described
8 earlier, hands up, about shoulder height.

9 **Q** Okay. And that was the not threatening
10 gesture you took him to mean?

11 **A** Yes, ma'am.

12 **Q** Okay.

13 MS. WHIRLEY: That's all I have.

14 **Q** (By Ms. Alizadeh) Detective , if you
15 can refer to page seven. And near the bottom of the
16 page where you get to the point where
17 is telling you about how Michael Brown had ran and
18 then he turned and then in the last paragraph on
19 that page, , referring to Michael Brown
20 says, right at the, he had like one foot on the
21 grass and one foot on the driveway, and then he
22 turned around and then he like, like this.
23 (indicating) So that is why people thought he raised
24 his hands.

25 Is he gesturing or demonstrating when

1 he says he turned around and he like, like this, was
2 he demonstrating?

3 **A** Again, making reference to what I had
4 previously stood up and described.

5 **Q** Okay. So when he said, he like, like
6 this, that is why people thought he raised his
7 hands, was he making that same motion that you have
8 already demonstrated?

9 **A** Yes, ma'am.

10 **Q** Okay.

11 MS. WHIRLEY: Anybody else have questions?

12 . I guess
13 the whole hands up is he -- when you -- I guess,
14 what would be your definition of hands up, all the
15 way up or would they be like this or like that?

16 **A** Well, I mean, obviously the two motions
17 that you made your hands were both up.

18 Okay. I'm actually
19 reading from, I guess, this is page 18. And you say
20 your arms are like palms up and hands and fingers
21 are roughly shoulder length, is that fair enough to
22 say?

23 MS. ALIZADEH: It is close to the top of
24 the page.

25 **A** So if you would, if you would make

1 reference to page 17 on that, at the bottom of the
2 page. We're discussing, this is kind of when we get
3 into the specifics of it, but he says as he faces
4 the officer, I asked him, his hands go up to a point
5 where? And he says about to his shoulders.

6 So he's making reference, again, and
7 this is kind of what I'm explaining. He is making
8 reference to his hands or his fingers being roughly
9 shoulder height, which is as how he was describing
10 as I am explaining it here. And then we make
11 reference to his elbows, and kind of like I
12 described to everyone earlier, that his elbows were
13 again, close to his body. I'm not saying touching
14 his body, but close to his body in a position like
15 this. (indicating)

16 And then it goes on, we again clarify
17 palms are up, hands or fingers are roughly shoulder
18 height, is that fair enough to say? And he says,
19 yeah, about close to his shoulders, yes.

20 So then again, I'm just clarifying
21 with him that we are kind of, we are talking about
22 almost a plane here that would extend from his
23 shoulders to where his fingers or his hands would
24 be. Did I answer your question?

25 Okay.

1 MS. ALIZADEH: Any other questions?

2 : . And then
3 to clarify that, would that be sustained for you to
4 say that he had his hands up?

5 A That he, that was saying
6 that Michael Brown had his hands up.

7 : Yes.

8 A Yes, ma'am, that he had his hands in the
9 position I described, yes.

10 If you said halt, would
11 you consider that that person had his hands up?

12 MS. ALIZADEH: Well, let me say for the
13 record just so we can make clear on the record you
14 have your palms facing forward when you are doing
15 that, correct?

16 : Maybe I don't know what
17 hands up is. If someone raised their arms, I would
18 think hands up. I would think regardless if my
19 hands are faced this way, my arms are up, to me
20 that's a stop, you see what I'm saying? To me
21 that's what I'm trying to get clarification.

22 A Okay. Could you ask the question one more
23 time, please?

24 : My question is, the way
25 that said the way he saw Mr. Brown raise

1 his hands.

2 **A** Yes, ma'am.

3 : Would that be substantial
4 for you as a police officer to say that you said
5 stop, stop or halt, halt, and a person raised their
6 hands, would that be okay for you to say oh, he had
7 his hands up, a surrender motion?

8 **A** I would say it would depend on the
9 situation that I was in.

10 : I mean, so this would be
11 stop. Is it fair to say that he might have been
12 hurt somewhere where he couldn't raise his hands all
13 the way up?

14 **A** Well, I think based off of s
15 statement, he was indicating that Michael Brown was,
16 as I kind of described earlier, that he was checking
17 himself to see if he was injured.

18 So, yes, when you and I are sitting
19 here having this conversation, are my hands up right
20 now, and I'm am demonstrating what I had previously
21 demonstrated the position that had
22 described to me. So if I'm sitting here like this,
23 are my hands up? Yes, my hands are up.

24 : . Would you
25 consider there is a distinction between hands up in

1 a surrender situation? Could they be separated?
2 Your hands up in the method you described, that
3 doesn't necessarily 100 percent mean that it would
4 be a surrender, it could be a case by case basis?

5 **A** Again, like what I had said earlier, I
6 think every case is different and it would depend on
7 circumstances, yes.

8 : Yes.

9 **A** Yes, sir.

10 : . And again, in
11 the context of 's first interview with
12 you, this comes right as Michael Brown turns around
13 before this first, there is an initial shot, before
14 the first round of shots, correct?

15 **A** Say that one more time, please?

16 : So when is
17 explaining this to you.

18 **A** Sure.

19 : This whole motion. He is
20 saying this comes before Officer Wilson pursues him
21 and shoots the first rounds of shots, correct?

22 **A** Correct.

23 : That's what I thought.

24 **A** Correct.

25 : . I just want to

1 make sure I understand. Everything that he said
2 from what I can see he is talking about having his
3 hands, palms up, rib cage length, maybe out a little
4 bit and looking at himself searching for injuries?

5 **A** Correct.

6 : There is never anything
7 in here where he puts his arms up to his shoulders
8 with his palms out?

9 **A** With his palms out, no, but again,
10 remember as I described, he does his hands. I'm not
11 saying to his shoulders, like palms forward facing,
12 but he does have his hands at shoulder, yes, ma'am
13 at shoulder height.

14 : Okay.

15 **A** But with palms up.

16 : I'm looking at
17 the line of sight that would have as he
18 is looking at Michael Brown. I don't see how he
19 could see the right side of his right hand from the
20 angle he is at. Seems like he could only probably
21 see the left arm and left hand, would you say that's
22 a fair assessment? I know he is looking down
23 somewhat, maybe he can see something over the
24 shoulder.

25 **A** Yeah, I think --

1 : His hands are down and
2 he's a big body man.

3 **A** I think it would be very, I wouldn't want
4 to comment on that without having been there.

5 Yes, ma'am.

6 : I'm . Do
7 you have cause to study police procedures, not only
8 in other states nationally, but also globally as
9 well.

10 **A** Globally, no, ma'am.

11 Not in other countries
12 whatever?

13 **A** No, ma'am.

14 Because what I was
15 wondering is there a standard norm, would this be a
16 surrender motion or is this normally the surrender
17 motion that you see from?

18 **A** Again, I think it would depend, every
19 situation is different and every person is different
20 and I think every person reacts differently.

21 MS. ALIZADEH: And just to let you know,
22 Detective will probably appear on future
23 dates because there will be other aspects of the
24 investigation that he will be needed to testify to.
25 And since he's readily available, we will just bring

1 him as needed as opposed to try to cover everything
2 at this point.

3 I'm not trying to say you can't ask him
4 whatever questions you want, but don't feel like you
5 have to ask him all of those questions now because
6 he will be available for later, all right?

7 Any other questions regarding the
8 statement or anything of that nature?

9 : Just one. I guess with
10 that position, I guess that position
11 that you had his hands, I guess you could clearly
12 probably see at that time that he was not armed if
13 you got your hands this way?

14 **A** I wasn't there, but there was never any
15 indication given that thought he was
16 armed.

17 : Okay, thank you.

18 MS. ALIZADEH: That thought
19 he was armed?

20 **A** Correct.

21 MS. ALIZADEH: As opposed to Darren
22 Wilson, whatever was in his mind.

23 : . I'm going to
24 go a little bit. She was talking about, everybody
25 was talking about, could this be the surrender

1 motion and it would depend on the situation. If the
2 situation were you were holding your hands like
3 this, yet still moving toward somebody, would you
4 consider that a surrender?

5 **A** Still moving toward someone?

6 : Uh-huh.

7 **A** No.

8 It would depend on the
9 situation?

10 **A** It would. Obviously, it depends on the
11 situation.

12 But in theory you would
13 not consider this and moving forward a surrender
14 motion?

15 **A** (Nods head.)

16 MS. ALIZADEH: Anybody else. All right
17 this concludes the testimony for today of Detective

18
19 (End of the testimony of Detective
20)

21 MS. ALIZADEH: This is Kathi Alizadeh with
22 the prosecutor's office. Present is myself, Sheila
23 Whirley, all 12 grand jurors and the court reporter.
24 We just had a brief break and now we are going to
25 continue with the testimony of Detective

1 of the St. Louis County Police Department.

2 EXAMINATION

3 BY MS ALIZADEH:

4 Q Detective , I will remind you that
5 you were sworn previously on September 9th and that
6 oath is still in effect, all right?

7 A Yes, ma'am.

8 Q Just to get back where we had left off.
9 If you recall he has already given testimony about
10 having photographed Darren Wilson's face and neck
11 areas and that he then also talked about having gone
12 back to the Ferguson Police Department and seizing
13 the gun, and you recall he describes swabbing the
14 gun. And now I think we're going to take up from
15 there and Detective , if you want to sit in
16 that chair.

17 A Thank you.

18 Q We will kind of resume where we had left
19 off.

20 I think previously you testified that
21 when Darren Wilson had left the Ferguson Police
22 Department to go to the hospital, he had draped his
23 uniform shirt over a chair, I believe or do you
24 recall?

25 A I didn't testify to that.

1 **Q** Okay. Somebody else did, I'm sorry.

2 **A** Yes, ma'am. His uniform shirt and his
3 department issued weapon were still at Ferguson
4 Police Department. He was still wearing his white
5 T-shirt, his brown uniform pants and his boots.

6 **Q** And now I recall there was discussion that
7 he didn't have anything to change into so he went
8 back to Ferguson wearing his uniform pants?

9 **A** Correct.

10 **Q** And his boots and his T-shirt?

11 **A** Yes, ma'am.

12 **Q** So when you arrived back at Ferguson and
13 you've already testified about the gun and how you
14 found it and then what you did with it, did you also
15 photograph and seize the officer's clothing?

16 **A** I did.

17 **Q** And I'll show you, you've already
18 testified about the series of photographs that you
19 took in your, in the course of your investigation,
20 which I had previously shown you were contained in
21 Grand Jury Number 10. And I'm going to start up
22 again with Image Number 24. If you can put that on
23 the overhead and explain what that is that you are
24 seeing.

25 **A** All right. This is the overall view of

1 the front of the officer's shirt as it appeared when
2 it was handed to me. He had just removed it. It
3 was maintained at the Ferguson Police Department and
4 this is what it looked like when I first seized it
5 when photographing it.

6 Q So are you actually photographing it at
7 the Ferguson Police Department?

8 A I am.

9 Q Okay. And so you've laid the shirt out in
10 that manner?

11 A Yes.

12 Q Now, as you lay the shirt out in that way,
13 do you, are you doing a visual examination with your
14 naked eye to see if you see any stains or any tears
15 or any defects in shirt itself?

16 A Yes.

17 Q And the manner that you have it laid out
18 right there, did you see any stains or defects or
19 tearings in the fabric of the shirt?

20 A No, ma'am, not as it appears, no.

21 Q Okay. Then showing you your Image Number
22 25. Can you describe what that is?

23 A That is a close-up view of his name tag.

24 Q And is there anything that is on the name
25 tag or is there a reason why you got a close-up view

1 of the name tag?

2 **A** Other than get a specific view that his
3 name tag, he was wearing it at the time of the
4 incident and that's how he was dressed.

5 **Q** And so as you see in the image, the name
6 tag is actually still on the shirt?

7 **A** Yes, ma'am.

8 **Q** Okay. And then in Image Number 25, is
9 that 25? We just did 25, sorry.

10 **A** 26.

11 **Q** Image Number 26.

12 **A** It is a close-up view of his issued police
13 officer badge from Ferguson Police Department.

14 **Q** And again, the reason for that would be
15 just to show it is on his shirt on the day in
16 question?

17 **A** Yes.

18 **Q** Okay. And again, there's a ball point,
19 looks like a pen that's in the pocket of his shirt?

20 **A** Yes, ma'am.

21 **Q** Image 27?

22 **A** This is an overall view of the back of his
23 shirt.

24 **Q** And did you visually examine that?

25 **A** I did.

1 **Q** Did you see any stains or tears or defects
2 in that shirt?

3 **A** No, ma'am.

4 **Q** And Number 28?

5 **A** It is an overall view of the pocket that
6 is below his name tag.

7 **Q** Now, in this image, is this a breast
8 pocket?

9 **A** It is.

10 **Q** On the left side of his shirt or over
11 where his heart would be, his left or his right?

12 **A** It is over his right.

13 **Q** Over his right, all right. Is this the
14 same pocket that had the pen in it?

15 **A** No, it was not.

16 **Q** So does he have a name tag oh, okay. This
17 is the pocket, I understand. All right. And so did
18 you see anything looking at the shirt in this manner
19 that has any stains or defects?

20 **A** Not in this manner, no.

21 **Q** I'm going to show you Image Number 29.

22 **A** This is next imaging sequence when you
23 flip up that pocket flap, there is a pinkish red
24 mark. So being the sequence would be, we showed you
25 an overall view of the pocket as it was. Now we

1 flipped up the pocket flap and in the next few
2 images and we will go through them, we will get
3 closer and we will put a measuring device in it, a
4 ruler.

5 Q Now, as you see the pocket flap on the
6 pocket itself, on the other side of the flap there
7 was a button, correct?

8 A Yes, it is a sewn-on button.

9 Q And that's just for show, I guess?

10 A Correct.

11 Q So the pocket, it connects or attaches by
12 the little Velcro on the corner; is that correct?

13 A Yes, ma'am.

14 Q And when you lifted up that flap, did it
15 appear to you that the Velcro was still?

16 A Attached.

17 Q Attached?

18 A Yes.

19 Q And then there appears to be some paper or
20 something inside the pocket?

21 A Correct, it is a notebook.

22 Q Okay. Did you seize that notebook?

23 A I did not.

24 Q Didn't you examine it?

25 A No, I did not.

1 **Q** Did you leave it in the shirt pocket?

2 **A** No, ma'am, it was removed.

3 **Q** Okay. I'm going to show you Number 30.

4 **A** That's a closer view of that pinkish red
5 mark.

6 **Q** And Number 31?

7 **A** That's a view of the same mark with a
8 measuring device on it.

9 **Q** And again, you can pass these around when
10 you have time because it is easier to see, but at
11 the time that you are examining this shirt and
12 looking at it, did you know what that pinkish red
13 substance was?

14 **A** I knew it wasn't blood. I do not know
15 what the source was.

16 **Q** At the time that you are photographing it,
17 did you know it wasn't blood at that time?

18 **A** Correct.

19 **Q** So you had already done some kind of --

20 **A** Presumptive test.

21 **Q** -- test, presumptive test before the
22 photographs?

23 **A** Yes, ma'am.

24 **Q** Okay. I don't need you to go into detail
25 into the presumptive test, it was a test that you

1 did there at the police department?

2 **A** Yes, ma'am.

3 **Q** Using tools or equipment or substances
4 that you carry in your crime scene van?

5 **A** Correct.

6 **Q** And a presumptive test will show you what?

7 **A** It is a two-part test. Once you moisten
8 your two swabs with the first agent and then swab
9 this area, you remoisten it with a second reagent.
10 If it turns a bright color of pink, it is
11 presumptive for blood.

12 It's not positive because that's
13 what -- we can't do that, but I did not get a
14 positive reaction. And based on the color and my
15 training and experience I was pretty confident at
16 the time that it wasn't blood, however, if I'm going
17 to be able to testify to the results of that, then I
18 have to do a presumptive blood test. I can't just
19 automatically say, well, that's not blood.

20 So that's why we confirm this and did
21 not have a positive reaction with phenolphthaleine.
22 Phenolphthaleine, which is as I explained, a two-part
23 presumptive test. I did not get a positive
24 reaction, so it was not blood.

25 **Q** Okay. Now, I'm going to show you your

1 Image 32. At this point we have already talked
2 about that he wore the pants back to the police
3 station, did he ultimately remove the pants for you
4 to examine and photograph?

5 **A** He did.

6 **Q** Is that what we're seeing in this image?

7 **A** These are the image of his uniform pants
8 that are displayed. Officer Wilson or Darren Wilson
9 did tell me that there was blood on his pants. It
10 is easier to see when you look at these photographs
11 at your convenience, but my orange indicator is
12 pointing to the area which did have red stains on it
13 that was identified by Darren at the time of my
14 investigation.

15 So the pants were removed, he changed
16 into other clothes, the pants were displayed just
17 like his uniform shirt and for orientation purposes,
18 and that is why I put that orange indicator in there
19 so it draws your eye to the center of the photograph
20 so you know what the focal point of that is.

21 **Q** And so that would be on the left leg. Are
22 we looking at the front or the back of his pants?

23 **A** It is the front, it is his upper left
24 thigh area.

25 **Q** Okay. And then showing you your Image 33.

1 **A** That is a closer view of that same area.

2 **Q** And then finely, your Image 34.

3 **A** Again, it is the same area. Now we have a
4 measuring device in there for scale.

5 **Q** Now, did you do a presumptive test on that
6 substance, did you swab that pant leg?

7 **A** I did.

8 **Q** And what was the result of your
9 presumptive testing?

10 **A** That was a positive reaction indicating
11 that it was blood.

12 **Q** And the shirt and the pants, were they
13 both seized and packaged by you?

14 **A** Yes.

15 **Q** Now, regarding the shirt, did you remove
16 the badge and the officer's name tag from the shirt?

17 **A** I did.

18 **Q** You have already indicated you took the
19 notebook out?

20 **A** Yes, ma'am, his personal property and that
21 belonging to the Ferguson Police Department was
22 removed.

23 **Q** Okay. And so any further examination of
24 any stains on either the shirt or pants or any other
25 substance that might be on there, that would have

1 been done at the lab by other detectives or other
2 investigators, would that be fair to say?

3 **A** Other scientists or technicians?

4 **Q** Yes.

5 **A** Yes.

6 **Q** So you don't do the other testing to
7 determine for sure if it is blood or determine whose
8 blood it is or what the type of the blood is or
9 anything like that?

10 **A** No, I do not.

11 MS. ALIZADEH: Do you have a question?

12 : No.

13 **Q** (By Ms. Alizadeh) You packaged up, you
14 swabbed the gun and packaged that and the round that
15 was left in the gun and the magazine, those were
16 conveyed to the lab as well, correct?

17 **A** Correct.

18 **Q** And the clothing that you testified about
19 that was packaged and conveyed to the lab, correct?

20 **A** Correct.

21 **Q** All right. Now, was there anything else
22 that you seized at the Ferguson Police Department?

23 **A** I took a control, in essence, DNA sample
24 with what's called buccal swab, B-U-C-C-A-L, is how
25 it's pronounced. As a control for our scientists in

1 our crime lab to immediately have a DNA sample from
2 Darren Wilson that they can compare to make sure,
3 either confirm or dispel or verify whether that
4 blood that we believe to be blood on his uniform
5 pants was his.

6 So to expedite that process, we take
7 a DNA sample from him that was also seized and
8 submitted.

9 Q That was also conveyed by you to the crime
10 lab?

11 A Yes.

12 Q Okay. Was that the conclusion of your
13 investigation while you were at the Ferguson Police
14 Department?

15 A At the Ferguson Police Department, yes.

16 Q Okay. What did you do then, this is all
17 still, we're on the 9th?

18 A Yes, ma'am.

19 Q Okay. What did you do after you were
20 finished at the police department?

21 A I went back to the original scene because
22 I was also tasked with the completion of the
23 processing of the Ferguson Police Department marked
24 Tahoe vehicle. We requested one of our contract
25 towing services to meet me there on scene. I

1 watched him load the vehicle and he was escorted to
2 our crime lab where we have a vehicle processing
3 area.

4 So when that vehicle was escorted by
5 me, it was unloaded, placed in our processing area
6 and I completed the processing of their police
7 vehicle.

8 Q So now the jurors have already seen some
9 photographs of the vehicle at the scene, those were
10 not taken by you; is that correct?

11 A No.

12 Q Your photographs were at the processing
13 area?

14 A Correct, 111 South Meramec.

15 Q Did you do anything to process the vehicle
16 while it was at the scene?

17 A No, ma'am.

18 Q So once you got the vehicle towed to the
19 garage where you were going to begin the processing
20 of that vehicle, what did you do?

21 A Once it was placed into our processing
22 area, the area of concern was the driver's door
23 area. The driver's mirror had been pushed back, it
24 has flexible mirrors that was an area of concern.

25 There was broken glass inside the

1 door. I had already been informed that Darren
2 Wilson had fired a round through the door, so I had
3 a certain defect in the driver's door.

4 I was requested to fingerprint the
5 outside of the door and also swab for potential DNA
6 sources on the top edge of the door where the window
7 comes out of the door there is a rubber strip there.
8 And also there was some red stains, which we
9 believed to be blood on the inside of the driver's
10 door. So all of that was completed in my
11 investigation.

12 Q And so initially, and I know you took
13 photographs of the vehicle while it was in your
14 garage?

15 A Yes.

16 Q Is that done first or do you do the other
17 testing and investigation first?

18 A That's done first.

19 Q The photographing?

20 A Yes.

21 Q And so let's start with your first image
22 of the vehicle, which is Number 35.

23 A This is an overall view of the interior of
24 the driver's door so you can see the entire door
25 panel.

1 **Q** Now, I know we'll see photographs in a few
2 minutes, this white or lighter color marking right
3 here, is that a defect in the panel of the door?

4 **A** Yes. That's where the projectile entered
5 the door.

6 **Q** All right. Showing you your Image 36.

7 **A** This is a closer view of the interior door
8 handle area. You have red stains here, you might
9 have to pass this around.

10 : . If you could
11 push it down a little bit lower.

12 MS. ALIZADEH: This might, I don't know if
13 that battery is going dead. All of this area here
14 has red stains on it here and here, all of these
15 darker marks are also red stains. There is a line
16 here. The reflection is such it is difficult for
17 you folks to see, so please look at it later when
18 you folks have the opportunity.

19 **Q** (By Ms. Alizadeh) Those red stains that
20 you pointed out, did you suspect that could be
21 blood?

22 **A** Yes.

23 **Q** And did you do any presumptive testing of
24 the door handle at this time?

25 **A** Yes.

1 **Q** Okay. And what was the result of that
2 presumptive testing?

3 **A** It was positive.

4 **Q** And then did you also swab that area and
5 preserve those swabs and packaged them to send them
6 to the lab?

7 **A** I did.

8 **Q** And just so we're clear on this, when you
9 do the presumptive testing, you do that by using
10 swabs, correct?

11 **A** Yes, a very small area.

12 **Q** Okay. Is that the same swab then that you
13 sent to the lab for further testing?

14 **A** No.

15 **Q** So you do a separate swab?

16 **A** Correct.

17 **Q** And when you do that second swab, you
18 don't use those same chemicals that you talked
19 about?

20 **A** No. When we are taking swabs for DNA, all
21 we use is sterile water. All we do is moisten the
22 tips of the cotton swabs. If it is a dried
23 material, which this was by this time that I was
24 involved in this. So to get a complete sample, all
25 you need to do is moisten the tips of those, swab it

1 and then replace it in the container and then
2 forward it to the crime lab.

3 Q And then on your Image Number 37.

4 A That's a closer view of the door handle
5 with those red stains with a measuring device.

6 Q Image 38?

7 A Another area on the top sill of the
8 driver's door interior, also red stain again, again
9 with the measuring device.

10 Q And those are your fingers in the
11 pictures?

12 A Yes.

13 Q So you are gloved the whole time you are
14 processing this car; is that correct?

15 A Always.

16 Q And then Image Number 39?

17 A It is just further back toward the door
18 handle, the same area of that door with a scale.

19 : . Are you
20 also taking fingerprints too?

21 A Yes, ma'am. We did that on the outside of
22 the door.

23 : On the outside?

24 A Yes, ma'am.

25 : Did you take any on the

1 inside of the leather?

2 **A** No, ma'am. That's not a conducive surface
3 for me to get a decent fingerprint evidence. It is
4 rough, there could be some other foreign materials
5 on it when it was cleaned. I really need a decent
6 surface to retrieve that fine ridge detail, that's
7 why I did not fingerprint.

8 **Q** (By Ms. Alizadeh) So the exterior of the
9 vehicle would be the painted metal?

10 **A** Yes.

11 **Q** There's no glass in this window, correct?

12 **A** Correct.

13 **Q** And the trim that went around the window?

14 **A** Yes.

15 **Q** Showing you exhibit, or your Image Number
16 40.

17 **A** This is an overall view of that defect
18 where the arm rest meets the door panel. There's a
19 defect in there from earlier, this is just a closer
20 view, going to be a series which we will walk
21 through.

22 You can also see in this that there
23 is also wet stains here and here and here.

24 **Q** Showing you Image Number 41?

25 **A** That is a closer view of that same area.

1 **Q** Image Number 42?

2 **A** That's a closer view of that same area,
3 specifically the bottom edge with the measuring
4 device.

5 **Q** Now, starting with Image Number 43, can
6 you describe what you're seeing and what those
7 things are on the edge of the car. Let's do this.

8 **A** As asked, the exterior of
9 that is processed with fingerprint powder. Once I
10 developed latent fingerprint evidence, then those
11 lifts are removed by placing lifting tape on there.
12 We also photograph those latent lifts in place and
13 our system is that there are always, we always use
14 letters on latent lifts and we try to use numbers on
15 evidence.

16 So every one of those is numbered A
17 through E. and they're always photographed in place.

18 This was the area that I developed
19 latent fingerprint evidence and so based on the
20 information that I received, that's where we
21 determined to be the best area that they were
22 concerned about as far as retrieving latent
23 fingerprint.

24 **Q** Now, the tape that you see in these
25 photographs, when you remove that from the surface

1 of the vehicle, what do you do with that tape in
2 order to preserve it?

3 **A** They're placed on what's referred to as a
4 liftback. In essence, it is a bright white card.
5 So you would have contrast or latent fingerprint
6 examiners can compare that to known or ink
7 impressions. Be it from other police officers,
8 Darren Wilson, anyone.

9 That's how they make those
10 comparisons.

11 **Q** You're not the person who makes those
12 comparisons, correct?

13 **A** No, ma'am, I'm not a latent examiner.

14 **Q** So your job is to search for areas, make a
15 determination of where you might find some latent
16 fingerprint or palm print perhaps?

17 **A** Correct.

18 **Q** And then you did visualize it by putting
19 that?

20 **A** Develop those with fingerprint powder.

21 **Q** And then lift them off the surface?

22 **A** Correct. And then they're submitted to
23 our fingerprint unit.

24 **Q** Okay. And how many lifts did you do in
25 this case?

1 **A** I had prints A through E.

2 **Q** Did you process any other part of the
3 vehicle for fingerprints?

4 **A** No, I did not.

5 **Q** I'm going to show you your Image Number
6 44. Can you describe what we see in there?

7 **A** Once we had photographed the outer part of
8 the interior door panel, in order to retrieve that
9 projectile, that door panel was removed.

10 Also when that projectile went
11 through there, it also damaged part of the inner
12 door skin. And also went through and struck the
13 outside of the door, which I believe another
14 detective had photographed. It looks like a bump.

15 So once I retrieved that projectile
16 and there is some other documentation there also in
17 the bottom of this, so we have overall view of it.
18 All of that glass I had to sift through in order to
19 retrieve that projectile.

20 So to tie this into a photographic
21 series, we take an overall view of the door, meaning
22 the source of where we recover the projectile from.
23 We orange triangle by indicator in that pile of
24 glass is where I retrieved the projectile after
25 scooping all of this out from inside of the door.

1 So that is displayed there for you
2 and further sequencing.

3 **Q** So when you say you scooped the glass out,
4 was the glass inside this area down?

5 **A** All down in there, yes.

6 **Q** Down in this area, but behind this metal
7 panel?

8 **A** Right.

9 **Q** So you had to actually scoop it out with a
10 tool or with your hands?

11 **A** My hands.

12 **Q** As you scoop it out, are you just dumping
13 it on the ground then or does it fall on the ground
14 there?

15 **A** No, I'm taking out small handfuls by small
16 handfuls. I don't want to lose anything else, maybe
17 this projectile fragmented, maybe there are sharp
18 edges to it. So we're very cognizant as far as
19 trying to retrieve as much evidence as we can.

20 The good thing for me as an
21 investigator is the projectile is pretty much
22 intact. So we didn't have a lot of small, minute
23 pieces of metal that were not directly related to
24 that projectile.

25 So as I'm doing it, I'm carefully

1 putting in a pile, going through every handful.

2 When I finally retrieved, determine that it was a
3 projectile. It is left right there and we start our
4 sequence as far as taking photographs.

5 **Q** So showing you your Image Number 45, what
6 do you see in that image?

7 **A** This is an overall view of where that
8 projectile, once it went through that plastic door
9 panel entered the interior metal skin of that door.
10 Is just an overall view of it. The
11 focal point in the center of the photograph will be
12 right about here, which you will see when you get
13 further into the seats.

14 **Q** Image 46?

15 **A** This is a closer view of it. The area of
16 concern is right here. (indicating)

17 **Q** And so a little clearer, actually, looking
18 at the image with your own eyes.

19 I guess from the very top of it,
20 maybe at the one or two o'clock position, there is a
21 defect on the metal?

22 **A** Yes.

23 **Q** Okay. Showing you Number 47?

24 **A** That's a closer view with the scale next
25 to it. The area of concern, again, is this upper

1 portion right here. (indicating)

2 Q So when you could see the car in your
3 garage, could you see that defect that was on the
4 outside of the door?

5 A Yes, it was pushed out or bowing out.

6 Q And does the location of that defect
7 correspond with where that mark, the defect was on
8 the my of the insides of the door?

9 A I would say it is consistent.

10 Q Okay. You didn't take any measurements to
11 or anything to determine?

12 A No, ma'am.

13 Q Okay. All right. Showing you your Image
14 48.

15 A This is a closer view, one of a series as
16 far as we orientated originally as far as the
17 source. The interior of the door, we have the pile
18 of glass that I had gone through, the projectile
19 with the orange indicator, and that was just a
20 closer view of the same area with the indicator and
21 projectile.

22 Q Image 49?

23 A This is a close-up view of it. Again, the
24 indicator and the projectile recovered hasn't moved.
25 It is just a closer view of it.

1 **Q** Is that 50?

2 **A** It is and this is a closer view now with a
3 scale.

4 **Q** And so can you use the laser pointer and
5 point to what we're seeing as the projectile?

6 **A** Right here.

7 **Q** You recognize that as a spent projectile?

8 **A** Yes.

9 **Q** So what did you do with that projectile
10 once you found it?

11 **A** It was packaged, marked and forwarded to
12 our firearms examiner.

13 **Q** And is that the same place where you
14 forwarded the weapon and the pieces of the weapon,
15 the magazine and the spent round?

16 **A** Correct.

17 **Q** Not spent round, a live round?

18 **A** Live round.

19 **Q** Okay. Did you do any testing to determine
20 if there was any substance on that spent projectile?

21 **A** No, I wouldn't do that. Our firearms
22 examiner would do that.

23 **Q** So if there is blood or anything on there
24 that's not something that you would have looked at
25 or tested for?

1 **A** No, ma'am.

2 Q And how about the glass, did you take
3 samples of the glass?

4 **A** No.

5 Q Are you aware does the St. Louis County
6 Crime Laboratory do any testing on glass as far as
7 breaking patterns or matching up broken glass?

8 **A** Our crime lab does not do that. They
9 don't do crashing matches, they don't do comparison
10 as far as the chemical make up of the glass,
11 properties of the glass, as far as the matching of
12 the glass.

13 Q (By Ms. Alizadeh) after
14 you finished processing this vehicle, did you put
15 the vehicle back together?

16 **A** No, ma'am.

17 **Q** What became of that vehicle?

18 **A** It was towed at the request of Chief
19 of the Ferguson Police Department to go back
20 to the Ferguson Police Department.

21 Q So you didn't put the door panel back on
22 or put anything back together?

23 **A** No, ma'am.

24 Q Did you take any measurements of the
25 vehicle?

1 **A** No, I did not.

2 **Q** Did you have any other investigative
3 things that you did in regard to this investigation
4 into the shooting of Michael Brown?

5 **A** No, ma'am.

6 MS. ALIZADEH: Does anybody have any
7 questions?

8 Okay that will be it for the testimony of
9 the Detective .

10 (End of the testimony of Detective
11)

12 MS. WHIRLEY: We ready? We're resuming,
13 it is approximately 4:03 p.m. I'm Sheila Whirley,
14 not Shirley Whirley, also Kathi Alizadeh is here,
15 the 12 jurors, and the court reporter. We're going
16 to hear the recording that was an interview with
17 , Detective on August
18 the 9th, 2014. The day that Michael Brown was shot.
19 And this is approximately 2:19 p.m. that the
20 interview was being conducted. And this interview
21 was . And we'll spell , it is
22 spelled . So I'm going
23 it commence now, it is a little less than a hour so
24 should take us up to a good time.

25 MS. ALIZADEH: We don't need, for the sake

1 of the court reporter, we have provided a transcript
2 to all the jurors, as well to the court reporter,
3 and also at this time we can pause the audio
4 recording while we play this so as not to duplicate
5 things.

6 MS. WHIRLEY: Okay. This is the playing
7 of the interview of .

8 (The interview of is being
9 played at this time.)

10 MS. WHIRLEY: That concludes the recording
11 of It is approximately 4:38 p.m.
12 our time. And her interview went from 2:19 p.m.
13 until I believe 2:52 p.m. on August the 9th of 2014.
14 Do you have anything else, Kathi?

15 : What was the
16 Grand Jury Number Exhibit?

17 MS. ALIZADEH: Of the disc?

18 : Yes.

19 MS. ALIZADEH: This was Disc Number 24,
20 which has a bunch of different recordings on it. We
21 don't have anything else lined up for today. So I
22 guess we'll let you go at this point. And
23 hopefully, we're going to end at 2:30 on Thursday.
24 So hopefully we'll have our plan is to play another
25 taped statement of which is about another

1 hour. And then hopefully have
2 testify for you and then we have a couple other
3 witnesses coming in so we will hear their statements
4 before they come in as well. So hopefully we will
5 get three eyewitnesses done tomorrow.

6 MS. WHIRLEY: Thursday.

7 MS. ALIZADEH: Or Thursday. So we are
8 chugging along. Any questions anybody has or any
9 concerns? And I hear, I'm going to meet with Bob
10 McCulloch about maybe communicating with people out
11 there about the process of the grand jury and why it
12 is not going to be done this Friday and so forth.

13 : . I think
14 he has done pretty much getting it out there. I
15 think the community leaders need to back him up and
16 confirm what he's saying, I mean. I'm quite sure
17 the process is written somewhere in the book or law
18 books or whatever and it is pretty out there what
19 the process is, they just need to tell, I think, the
20 community to try and get some stability back into
21 the community.

22 This is what, this is what they're doing,
23 this is what they need to do. I mean, if I were in
24 Michael Brown's or Darren Wilson's shoes, I would
25 want somebody to know everything before you make a

1 decision what happens to me or my life or what I did
2 or what I didn't do.

3 MS. ALIZADEH: And that was, you know,
4 Mr. McCulloch's, pledge at the very beginning that
5 you all would hear everything. I know it is very
6 tedious at times, but as you are beginning to see,
7 there is a lot of people that see different bits and
8 pieces, a lot of different viewpoints, a lot of
9 different statements and so, you know, it is going
10 to be up to you guys to sift through that. We don't
11 want to leave anything out. Down the road after
12 this decision is made, I don't want somebody saying,
13 well, you didn't call this person.

14 But as far as the community leaders, you
15 know, that's going to be something that is up to
16 Mr. McCulloch. And as you know, there have been a
17 lot of those same people have called for him to
18 recuse himself and not be the prosecutor on this
19 case. I don't know what kind of communication would
20 happen between them if there would be, but I hear
21 you and I know what you're saying. But ultimately,
22 Sheila and I are we're just doing this part of it,
23 it will be up to Mr. McCulloch to decide how to
24 handles that kind of public relations issue.

25 MS. WHIRLEY: We will convey it to him

1 though.

2 MS. ALIZADEH: Okay.

3 Could you maybe
4 just do a little research too to see if there has
5 and how common it is that a grand jury would release
6 a statement with their ultimate decision at the end?
7 I don't know that we would ever want to, but it
8 might be an option to help calm things or a thought.

9 MS. ALIZADEH: It is funny that you say
10 that and I think, I don't know if you guys have
11 asked that before. I mean, I have been here 26
12 years and, um, actually even before Bob McCulloch
13 was the elected prosecutor. And never in my
14 experience, now I know that we have had several
15 grand juries conduct investigations into excessive
16 force involving police officers, whether it be
17 shootings, whether it be homicide or an assault
18 where a person wasn't killed, I'm not aware of ever
19 being a statement released after the grand jury has
20 made its determination.

21 MS. WHIRLEY: I'm sorry, Kathi, let me
22 make sure I understand. Were you suggesting that a
23 grand juror would make a statement?

24 : I'm not actually
25 suggesting that we want to, just was wondering if it

1 ever happened or was that in the history of that or
2 kind of like you were going through what the debate
3 time we would also continue if we didn't have a
4 certain number going to look into that. I'm curious
5 as well if there had been any historical point of
6 grand juries doing that. I don't even know if we
7 would even want to.

8 MS. ALIZADEH: I'm not aware of anything
9 like that ever happening.

10 : I don't think, one thing,
11 I don't want them to know me or know anything. I
12 don't want anything out there.

13 Yeah, we would never make
14 a statement with names.

15 : But for me, I don't want
16 nothing to do with any release, the press, the news.

17 : Just to be clear, it
18 wouldn't be an individual statement.

19 : I do the best that I can.

20 MS. ALIZADEH: I'm not sure what your
21 charge is. I know that the judge read the charge to
22 you as to what your duties and obligations are. I
23 don't know how that extends beyond your term. Like,
24 you know, I know when we have a trial, the jury is
25 told they can't discuss this with anyone, but at the

1 conclusion of the trial that admonition is lifted
2 and they're told you can discuss this with whomever
3 you wish or not at all, it is up to you.

4 I haven't seen what the charge is that the
5 grand jury gets. I don't know that if the grand
6 jury is allowed to talk about this after the fact.
7 I'm not sure about that and we can look into that,
8 but what I'm guessing or I'm thinking, and you all,
9 you know, again, there's nothing written in stone
10 right now, but you are talking about the possibility
11 as the grand jury as a group preparing some kind of
12 formal statement that would accompany your decision.
13 And it wouldn't be like your names would be attached
14 to it, you would agree on some kind of statement
15 that you would want to make about whatever you would
16 want the public to know about that.

17 I'm not aware of that ever happening and
18 so I'll look into that to see if that's even
19 possible. Obviously, if they say no because your
20 admonition is not lifted after, then you can't talk
21 about your, the process and your deliberations and
22 the evidence that you heard.

23 So I will look into that.

24 Thank you.

25 MS. ALIZADEH: I haven't forgotten about

1 the fact that you all are interested in getting some
2 law and we have talked about that too. We just
3 haven't had a lot of time.

4 We do have another attorney who is going
5 to help us do some of the background research and
6 stuff like that, we just kind of got him. I feel
7 like we have an assistant now. So it will be
8 somebody that can help do some of this background
9 research and go over some things. Give you whatever
10 answers or information you think you, need, okay?

11 Everybody have a great evening and this
12 concludes the session of this afternoon on
13 September 30.

14 (End of the September 30, 2014 Grand Jury
15 Proceedings.
16
17
18
19
20
21
22
23
24
25

1

2

3 State of Missouri

4

SS.

5 County of St. Louis

6

I,

a Licensed Certified Court

7

Reporter by the Supreme Court in and for the State

8

of Missouri, duly commissioned, qualified and

9

authorized to administer oaths and to certify to

10

depositions, do hereby certify that pursuant to

11

Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

15

by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

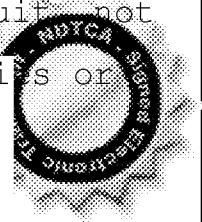
25

is in all respects a full, true, correct and

1 complete transcript of the questions propounded to
2 and the answers given by said witness.

3 I further certify that the foregoing pages
4 contain a true and accurate reproduction of the
5 proceedings.

6 I further certify that I am not of counsel or
7 attorney for either of the parties to said suit, not
8 related to nor interested in any of the parties or
9 their attorneys.



10

11 -----

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume VIII

12

13 9/30/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume IX

Date: October 2, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

OCTOBER 2, 2014

VOLUME IX

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 2nd day of October, 2014, before

17

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME IX

2 MS. WHIRLEY: I'm Sheila Whirley, of
3 course, Kathi Alizadeh, the 12 grand jurors are here
4 and is here taking town everything we're
5 saying this morning. We are going to start out with
6 the witness that we talked about last time we were
7 together that's .

8 Before she comes in, however, she is here
9 waiting to give testimony. Before she comes in
10 we're going to listen to a statement that she gave
11 to the federal, during the federal investigation,
12 FBI and U.S. attorney and well a couple of attorneys
13 from the Department of Justice. So we will hear
14 that interview. It is probably in totality an hour
15 and 13, 14 minutes, something like that.

16 We have the transcript that Kathi will
17 pass out in a moment and she wanted to let everybody
18 know that we just got the transcript, I believe,
19 last night.

20 MS. ALIZADEH: This morning.

21 MS. WHIRLEY: This morning. We haven't
22 had a chance to proof it. So as you are listening
23 and you read, if you hear something different than
24 what's printed, what really count is what you hear
25 because that's in 's words.

1 Someone else is listening and transcribing
2 what she has to say, but the real evidence is the
3 actual statement that she's giving, the audio
4 recorded statement. So with that little bit, is
5 there something wrong?

6 MS. ALIZADEH: No.

7 MS. WHIRLEY: They had a break, it is
8 going to be like two different recordings because
9 they take a break and then they come back on a
10 second recording that's only 13 minutes, and the
11 first one is a little over an hour. So with that
12 bit of introduction, we'll stop recording,
13 and then we'll play.

14 (The interview of is being
15 played at this time.)

16 MS. WHIRLEY: I didn't say the date is
17 October the 2nd, 2014 and the exhibit that you just
18 heard the audio recording was Grand Jury Exhibit
19 Number 23.

20 We do have that witness here and it is
21 approximately 12:07 p.m. now. We'd like to go on
22 with the witness. Lunch will be here momentarily,
23 if it is not here already. Can we do the witness
24 and then lunch? Okay.

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. WHIRLEY:

9 Q Introduce yourself to the jurors and spell
10 your name for the court reporter.

11 A Okay. Hello everybody. My name is
12 , last name ,
13

14 Q And, as you can see I'm standing
15 back here so that when we have a conversation when I
16 ask you questions, you answer, you will speak up
17 loud enough so I could hear you.

18 A Okay.

19 Q That way we'll know all the grand jurors
20 can hear you too, okay?

21 A All right.

22 Q We've got a map up here and that's Grand
23 Jury Exhibit Number?

24 MS. ALIZADEH: 25.

25 MS. WHIRLEY: 25.

1 **Q** (By Ms. Whirley) You've got a pointer, you
2 know how to use it, right? I'm going to ask you
3 some questions and I want you to be able to show us
4 up on the map, there you go, is that okay?

5 **A** Yes.

6 **Q** Good, all right. So show us, first of
7 all, where you live currently if it is on the map?

8 **A** Right there. (indicating)

9 **Q** What's that address?

10 **A** , Apartment

11 **Q** And that's on, what's the street, is that
12 Canfield Drive?

13 **A** Yes, Canfield Drive.

14 **Q** And you indicated on the map where that's
15 located, is that like a first, second, third floor?

16 **A** Third.

17 **Q** It is the third floor. Okay. Now, you
18 know why we're here?

19 **A** Yes.

20 **Q** This is about the Michael Brown shooting?

21 **A** (Nods head.)

22 **Q** And that occurred on August 9th of 2014.
23 Do you remember that day pretty well?

24 **A** Yes.

25 **Q** And that would have been a Saturday,

1 correct?

2 **A** Yes, ma'am.

3 **Q** Okay. Now, it was somewhere around noon;
4 is that right?

5 **A** Yes.

6 **Q** Tell us from the beginning what you saw,
7 what you know about the Michael Brown shooting?

8 **A** Okay.

9 **Q** Speak up loud enough.

10 **A** Sure. Start from the beginning of the day
11 or the beginning of everything that I saw?

12 **Q** Let's start with the beginning of your
13 day.

14 **A** Okay. I woke up that morning, I was
15 waiting to have my boss to come get me for work. We
16 were supposed to be heading out a little ways before
17 that evening, I'm sorry, the afternoon, she called
18 me.

19 **Q** I'm sorry, I didn't hear you well. Will
20 you tell us what you were going to do at work that
21 day?

22 **A** Oh, no, we were heading off for work.

23 **Q** Heading off for work?

24 **A** Right.

25 **Q** What kind of work do you do?

1 **A** I'm a sales consultant for

2 Q And that's the job with
3 she's your employer?

4 **A** Yes.

5 Q Okay. And what were you going to do that
6 day, on Saturday?

7 **A** I don't remember like because the way we
8 work is we go door to door, but I don't remember
9 where exactly where we were headed that day. We
10 were going out to work.

11 Q You go door to door and do marketing or
12 sales?

13 **A** Yes.

14 Q What are you selling?

15 **A** We're technically not selling, it is
16 energy, the regulation of energy through Ameren.

17 **Q** Okay, all right. Go ahead.

18 **A** Okay. So I was calling her to ask her if
19 I could probably get a ride. I didn't have another
20 ride that day and she was just saying, yeah, that
21 was early, around 8 or 9 o'clock. She said I will
22 be there shortly. I'm waiting for her. I finally
23 get a call from her, I was cleaning my room, which
24 is right there on the very corner.

25 **Q** Can you get the light on?

1 **A** Yeah, which is right there on the third
2 corner. So I'm sitting in my room.

3 **Q** Here?

4 **A** Yeah.

5 **Q** Okay.

6 **A** I'm sitting in my room and I look down at
7 my phone and I'm getting a call from . At
8 the same time I'm getting a call from her, I hear
9 tires screeching in the middle of the street. We
10 had gotten into a car accident about a couple weeks
11 before that, so that already made me go to check on
12 her, hopefully she didn't hit anybody or she didn't
13 crash or anything like that. So that's what drew my
14 attention outside the window. I then looked out the
15 window and just noticed the police car outside.

16 **Q** And where did you notice the police car
17 when you looked out the window, where on the map,
18 show us?

19 **A** It is like a police SUV, not a smaller
20 car, a bigger one, it is about right there, sorry.

21 **Q** Do it again. If you need to stand up, you
22 can. You don't have to, it is up to you.

23 **A** Okay. It is right around there.

24 **Q** Okay. That's where you saw the car from
25 your window here?

1 **A** Yes. I had noticed that 's van, it
2 was right around here. I could still see her too.

3 **Q** Was she driving when you noticed her or
4 was she parked?

5 **A** She was at a standstill.

6 **Q** She was in the car, but it wasn't moving?

7 **A** Yes.

8 **Q** And where was it again?

9 **A** Right around here.

10 **Q** Okay. There is her car right around
11 there?

12 **A** Yes.

13 **Q** How was the police car stopped in the
14 street?

15 **A** It was in the middle of the street,
16 slanted.

17 **Q** Okay. Slanted?

18 **A** Slanted towards basically this way.

19 **Q** And what street would that be?

20 **A** This is West Florissant.

21 **Q** So it was facing west?

22 **A** Yes, that is West Florissant, it was
23 facing West Florissant.

24 **Q** West Florissant, okay. So, and then what?

25 **A** Okay. Where was I, I looked out of my

1 window and I saw a glimpse of just the top of a hat.

2 Q What color?

3 A It was a red hat.

4 Q Okay.

5 A The glimpse of a top of a hat, just next
6 to the vehicle and I just saw a movement, a jerking
7 away movement.

8 Q A movement of what, the car or person what
9 was the movement?

10 A It was an arm.

11 Q It was an arm?

12 A Yes.

13 Q Did you later learn whose arm?

14 A Yes, I later found it was Michael Brown's
15 arm.

16 Q Michael Brown's arm?

17 A Yeah.

18 Q You saw a jerking of the arm?

19 A Yes.

20 Q And then what?

21 A Okay. It was like simultaneously as I'm
22 getting a phone call, I hear the tires screeching
23 and I look out the window and I hear gunshots at the
24 same time. Because this all happened very quickly,
25 this gunshot.

1 I'm looking out my window, it is just
2 a couple, two or three, I'm looking out my window.
3 I notice that they're coming from the exact
4 direction as the police car. I notice that they're
5 coming from the direction, the direction that the
6 police car vehicle, so still right there. It was
7 really loud because it was right outside my window.

8 Q Okay. You said the shots were coming the
9 direction of the police car?

10 A Yes.

11 Q Did you make any assumptions about that?

12 A I did. I, um, in the beginning stages I
13 did make assumptions. I thought that, couldn't
14 really tell, you couldn't tell, but I thought that
15 maybe a bullet hit the police car, maybe it hit the
16 building into the police car. It was just like, you
17 could hear an extra oomph, you know what I mean?

18 Q You didn't know what had occurred, but you
19 heard --

20 A Yeah.

21 Q -- but you heard the sound of shots?

22 A Yes.

23 Q Okay.

24 A Just right next and that all happened like
25 simultaneously.

1 **Q** Once you heard the shots, what did you
2 notice next?

3 **A** I looked away to grab my purse because I
4 was looking for her car, but I noticed it was fine,
5 but I was going to go outside and go to her, but I
6 decided to not go outside because of gunshots
7 outside my door. I grabbed my purse and head back
8 to the windows.

9 At this moment I'm headed, I'm
10 looking out the window, it is facing towards this
11 street now.

12 **Q** This is a different window you are looking
13 out?

14 **A** Yes, this is the window from my balcony.

15 **Q** Okay.

16 **A** A big glass sliding door, it is a window
17 and door you can walk straight out.

18 **Q** Were you still inside the apartment
19 though?

20 **A** Yes, I was. So I'm at the balcony and I
21 just notice other police officer run down the
22 street, just running, chasing, who knows, he's just
23 running, to me he was running.

24 **Q** Could you see who he was running after or
25 why he was running?

1 **A** At the time I couldn't, my focus was on
2 this car that was right here in front of my
3 apartment. The car is right there.

4 **Q** So what was the proximity of the car to
5 the police car, to the police truck?

6 **A** The car, okay, the police car, or the
7 police truck is right here in the middle of the
8 street, somewhere around here. And the other car
9 was like in front of this Canfield Drive sign, so it
10 is just right there, right in front of my window.

11 **Q** So right behind the police car?

12 **A** Yeah.

13 **Q** What kind of car was that?

14 **A** It was a Monte Carlo, two-door car.

15 **Q** What color was it?

16 **A** It was a dark color, it was black or a
17 dark blue car, like a dark, dark blue, but I'm
18 pretty sure it was a black color.

19 **Q** Okay. Why did that car draw your
20 attention?

21 **A** I saw somebody I recognized like crouching
22 next to the car. It was, I call him DJ, it was
23 Dorian Johnson. He was just crouching next to the
24 car. I originally thought the police, he'd been
25 involved in something and he was hiding, but the

1 police just ran right past the car like not even
2 looking no other directions, ran right past it. So
3 he's just still kneeling and that's when I start to
4 think he must be hiding from the police because
5 there's --

6 Q So did you hear some more shots after you
7 heard the shots from you thought was in the car, or
8 around the car?

9 A Yes. As I'm looking down at him, I'm
10 hearing more gunshots.

11 Q As you are looking down at whom?

12 A At Dorian and like he's right in front of
13 me. So I'm looking kind of down when I see him.

14 Q Do you know where the shots are coming
15 from at this point?

16 A I could tell that it was following the
17 police, so the police was the one shooting the
18 shots. It was like, my eyesight is coming from a
19 car area at first and now it's coming from this way.
20 (indicating)

21 Q Okay. So there are shots coming, the
22 officer is running, or shots being fired and the
23 officer is running, do you see anybody else at that
24 point?

25 A No, my um, my vantage point gets blocked

1 off from the police running because he runs behind,
2 how do I explain this, this little small wall right
3 here. He just runs right around there somewhere.

4 Q So he runs past the wall?

5 A Yeah.

6 Q And at that point your vision is blocked,
7 by the way?

8 A By the officer, yes.

9 Q How far did you see the officer run to?

10 A From his car down.

11 Q Show us where, how far you saw him run?

12 A If his car was right around this area, he
13 ran straight past the Monte Carlo, straight back
14 where I can't see him any more, about right around
15 here. (indicating)

16 Q So not quite to the intersection?

17 A Yeah, not quite all the way over there.

18 Q Okay. And that's the intersection of
19 Canfield Drive and Copper Creek Court?

20 A Copper Creek Court.

21 Q He didn't get to that intersection?

22 A No.

23 Q Did you see the officer stop running?

24 A No.

25 Q What did you see next, you say he's

1 running?

2 **A** Okay. As I'm glancing down and Dorian, I
3 heard the gunshot as I notice the officer running
4 past me. I just glimpse at the officer, I wasn't
5 too much paying attention to him because I'm more
6 thinking about what is going on next to this car.
7 There is also people inside the car and it appears
8 to me like Dorian was going to hop in it and just
9 leave, but that never happened.

10 I just have a glimpse, what I presume
11 to be a kid, I don't know why I thought it was a
12 kid, but he just looked young, you can tell somebody
13 young. He just turned around at this moment,
14 nothing is blocking any more, and I can see somebody
15 turn around was starting to put their hands like
16 this. (indicating)

17 **Q** Before you get to that, where did you see
18 the person, I don't know if you say you saw him stop
19 running or saw him turn around, did you see that
20 person referred to as Michael Brown, did you see
21 Michael Brown stop running or running at all?

22 **A** When I, um, saw him, I hadn't known that
23 it was him by the vehicle at first, I didn't draw
24 that connection. By the time I got over here, like
25 I saw it was almost over, basically the color of the

1 hat. There was no person with a hat on over here,
2 never got the connection at first. But I saw him
3 like get out of the blockage. So he was moving
4 towards this way. (indicating)

5 Q Who?

6 A Michael.

7 Q He was moving toward?

8 A This way. (indicating)

9 Q This way?

10 A Yeah.

11 Q Where was he when you first got sight of
12 him after your vision was blocked by the wall or
13 whatever?

14 A He was right around here. (indicating)

15 Q And that car is not related to this case?

16 A Okay.

17 Q So where did you see him?

18 A It was like right around where his car is.

19 Q At the intersection or not quite the
20 intersection?

21 A I just say the intersection.

22 Q So he was closer, some feet away from the
23 intersection of Copper Creek?

24 A Exactly.

25 Q On Canfield Drive when you saw him?

1 **A** Yeah.

2 **Q** And when you first saw him in this area,
3 was he moving at all, tell us again what he was
4 doing when you first saw him?

5 **A** When I first saw him he was coming to a
6 still and turning.

7 **Q** So he had been moving?

8 **A** Yes, you could tell because --

9 **Q** Show us what you saw?

10 **A** Okay.

11 **Q** If you don't mind, please.

12 **A** Sure thing. Okay. He's moving his body
13 this way, can everybody see me? I'm sorry, he's
14 moving his body. I don't know, I couldn't tell, he
15 was most likely running too.

16 **Q** Tell us what you saw?

17 **A** Okay. This way, this is what I saw
18 basically.

19 **Q** Okay.

20 **A** At that moment I start hearing just a
21 great deal of shots. I could not say how many shots
22 it was, after that it was a great deal of it.

23 **Q** So at the time you demonstrated for us
24 that he was turning around because at first his back
25 was to where you saw the officer running?

1 **A** Yes.

2 **Q** And he was turning around facing the
3 officer?

4 **A** Yes.

5 **Q** Could you see the officer too at that
6 point?

7 **A** I still could not see the officer.

8 **Q** So the officer now was blocked, but you
9 could see Brown?

10 **A** Yes.

11 **Q** And he turned around and this has been
12 important and we've heard a lot about hands up, so
13 once again, demonstrate for us turning around and
14 the hands?

15 **A** Okay. I saw him turn to his right, turned
16 around, but as he was turning, I'm sorry, he was
17 like this. What I was saying was that I didn't see
18 like a big all the way up there kind of thing, I
19 just saw a turned around kind of right here.
20 (indicating)

21 **Q** Kind of shoulder high, hands up?

22 **A** Yes.

23 **Q** But his palms were like facing the
24 officer?

25 **A** Yes.

1 **Q** Did you see any blood?

2 **A** I did not see any blood.

3 **Q** Did he appear injured to you?

4 **A** No, he didn't. Not at that point.

5 **Q** And when he was standing there with his
6 hands up, did you see him move at all?

7 **A** No, okay, that's the part I want to get
8 to. After that, it was just a lot of gunshots. So
9 at this point, I'm looking out my window. I guess I
10 either glance back at Dorian or I flinch or I do
11 something to where I take my eyes away and next
12 thing I know, he is falling down.

13 So I never saw him make any more
14 movements except for a lot of shots and he started
15 falling down. He fell on his knees and he hit his
16 face on the ground.

17 **Q** When you saw him falling down, did he
18 appear to be at the same spot that he was when you
19 saw him turn around?

20 **A** In my recollection he was.

21 **Q** When he fell down, where was he?

22 **A** Right around the same spot. Right around
23 that area. (indicating)

24 **Q** Do you recall how many shots you heard?

25 **A** No, ma'am.

1 **Q** When he turned around?

2 **A** No.

3 **Q** Did he appear, because you can see him
4 now, right, when he turned around you had full view
5 of him, but not the officer?

6 **A** Yes, the officer was blocked.

7 **Q** Did he appear to be reaching for anything?

8 **A** No, ma'am.

9 **Q** Did he touch his waist at all?

10 **A** No.

11 **Q** So you saw him actually go down?

12 **A** Yes.

13 **Q** And hit the ground. I don't want you to
14 hit the ground, but can you demonstrate how he went
15 down?

16 **A** Okay. But now from my point of view I'm
17 just looking at his knees, but I'm sure it wasn't
18 that slow, but like a fast, knees, boom and falling
19 forward. (indicating)

20 **Q** Okay, thank you. Did he move any more
21 after that?

22 **A** No.

23 **Q** Okay. And what did you do after you saw
24 him fall to the ground?

25 **A** Started crying.

1 **Q** Started crying. Okay. And then as you
2 are crying, what happens next? I'm going to get you
3 some napkins.

4 When you saw him fall, then you say
5 you started crying, then what happened next?

6 **A** I just ran to my room where I left my
7 phone and, um, the condition of my phone is
8 incredibly horrible. I dropped it, it was cracked
9 in many spots. You cannot really see the screen,
10 that wasn't my first intention was to get my phone.
11 I just ran back like I have to make this work
12 somehow. I ran back, got my phone and just started
13 recording everything that I saw from that point on.

14 **Q** Okay.

15 **A** I just hit the record button and have my
16 phone, even though you couldn't tell on the screen,
17 see the screen.

18 **Q** Did you call anybody or talk to anybody?

19 **A** No, I was too shocked.

20 **Q** Okay. And at some point you, I think this
21 maybe --

22 **A** I'm sorry, after I left, after like the
23 whole aftermath happened, I did make a couple phone
24 calls, but not like during the whole part where they
25 took the tape up and all of that. I was mainly on

1 my balcony after things started, after an hour or so
2 passed, I started getting phone calls and then
3 making them.

4 Q How long was it after the shooting did the
5 police contact you for a statement that day?

6 A Probably about an hour and a half.

7 Q Okay.

8 A Two hours.

9 Q How did they know to contact you?

10 A Because they saw me and standing
11 right there.

12 Q Standing?

13 A On my balcony.

14 Q At this point you were both standing on
15 the balcony?

16 A Yeah.

17 Q Do you remember what you were wearing?

18 A I had my uniform on. once she
19 came to my balcony, she said we can't be out here
20 with our uniforms on, we have to change shirts. You
21 have a shirt that I can wear? I went in my room and
22 gave her one of my shirts.

23 MS. ALIZADEH: I'm having trouble hearing
24 you, .

25 A I'm sorry.

1 MS. ALIZADEH: I want the jurors to hear
2 you. It is okay for you to talk in your direction,
3 but can you talk a little louder so I can hear you
4 too.

5 A Yes, ma'am.

6 Q (By Ms. Whirley) What color are your work
7 shirts?

8 A They're anywhere from orange, to blue, to
9 black. I just gave her a normal shirt.

10 Q What did you have on?

11 A I put on a black shirt.

12 Q A black shirt. Did you have on a black
13 shirt before then?

14 A No.

15 Q What did you have on before then?

16 A Before I got dressed, I had on a, pretty
17 sure my blue uniform shirt.

18 Q You're not sure though?

19 A I'm pretty sure.

20 Q Okay. Now --

21 A She had on the same color.

22 Q Okay. Dorian Johnson, you mention him, I
23 think you refer to him as DJ?

24 A Yes.

25 Q So you know him?

1 **A** Yes.

2 **Q** You knew him before this day?

3 **A** Yes.

4 **Q** How well did you say you know him, did you
5 socialize with him?

6 **A** He was the very first person I met when I
7 moved there, like the month before I had moved
8 there. He was just walking down the street. I
9 said, hey, I'm going to be your new neighbor, I'm
10 going to need a friend and we started after that.

11 **Q** How long did you live there before this
12 happened?

13 **A** From July the 1st, I moved in July the
14 1st.

15 **Q** And this was August the 9th. Now, did you
16 know Michael Brown?

17 **A** I did not know that I had met him if that
18 makes sense. Somebody standing outside tells me
19 like hey, this is the guy we were with that one
20 time, you know, kind of thing. I didn't immediately
21 recognize him at all.

22 **Q** So do you ever recall whether or not you
23 socialized with him?

24 **A** I still don't remember exactly what it
25 was, but the memory of what I was doing that day is

1 in my head, I still don't remember interacting with
2 him.

3 Q Okay.

4 A But I know I've been in the same room with
5 him.

6 Q But somebody told you that he had been in
7 the same place you had been?

8 A Yeah.

9 Q Did you remember it then when he told you
10 that?

11 A I remember the incident, I can't remember
12 him like that.

13 Q Did you actually talk to him?

14 A He said I did, but I can't recall the
15 information if we did talk or what we would have
16 talked about and everything.

17 Q Okay.

18 A Yeah, somebody had to actually point out
19 to me who it was.

20 Q Now, at some point do you go outside your
21 balcony, I mean, from the inside of your apartment
22 to the outside on your balcony?

23 A Uh-huh.

24 Q Do you go down to the front? And you said
25 yes to that question, right, that you go out to the

1 balcony?

2 **A** I believe out of my door, yes.

3 **Q** Okay. Let me, I wasn't real clear.

4 At some point did you go out onto
5 your balcony outside?

6 **A** Yeah, okay, yes, I was standing on my
7 balcony.

8 **Q** My next question was, at some point did
9 you go out of your apartment to the ground outside?

10 **A** Yes, later on. We were trapped inside the
11 yellow tape for quite a little bit.

12 **Q** Not until the police allowed you to?

13 **A** Basically.

14 **Q** When you are outside on the balcony, is
15 that where you tape that or recorded, you actually
16 went outside to record?

17 **A** Yes.

18 **Q** When Michael Brown dropped to the ground,
19 were you inside or outside?

20 **A** I was inside.

21 **Q** You were inside. I'm going to step back
22 here so you can talk.

23 **A** Okay. I was inside.

24 **Q** You were inside. What I'm trying to find
25 out, did you see the officer when you went out?

1 **A** Okay. When I went out my door, there were
2 two officers there at this time.

3 **Q** Okay. The first time you went out on your
4 balcony outside, there were two officers there?

5 **A** Yes, there was already another officer on
6 the scene by the time I went and got my phone,
7 picked it up and put it on the camera and walked
8 outside, there were two officers there.

9 **Q** And that's when you started recording?

10 **A** Exactly.

11 **Q** You didn't see the officer when Michael
12 Brown was actually shot?

13 **A** Exactly.

14 **Q** He was out of your view?

15 **A** Yes. So I don't know the proximity they
16 were in.

17 **Q** That was going to be my question, but you
18 answered it. Now, there's been some discussion
19 about, I'm sure you have heard this, you have been
20 interviewed a few times; is that right?

21 **A** Yes.

22 **Q** You have given interviews to the media,
23 you've talked to the FBI, to the police?

24 **A** Yes.

25 **Q** We're trying to make sure we get things

1 clear, probably everybody asking you probably the
2 same type of questions.

3 At the window, when you first saw
4 Mike Brown at the window, are you sure of what you
5 saw regarding the arm and pulling and that kind of
6 thing?

7 **A** Yes, I had made an earlier assumption that
8 he was being pulled because why else would you be
9 jerking from the police.

10 **Q** When you say jerking, can you show us what
11 you saw?

12 **A** Like just a quick movement, like a quick
13 arm jerk. (indicating)

14 **Q** You saw that?

15 **A** Yes.

16 **Q** Regarding the shots fired before Mike
17 Brown fell down, you recall how many shots you
18 heard?

19 **A** No.

20 **Q** No?

21 **A** Yes, no.

22 MS. WHIRLEY: Anybody else have any
23 questions? Well, Kathi, let's start with you.

24 **Q** (By Ms. Alizadeh) Hi .

25 **A** Hello.

1 **Q** I know you met Sheila before you walked in
2 here, I work with Sheila and so I'm an assistant
3 prosecuting attorney and she and I are both
4 presenting this case to the grand jury, so I haven't
5 had a chance to talk to you; is that right?

6 **A** Yes.

7 **Q** Okay. I'm going to show you some
8 pictures.

9 **A** Okay.

10 **Q** I think, you'll see that these are
11 pictures of the scene on that day and they may help
12 you explain where you were in relation to what was
13 going on. So these are pictures that were taken by
14 a detective and are contained in an envelope that I
15 have marked as Grand Jury Exhibit Number 23.

16 I'm going to show you what has been
17 identified and marked as Image Number 4. Can you
18 see okay or would it be better if you --

19 **A** No, I'm okay.

20 **Q** You can see that okay?

21 **A** Yes.

22 **Q** Okay. Does it help if I turn down the
23 lights?

24 MS. ALIZADEH: Everybody can still see to
25 write, right? There is a little bit of a glare on

1 this, that's not actually like the sun coming up.

2 That's just the way the light shines on the
3 photograph paper.

4 **A** Okay.

5 **Q** (By Ms. Alizadeh) So you've got a pointer
6 there and I'm going to use one too. But from what I
7 am gathering, this is your building, correct?

8 **A** Yes.

9 **Q** And you live right up here?

10 **A** Yes.

11 **Q** So this window right here, is that your
12 bedroom?

13 **A** Yes, both of those.

14 **Q** Both of these?

15 **A** Yes.

16 **Q** So you have a window that looks out
17 looking west toward West Florissant and you have a
18 widow in your bedroom that looks out onto Canfield?

19 **A** Yes.

20 **Q** Now, is this the parking lot where
21 had actually parked her vehicle?

22 **A** Yes, that's just, that's not.

23 **Q** She pulled in here?

24 **A** Yeah. So she wasn't that close, she was
25 over there.

1 **Q** Did she park over there or did she park
2 against your building?

3 **A** She parked right here. (indicating)

4 **Q** Right there. So she's not parked right
5 along here? (indicating)

6 **A** Yes.

7 **Q** She's not; is that correct?

8 **A** Yes, that's correct.

9 **Q** Okay. And so when you first, something
10 drew your attention, there were three things that
11 all happened kind of at the same time. The tires
12 squealing and your phone ringing?

13 **A** Yeah.

14 **Q** And gunshots, which originally you said
15 three shots is what you heard, is that how you
16 remember it today?

17 **A** I remember hearing a couple of shots, two
18 or three, yes.

19 **Q** Okay. A couple of shots, does that mean
20 two or does it mean two or three?

21 **A** It could have been two or three.

22 **Q** Okay. And so when you looked out, is this
23 the window you first looked out?

24 **A** Yes.

25 **Q** And that's your bedroom?

1 **A** I'm sorry, when was calling me,
2 no, I was sitting on my bed.

3 **Q** Okay. You said you looked and saw it was
4 calling you?

5 **A** Yes.

6 **Q** How did you know it was calling
7 you?

8 **A** Because , okay, the way my phone is
9 shaped, you can see the right side of the screen,
10 like the very right side. So at the end of her
11 number, I know the last four digits of her number.
12 It was her calling me.

13 **Q** Okay. So your phone was on the bed?

14 **A** Yes.

15 **Q** So did you go over and look at the phone
16 when it was on the bed before you went to the
17 window?

18 **A** I picked the phone up and went to the
19 window.

20 **Q** Okay. So when you go to the window, you
21 look out and see the police car?

22 **A** Yes.

23 **Q** I want you to know, at least I can't speak
24 for everyone else, I truly believe you were there
25 and I know you saw things. What we're trying to

1 figure out, because as many people have said,
2 sometimes over time your memory changes or sometimes
3 people influence your memory, not intentionally, but
4 because you sit down and you talk with people about
5 what they saw and those memories kind of become your
6 memories, okay.

7 So what we're trying to do, and you
8 know that people have asked about various statements
9 you have made in the past. We're just trying to
10 make sure that we understand that this is what you
11 saw and not what you say, you're not saying it
12 because somebody else mentioned it and now you
13 believe it too.

14 **A** Yes.

15 **Q** Do you understand that?

16 **A** Yeah, I get what you're saying.

17 **Q** And, you know, are you years old?

18 **A** Yes, ma'am.

19 **Q** I know what you saw was horrible and it is
20 probably never going to come out of your brain, it
21 will be in there forever and I'm sorry we have to
22 ask you this many detailed questions. It is
23 probably something you don't want to have to think
24 about, but it is important that we get this
25 information, okay?

1 **A** Yes, ma'am.

2 **Q** So now when you first look out, you see
3 the police car and you see what direction is the car
4 facing?

5 **A** It is facing towards that way.
6 (indicating)

7 **Q** Facing towards West Florissant?

8 **A** Yes.

9 **Q** Now, you know in the FBI interview, the
10 gentleman, Mr. asked you a whole bunch a
11 questions about when you first entered on the day
12 this happened, you said when you first looked out,
13 you saw a police officer get out of the car and
14 running?

15 **A** Uh-huh.

16 **Q** Do you remember him talking to you about
17 that?

18 **A** I remember him mentioning it.

19 **Q** Have you had an opportunity to look at the
20 transcript of your prior statement or to listen to
21 it?

22 **A** No.

23 **Q** Okay. You haven't looked at it or
24 listened to it, so I understand that this might be
25 the first time, but I'm going to show you a

1 transcript. It says it is on August 9th at
2 2:19 p.m. And it has Detective , do you
3 remember talking to him?

4 **A** Yeah.

5 **Q** And then you're , correct. It
6 says he starts out by saying that you're at
7 Canfield in an unmarked police vehicle. Were you in
8 his car or in a police car when you made this
9 statement?

10 **A** I was in a car.

11 **Q** Okay. So now you've given some
12 information about your phone number and so forth.
13 And then you start talking to him around page three
14 about the fact that your boss was going to pick you
15 up. She was going to pick you up and she was headed
16 towards me, do you see that?

17 **A** Yes.

18 **Q** And then you said here on page three, at
19 the moment I heard a car tire skirrr, like skirrr,
20 like it hurried up and pulled over. At the same
21 time she called me to come outside cause I was
22 waiting on her.

23 So I saw her, so I looked out the
24 window and I saw the police. And the first thing I
25 saw was, and then the officer interrupts you. I'm

1 going to stop you here for a second, okay.

2 And then he asked you where was

3 She was at her van, blah, blah, blah, you
4 were just getting ready to tell him the first thing
5 you saw, he stops and asked you about

6 **A** Yes.

7 **Q** And then you talk about over in the
8 parking lot, do you see the van? Yes. Where is it?
9 Right behind those officers.

10 So you are talking about where you
11 see right? She's in the Do you
12 see where I'm leading you down the page?

13 **A** Yes.

14 **Q** And she's sitting in her van, yes. Okay
15 what happens then. Okay. So she witnesses
16 everything from behind, but I witness it from the
17 top.

18 You are on the third floor, right?

19 **A** Right.

20 **Q** I looked outside and saw the police the
21 first thing. The only thing I saw at that moment
22 was, and then he stops you again, right?

23 **A** Right.

24 **Q** Like you couldn't get those words out. So
25 I'm going to stop you again. And then he's asking

1 you where you were looking outside, top floor,
2 second, I'm sorry, third floor. He's trying to
3 clarify where you are, okay.

4 And then it says here, you're looking
5 out the window, right? No, this one. You are
6 pointing to him where the windows are, right?
7 Facing towards the police car.

8 So you are talking about what you
9 knew. And then you get back to, cause I heard the
10 skirrrr, and I just assumed it was her and she was
11 calling me. So I was going to grab my things to
12 come outside to go to work.

13 He says, okay. And then you say, so
14 at the moment where, I mean, before I did, I just
15 looked outside to make sure she was, it was her
16 waiting for me and I saw a police officer.

17 I don't know name running toward this
18 guy. I didn't see the hassle at first, but I did
19 see him get out of the car and run in a hurry.

20 The guy was, oh, I'm sorry. I can't
21 remember his name, but it was a friend of a friend
22 of mine and , I think you are talking about,
23 are you talking about Dorian at that point?

24 **A** No, I was talking about, they keep telling
25 me I knew --

1 **Q** So that is actually not ,
2 isn't it?

3 **A** Yes.

4 **Q** Okay. So he ran and so at that time I
5 came from that window and I ran to the patio right
6 there. I open the blinds and I could see past this
7 corner, so I could see directly there from the
8 blinds.

9 So there I saw the man running, I
10 kept hearing some gunshots. The lady's window
11 across the apartment complex from mine, her window
12 got shot cause steady shots fired.

13 So you're talking about the first
14 thing you see is the officer get out of his car and
15 run. And you also mention that I didn't see the
16 hassle at first.

17 **A** Yeah, when I was mentioning that, they was
18 saying stuff was going on inside a police car and a
19 lot of stuff. And I was trying to let him know that
20 before the tires screech, I didn't see anything that
21 they were doing before that happened.

22 **Q** Okay.

23 **A** They said there was stuff going on, and
24 everybody was talking about it and so I did not see
25 those things that they said.

1 Q Oh, okay. So on page 7, again, we're
2 talking about how many gunshots do you think you
3 heard and I think that this is initially, okay.
4 Well, I've heard three at first. Like as soon as I
5 heard the skirrrr, I heard three gunshots, boom,
6 boom, boom. And then I came to the window and
7 before I could exit my house from the balcony to the
8 actual door, is when I kept hearing more and more
9 shots.

10 So I was technically trying to say
11 behind, stay behind the door, which is why I could
12 see, um, him getting shot, but I wasn't present for
13 the video to be show cause I was all, I was inside,
14 okay.

15 And then he asked you some questions
16 about he wants to understand what you are saying.
17 So you look out of that far window and there's
18 s car, right? Right.

19 And what do you see at that point?

20 And I saw the man, I'm sorry, by the
21 man, I mean the police officer getting out of his
22 car and running full speed.

23 So again, when he's asking you, you
24 look out the far window, you see s car, at
25 what did you see at that point? I saw a man

1 running, the police officer.

2 **A** That's what I saw.

3 **Q** Okay. So if you want to look through
4 this, I can let you, but I don't recall you ever
5 telling the police in your interview on the 9th that
6 you saw anything happen between the officer and
7 Michael Brown at the car?

8 **A** And I didn't make that recollection like
9 that at first. I have to sit down and think and
10 process everything that had just happened to me.

11 **Q** And certainly that's understandable
12 because, as I said, you're years old, you've just
13 witnessed something that hopefully none of us ever
14 have to see. And I know you were emotional at the
15 time.

16 Do you they think it's possible that
17 that initial recollection was that you didn't see
18 anything at the car and it was only until after
19 people were talking to you about it then you started
20 to think that maybe you saw what happened at the
21 car?

22 **A** No, I know that because I didn't make the
23 recollection because I didn't know those were the
24 same people -- person I was seeing. I know that I
25 hadn't seen Dorian before, I saw him by the 2-door

1 car. I know that after Michael get shot, that was
2 after I know it was Michael, and that was a person
3 without a hat on. And I, you know, couldn't tell
4 who it was him at that time.

5 Q Okay.

6 A It was a brief, a very brief meeting
7 anyway.

8 Q Okay. I'm going to show you a few more
9 images so the jury can kind of see what your actual
10 location is. Again, you see the police car with the
11 tape around it, that's the officer's car, correct?

12 A Yes.

13 Q And then this is your building right up
14 here and where you live right there, right?

15 A Exactly.

16 Q And so when you come out of the front of
17 your building, we can see this wooden staircase and
18 is the deck right there on the front?

19 A Yes.

20 Q Okay. And then I'm going to borrow your
21 thing here. So this thing right here, this kind of
22 like wall, if you're on your deck, does it block
23 your vision from what's going on right here in front
24 of the street?

25 A No, if I'm right there on my balcony. It

1 only blocks what's kind of to the left of me. If
2 I'm on the left of the balcony on the other side,
3 shortly to the right of me. It doesn't block that
4 much view.

5 **Q** I'm going to show you Number 7, and when
6 you were looking out through the blinds, was it out
7 a sliding glass door or was it out an exterior door?

8 **A** It was my sliding glass door.

9 **Q** Okay. Gee, I wish this wasn't. I'll move
10 it down.

11 **A** I might confuse you, I call it a door and
12 a window because you can open it and see out of it,
13 but yes, it is my sliding glass door.

14 **Q** Okay. We see in this picture on the third
15 floor is, there's a window and you said that's one
16 of your bedroom windows, correct?

17 **A** Yes.

18 **Q** And just as we're looking at the picture
19 to the right of that, is that a sliding glass door?

20 **A** Yes.

21 **Q** And then it leads out to your balcony?

22 **A** Yes.

23 **Q** And then is there another door?

24 **A** Yes, there is another door, yeah, you've
25 seen some of it that was my shadow right in there.

1 **Q** It is right in there, right?

2 **A** Right.

3 **Q** So when you were peeking out the blinds,
4 was it out of this sliding glass door or out of
5 here?

6 **A** Yeah, it was out of my sliding glass door.

7 **Q** Sliding glass door. And so you don't come
8 out until after Michael Brown's been shot, correct?

9 **A** Yes.

10 **Q** So your entire vantage point once you come
11 to this window, you stay at that window until after
12 Michael Brown's been shot, correct?

13 **A** Yes.

14 **Q** And so wouldn't you agree if people were
15 running in this direction and if things are moving
16 in this direction, this wall is going to block what
17 you are seeing, isn't it?

18 **A** For some partially, yes.

19 **Q** Okay. So there's things that you wouldn't
20 have been able to see?

21 **A** Yeah, that's true.

22 **Q** There's a time period where you don't see
23 anything. And then, you know, when you say you
24 don't see the officer when Michael Brown gets shot,
25 do you think it's because this wall was blocking

1 where he was?

2 **A** Yeah, but from where I'm looking out my
3 window.

4 **Q** You want that back up?

5 **A** Yeah. From where I'm looking out my
6 window, it blocks like a little bit of how the
7 street is shaped. So it blocks from like here, if
8 I'm looking out of my balcony, I can see, that's the
9 right side of it, I can see kind of over the right
10 side. I can still see the left, I can still see
11 what's right in front of me, just a little portion
12 portion of the whole space.

13 **Q** Just to be clear, you never came out of
14 that sliding glass door?

15 **A** Yes.

16 **Q** Okay. I don't show you this picture to
17 upset you, okay. I am going to show you Number 14.

18 **A** Okay.

19 **Q** This, again, now, I'm going to orient you
20 here because this police vehicle that you see, the
21 middle of the picture, that's not the officer's car?

22 **A** Definitely.

23 **Q** His car is up here, okay. So you're
24 apartment is right there.

25 **A** Yes.

1 **Q** What's that red dot on right there?

2 **A** My balcony.

3 **Q** Is that your sliding glass door or is that
4 your front door?

5 **A** That's my sliding.

6 **Q** Okay. And so, and wherever this picture
7 was taken from, which it looks like it is actually
8 on the sidewalk perhaps?

9 **A** Uh-huh.

10 **Q** Across the street. If you look in a
11 straight line from where the picture is, you can see
12 into your sliding glass doors, correct?

13 **A** Yes.

14 **Q** At then this wall at some point would
15 obscure some of your vision westbound a little bit?

16 **A** Yes.

17 **Q** I just made a note and I want to make sure
18 that I understood this correctly. So you, when you
19 heard the first gunshots, whether it is two or
20 three, and you thought they were coming from the
21 direction of the police car, and then, you were in
22 your bedroom at that point, correct?

23 **A** Yes.

24 **Q** And then I wrote a note that you just
25 today said I grabbed my purse and headed toward my

1 front window?

2 **A** Yes.

3 **Q** So where was your purse?

4 **A** It was right there on my bed.

5 **Q** Okay. So you look out your bedroom
6 window, which we know is the window that faces the
7 west?

8 **A** Yeah, I looked out of all of the windows.
9 I looked out both of my room windows and then to the
10 balcony. It was just a peek though.

11 **Q** And so you go and grab your purse and then
12 you say you looked out your front window. You
13 talking about the sliding glass door or you talking
14 about the bedroom window that faces Canfield?

15 **A** Did you say you, can you repeat that,
16 ma'am?

17 **Q** This is just my notes, I want to make sure
18 I wrote it right. I don't know if I did or not.
19 But I have here, grabbed my purse, headed toward my
20 front window.

21 **A** Yes, okay, that's when I had grabbed my
22 purse and headed towards the balcony.

23 **Q** That is the sliding glass window?

24 **A** Yes.

25 **Q** So I assume that you leave your bedroom,

1 what's on the inside of the sliding glass door?

2 **A** Blinds.

3 **Q** No, is it like your family room, kitchen?

4 **A** Living room, yes.

5 **Q** Living room area, okay. So you go from
6 your bedroom to the living room and then to look out
7 that window?

8 **A** Yes.

9 **Q** And you also said in your statement to the
10 FBI, or your attorney did, that you had pointed out
11 to someone tire marks in the street where the car
12 had, you know, we heard you say it screeched its
13 tires.

14 **A** Exactly.

15 **Q** Who did you point those tires mark out to?

16 **A** To her and her husband.

17 **Q** Your attorney?

18 **A** And her husband, yes.

19 **Q** So when was that?

20 **A** Um, we were making a short video about the
21 bullet that hit the wall across from mine. So we
22 were talking about that and I was just saying the
23 tire mark screech and this is where I heard the car
24 at and where I saw the car, and where the bullet hit
25 the wall and stuff like that.

1 **Q** And you said in your statement to the FBI
2 that you had made, you had written down everything
3 that you had scene shortly afterwards. How long
4 after it happened did you write everything down?

5 **A** Right before or right after I got my
6 attorney. So that wasn't long at all, that was
7 within a week or two weeks of it happening, a week
8 or two weeks, maybe not even that long.

9 **Q** And then when they asked you about that
10 statement, you said that you burned it?

11 **A** No, I didn't burn it, I got rid of it, I
12 threw it away.

13 **Q** You threw it away?

14 **A** Yeah.

15 **Q** Why did you throw it away?

16 **A** Because I become really paranoid. Every
17 day I came home there was a different reporter on my
18 door and everybody knew where I lived at. And I
19 couldn't get one sense of peace at all.

20 So I was getting calls, my family was
21 getting calls, every day they would come to my door.
22 I started to get paranoid they are going to find
23 this and use this. I got this really bad paranoid
24 feeling, the whole thing was sick to my stomach. I
25 got rid of everything that I had wrote down.

1 Q Why didn't you just give it to your
2 attorney?

3 **A** Because she didn't, she had already been
4 listening to me, she didn't need it. She was there
5 when I wrote some of it.

6 Q So she knew that you had made a written
7 recollection of this?

8 **A** She had known about one of them that I
9 made.

10 Q Did she ever read it?

11 **A** I'm pretty sure I let her read it, yeah.

12 Q Do you know if she might of made a copy of
13 it?

14 **A** Oh, no, she didn't. As a matter of fact,
15 I don't know if I was reading it to her, but I
16 remember her knowing about it, the little phrases,
17 I'm sorry, like on a little note pad thing.

18 Q Okay.

19 **A** That was the first one I had written. I
20 had written it down multiple times after I started
21 getting paranoid, I didn't do it at all.

22 Q Okay.

23 MS. ALIZADEH: I don't have any other
24 questions. Anybody have questions?

25 : My

1 question is in regards to at the car when you saw
2 Michael Brown jerk away.

3 **A** Yes.

4 You describe it as arm
5 movement, you did see the arm?

6 **A** Yes.

7 : Do you know if that was
8 reaction to the gunshot you heard, he was reacting
9 to a gunshot?

10 **A** It may have been.

11 The timing wise was right?

12 **A** Yes, it was almost simultaneous.

13 Do you know if it was the
14 right arm or left arm that you saw pull away?

15 **A** Um, I think, I want to say left arm
16 because in the front how the police car was shaped,
17 that picture is gone. How it was slanted, kind of
18 slanted and I'm looking toward the front. I just
19 see a jerking motion moving backwards, I want to say
20 left arm.

21 : After he jerked back, did
22 he go forward again and reengage, or was this out of
23 your view?

24 **A** I didn't see anything after that. It was
25 a very quick glimpse.

1 : Do you know how long after
2 that he tried to run or did you see him actually
3 pull away and run?

4 **A** Um, after I saw the little jerking motion
5 is when I was reaching for my purse.

6 : Thank you.

7 **A** You're welcome.

8 MS. WHIRLEY: Anybody else?

9 : . After
10 Michael Brown fell, you did continue to observe the
11 scene, correct, you saw them put up the yellow tape
12 and all of that?

13 **A** Yes, sir.

14 : Did you see anything that
15 would indicate that anybody moved or interfered with
16 anything within that taped off area?

17 **A** No, no, they wouldn't let anybody near it.
18 There were already two officers right there and
19 another one putting up tape. They were securing and
20 putting the cones down.

21 : . if I
22 can, I'm just referencing back to the testimony or
23 statement you gave to , Detective
24 the day when you are sitting in the police
25 vehicle, do you remember that?

1 **A** Yeah, yeah, the car, yeah.

2 : I'm referencing page ten
3 of that transcript.

4 MS. ALIZADEH: Did I leave that with you
5 up there?

6 **A** No, you didn't.

7 MS. ALIZADEH: You know what, mine has
8 markings on it, if you don't mind markings.

9 **A** Thank you. Is this everything?

10 MS. ALIZADEH: You said page ten?

11 : Yeah, page 10.

12 **A** Okay.

13 : Go down, I guess fifth
14 paragraph, I guess. Where it says, I'll just read
15 what it says here. It says, you're responding to
16 Detective . You said, yes, she said they shot
17 through the window and, um, the other guy was
18 unarmed because he put his hands up so to be
19 compliant, so this is okay.

20 So I saw the officer running and by the
21 time I got to the next window, I saw him get down
22 like, arms up and then get shot afterwards.

23 When you say here I got to the next
24 window, I saw him get down. Okay. Who get down,
25 who is it that you're referring to, do you recall?

1 **A** I'm sorry, you said who I was referring
2 to?

3 : Yeah, uh-huh.

4 **A** This sounds odd jumping up, I'm trying to
5 think about what I was talking about.

6 : Okay.

7 **A** I don't know, say get down, I might have
8 said, for instance, when I saw him fall.

9 : Okay.

10 **A** That's probably, that's the most likely
11 cause how this paragraph is jumbled, I'm pretty sure
12 I was talking about when I saw him fall when his
13 arms are like that. (indicating)

14 : So you are referencing
15 Michael Brown; is that correct?

16 **A** I was, yes, ma'am.

17 MS. WHIRLEY: Is there someone else?

18 : I have one other question.

19 **A** Sure.

20 : At any time did you hear
21 the officer yell to Michael or to Dorian or whoever?

22 **A** I heard no audio.

23 : You heard no audio?

24 **A** Only gunshots.

25 : Thank you.

1 . We saw a lot of
2 news clips also, including the video you shot on
3 your phone following the incident.

4 **A** Okay.

5 : So my question for you, in
6 the video the two officers, and obviously you
7 witnessed the event, you saw Officer Darren Wilson,
8 how certain are you in the video that you shot of
9 those two officers that the one on the right is
10 Officer Darren Wilson?

11 **A** Okay. I'm want to say 99.9 percent
12 certain. They look nothing alike. You can tell one
13 was short and kind of chubby, the other one is tall
14 and more built. He was the only one running and the
15 only one that had left the scene before everybody
16 gathered there.

17 Between the two people, I'm
18 100 percent sure between those two people, it was
19 not the guy on left, it was the guy on the right
20 99.9 percent accuracy.

21 : Of the two
22 people, are you sure it was Darren Wilson or is that
23 someone who looked more like Darren Wilson? I mean,
24 are you sure when you are taping that was Darren
25 Wilson?

1 **A** I'm sure that was Darren Wilson.

2 : I have another question,
3 this is going back to the interview you gave with
4 the FBI and I'm going to reference page 11 and 12.

5 **A** Okay.

6 : That's not the one.

7 MS. ALIZADEH: You talking about the FBI
8 interview?

9 : Yeah.

10 MS. ALIZADEH: I have one.

11 And again, I'm confused,
12 that's why I'm asking you these questions.

13 **A** Okay.

14 This is some kind of car
15 accident or something. I just automatically looked
16 right out my window and right now I'm looking out
17 the window to see a police car right in the middle
18 of the street. I see a young man standing, and
19 that's what you said earlier today.

20 So then you go, I couldn't really tell
21 what was going on. There was a lot of movement, but
22 then you say I'm looking at pull into the
23 driveway after the shot was fired.

24 Now, the shot fired out the window, so
25 that's my question. Because you go on to say, you

1 gather your purse and some items and at this time
2 Michael is running down the street and Darren is
3 chasing him. So I'm looking at the officer.

4 I'm really confused by this.

5 **A** Uh-huh.

6 : I just want to know from
7 page ten where you are talking about seeing him
8 doing a lot of movement.

9 **A** Okay.

10 : Is that where you heard
11 the first shot because on the next page I'm looking
12 at pulling into the driveway, a shot was
13 fired.

14 **A** Okay. They did all go on at the same
15 time.

16 : Okay.

17 **A** It was like a movement, it was like the
18 window, you are looking out the window and then
19 movement, shot, all of that happening. Out of the
20 corner of my eye I could see just turning.

21 : It was all simultaneous?

22 **A** Exactly. She was already by this point to
23 turn, she was probably, I don't know, she was
24 already right there and she just turned into the lot
25 and --

Page 61

1 And that's why,
2 , if that shot could have been his hand and
3 then jerked from the shot being fired in the car,
4 these things were all happening at the same time and
5 that's why you thought that?

6 **A** Yes.

7 : Thank you.

8 **A** You're welcome.

9 : When you
10 recorded the video, is that the video of who you
11 think is Darren Wilson, is that the same person you
12 saw getting out of the police vehicle?

13 **A** Yes.

14 : Okay. During your
15 recording of the video, could you tell us what you
16 saw after, I guess, what the police officer was
17 doing after Michael Brown fell to the ground?

18 **A** Okay. You want me to tell you what the
19 police officer's doing? Okay. So, while I'm
20 watching him, I'm not really looking at my phone,
21 I'm just looking at the things that happen. I have
22 my phone facing on him so I can get whatever it
23 could get. I'm looking at him just talk to the
24 other officer. They are kind of like just
25 whispering. He didn't look as if he used the same

1 type of protocol as other police officers, if that
2 makes sense.

3 Like usually okay, I going back to
4 what I saw. I'm looking at him standing here
5 talking to the other officer, he's just standing
6 there looking over the body, just looking like, like
7 just a weird look. Just looking at it. He then
8 just starts pacing back and forth next to the body,
9 not like back and forth, like immediately back and
10 forth, it was just kind of a slow movement while he
11 was looking at the body. He keeps walking and
12 looked backs at the body and then finally just walks
13 away and just leaves. After he walks out of my
14 video, I don't see him any more.

15 . Did you
16 ever see him make like a radio call?

17 **A** Yeah, the officer on the left was the one
18 doing this on his little walkie-talkie or something,
19 which was connected. He was just talking, Darren
20 Wilson was talking to him, probably explaining what
21 was going on. He was just, he was like, I was
22 outside at that point, but I still didn't hear him
23 say anything, I didn't hear the exact words.

24 : One more question,
25 . Did he appear to look injured in any way,

1 did you see him grab his face?

2 **A** I did not.

3 Like injured people do?

4 **A** Yeah, no, no, no holding of the head, no
5 gripping the body, no having somebody else look at
6 an injury or none of that.

7 Thank you.

8 MS. ALIZADEH: But you did see that his
9 face was red?

10 **A** When I first was talking to the police
11 officer, I was trying to make the distinction to
12 him, it looked red out of anger.

13 MS. ALIZADEH: You said you saw his face
14 and it looked red?

15 **A** Yeah, as he was running --

16 MS. ALIZADEH: You were just assuming why
17 it was red, you don't know why it was red, you just
18 saw his face looked red, right?

19 **A** Yes, ma'am.

20 MS. ALIZADEH: Obviously, you've never
21 seen, I assume, you have never seen him before that
22 day, correct?

23 **A** Probably not.

24 MS. ALIZADEH: Whether his face was
25 naturally red --

1 **A** Exactly.

2 MS. ALIZADEH: It was enough you remember
3 seeing it?

4 **A** I tried to make the distinction, it did
5 look red out of anger to me. He looked pissed off
6 while he was running. He was running full speed, it
7 could have been the wind making his skin red, it
8 could have been anything, but I did say that it was
9 red.

10 . And, yeah, we
11 are kind of picky. But later in the interview they
12 asked you about that, and they said it was emotion.
13 Could it have been worry, could it have been fright.
14 You said, yes, it could have been one of those.

15 **A** Yes, it could have been.

16 : It could have been. You,
17 at this point, were you trying to tell the people
18 that were interviewing you that you felt that it was
19 an emotional red, but you don't recall what kind of
20 emotion it was?

21 **A** The emotion that I picked up was anger.
22 So she got to telling me it doesn't have to be
23 anger, it could be. I said, you're right, it very
24 well could be anything, but the emotion I picked up
25 was anger.

1 Thank you.

2 : Okay. . So

3 you're saying you never saw him grab his face, not
4 once?

5 **A** No.

6 Because he could have been
7 hurt, right?

8 **A** Yes, not once.

9 MS. ALIZADEH: Could you see the officer's
10 head in the vehicle?

11 **A** No.

12 MS. ALIZADEH: To clarify, you're not
13 saying he didn't grab the officer's face, you're
14 saying I couldn't see what was going on in the
15 vehicle, correct?

16 **A** Exactly.

17 MS. ALIZADEH: Are you talking about the
18 officer grabbing his own face?

19 **A** He's talking about the aftermath.

20 : I'm asking did the officer
21 grab his face in a way to indicate he was injured in
22 some kind of way?

23 **A** Yeah, no, I didn't see that.

24 MS. ALIZADEH: Okay, sorry. See how we
25 get confused when we say he and we don't know who we

1 are talking about?

2 MS. WHIRLEY: Is there more questions?

3 Feel free. If not, I have a question for her. Did
4 you have something?

5 A I'm sorry, I just want to make a note of
6 something I said earlier. While I was outside
7 filming, I didn't notice the red any more after that
8 as I was looking. And when I was looking back on my
9 videos, I didn't notice the red that I had
10 originally noticed. This is another reason that I
11 presumed it to have been anger.

12 MS. WHIRLEY: Okay. We've asked you a lot
13 of questions here today. But we may not have asked
14 the question that you wanted us to ask, something
15 you may want us to know. Is there anything else you
16 think it is important for us to know that maybe we
17 didn't ask the question?

18 A Um --

19 MS. WHIRLEY: Or you like to tell us?

20 A Um, no, you already know everything that
21 happened in the aftermath. How troubled people
22 were, that's about it.

23 MS. WHIRLEY: Talk this way so we can hear
24 you.

25 A Okay, sorry. I didn't make any, I'm

Page 67

1 sorry, I'm trying to think of something relevant.

2 MS. WHIRLEY: You don't have to, you don't
3 have to think of anything. If you had something in
4 your mind we wanted to hear it, but you don't have
5 to say anything if you don't, that's fine. Thank
6 you very much.

7 One last thing, did you think, did it
8 appear to you that Michael Brown was threatening
9 this officer?

10 **A** Not in my point of view because I couldn't
11 see him that many times in a threatening manner
12 toward the police officer at all.

13 MS. WHIRLEY: At the time that he was shot
14 I'm referring to.

15 **A** Oh, no, no.

16 MS. WHIRLEY: Okay. That's all I have.

17 **A** That wasn't an issue.

18 MS. ALIZADEH: All right.

19 MS. WHIRLEY: Thank you.

20 (End of testimony of .)

21 MS. ALIZADEH: This is Kathi Alizadeh. It
22 is October 2nd, 1:57 p.m. Present is myself and
23 Sheila Whirley, all 12 jurors are present and we had
24 a very brief lunch break, thank you for being brief.
25 We have a couple witnesses that are here. Don't

1 know if we'll get to both of them today. Because
2 they're here and generally our preference is that
3 you would hear the recorded statements first, we're
4 just going to go ahead and put them on and play the
5 recorded statements at a later time just so we can
6 try to get them on and off.

7 So the witness we'll call is

8
9
10 of lawful age, having been first duly sworn to
11 testify the truth, the whole truth, and
12 nothing but the truth in the case aforesaid,
13 deposes and says in reply to oral
14 interrogatories, propounded as follows, to-wit:

15 EXAMINATION

16 BY MS. ALIZADEH:

17 Q Could you please state your name and spell
18 it for the court reporter?

19 A

20
21 Q Now, how old are you?

22 A

23 Q And did you grow up in the St. Louis area?

24 A I did.

25 Q Are you familiar with the Canfield

1 Apartment Complex?

2 **A** I am.

3 **Q** Okay. Now, just so I can let you know,
4 the court reporter has to take down everything
5 that's being said.

6 **A** Okay.

7 **Q** And so if you talk before I stop talking,
8 and that's almost like everybody does that, right,
9 it is hard for him to get both down.

10 **A** Okay.

11 **Q** I'll try not to walk on you and you try
12 not to walk on me and it will make easier for him,
13 okay?

14 **A** Okay.

15 **Q** You don't live in the Canfield Apartment
16 Complex; is that correct?

17 **A** Right.

18 **Q** How is it that you're familiar with the
19 complex?

20 **A** lives in the area, in the
21 subdivision.

22 **Q** All right. And does actually live in
23 an apartment in Canfield Green?

24 **A** Yes, does.

25 **Q** How long has lived there?

1 **A** Well over years.

2 **Q** Who does live with?

3 **A** .

4 **Q** ?

5 **A** Yes.

6 **Q** And so you remember the day of August 9th,
7 correct?

8 **A** I do.

9 **Q** You married or single?

10 **A** Married.

11 **Q** What is your wife's name?

12 **A**

13 **Q** And so that was a Saturday on August 9th.

14 Do you remember anything about the morning that was
15 unusual or anything happening that was different in
16 the morning?

17 **A** No, not at all, not where I live.

18 **Q** But you had plans that day to go visit
19 ; is that correct?

20 **A** Correct.

21 **Q** And did you and go to the
22 Canfield Green Apartment Complex?

23 **A** We did.

24 **Q** Who drove?

25 **A** I did.

1 **Q** And what type of vehicle were you driving?

2 **A** I drive a , black.

3 **Q** And so that's an ?

4 **A** It is.

5 **Q** So when you come into the complex or at
6 least on this day, were you coming in off of West
7 Florissant or were you coming in from the back way
8 through the Northwinds Apartments?

9 **A** We were coming in off of West Florissant.

10 **Q** Just you and your wife in the vehicle?

11 **A** Yes.

12 **Q** It was a sunny day?

13 **A** It was.

14 **Q** Was it around noon when you first got to
15 the complex?

16 **A** Yes, uh-huh, about 12, 12:30, give or
17 take.

18 **Q** And so when you entered the, West
19 Florissant is somewhere over here and I'm
20 referencing Grand Jury Exhibit Number 25, which is a
21 map that shows the roads in the Canfield Green
22 Apartment Complex, but this is Canfield right here,
23 sir, does that help orient you to what you are
24 looking at?

25 **A** It does.

1 **Q** And this would have been over here is West
2 Florissant?

3 **A** Uh-huh.

4 **Q** And as you are coming down West
5 Florissant, this is a residential neighborhood
6 correct?

7 **A** Right.

8 **Q** Single family homes?

9 **A** Right.

10 **Q** Do you see the building that
11 lives in?

12 **A** I do.

13 **Q** Okay. You have a laser pointer there,
14 they have kind of been cantankerous, sometimes you
15 have to shake them or something. Can you point
16 where the laser pointer?

17 **A** Right there. (indicating)

18 **Q** The building that you are talking about
19 actually has four different units?

20 **A** Uh-huh.

21 **Q** You have the laser pointer on, if this is
22 north, okay, so you have the laser pointer on the
23 unit that would be on the northwest side of that
24 building, is that fair to say?

25 **A** Correct, uh-huh.

1 **Q** And what floor does live on?

2 **A** The second floor.

3 **Q** So when you pulled into the complex, did
4 you notice anything unusual or that drew your
5 attention?

6 **A** No, we just drove down the street, just
7 normal on that day. Just pulled into the parking
8 lot and we parked.

9 **Q** Did you see any guys walking on the street
10 when you pulled in?

11 **A** Um, after we parked, yes, because once I
12 parked we, my wife had made a comment because I saw
13 the police officer's truck driving this way up
14 Canfield.

15 **Q** So you're coming in, going east on
16 Canfield, you saw a police officer's truck coming
17 west?

18 **A** Yes.

19 **Q** So toward you?

20 **A** Right.

21 **Q** All right. Now, at this point had you
22 seen any kids or when I say kids, I mean, like older
23 teenagers or walking the street?

24 **A** No, not at that point. I mean, because I
25 think it was after we probably, right as we parked

1 and maybe I might have passed them coming into the
2 neighborhood and never did pay any attention.

3 Q Okay. So now when you came down Canfield
4 Drive, did you pass the police vehicle before you
5 turned into the parking area?

6 A No, we had actually had parked the car and
7 then we came past, right as we were getting out of
8 the vehicle because my wife had just made a
9 statement that we had just got off 70 and we saw
10 another Florissant police SUV, and we was like is
11 that the same truck? And he drove right past and --

12 Q No lights on?

13 A No.

14 Q Was he going like he was going to a call
15 or something?

16 A No.

17 Q Speeding?

18 A No, he was driving the speed limit down
19 the street.

20 Q Leisurely?

21 A Uh-huh.

22 Q Did you have your windows opened or
23 closed?

24 A My windows were closed because it was hot
25 that day and we had the air on.

1 **Q** Okay. So now when you are pulling into
2 Canfield on Canfield Drive, do you pull in on this
3 street here?

4 **A** Right, uh-huh.

5 **Q** Are there parking spaces that are along
6 this edge of the building?

7 **A** There are.

8 **Q** Is that where you parked?

9 **A** Yes.

10 **Q** And we've seen pictures of the buildings
11 and everything, these are buildings that you walk up
12 a staircase that's outside of the building to get to
13 the upper floors, correct?

14 **A** Correct.

15 **Q** So did you notice anything when you, were
16 you carrying anything in your hands when you got out
17 of the car?

18 **A** No.

19 **Q** No groceries, you didn't have anything
20 that you were getting out of the car?

21 **A** No.

22 **Q** So what's the first thing as you were
23 getting out of the car and proceeding to the
24 staircase, did anything draw your attention?

25 **A** Yes, like I say, me and my wife was going

1 up the steps and then we turned and looked back down
2 Canfield because we saw the officer's truck going
3 down the street. And he stopped in the middle of
4 the street somewhere around, let me see here, around
5 here he stopped his truck around this section right
6 here. (indicating)

7 Q Okay. Did you actually see him stop his
8 truck?

9 A Yes, I did.

10 Q And what happened, what did you see?

11 A He stopped his truck and then I saw the
12 two gentlemen walking down the street. At that
13 point, I don't know if he said something to them, I
14 guess, or they said something to the officer, and
15 then they kept walking.

16 Q So now did you hear anything being said?

17 A No, no.

18 Q So you are just kind of assuming?

19 A Right, because he stopped, he stopped his
20 truck and he, I guess he said something to them
21 because they stopped and started talking with him
22 for a brief moment.

23 Q Okay. So the two guys on foot stopped
24 walking as they were next to the police truck for
25 briefly?

1 **A** Right.

2 **Q** And then they keep walking?

3 **A** Right.

4 **Q** The same direction they had been?

5 **A** Correct.

6 **Q** And so did they come from, were they
7 walking east then on Canfield?

8 **A** Yes, I'm sorry.

9 **Q** And the officer was going west on
10 Canfield, correct? His truck was going in this
11 direction, correct?

12 **A** Correct.

13 **Q** And so was it about in this area that you
14 saw him first make contact with them?

15 **A** Correct.

16 **Q** All right. How long, how many minutes or
17 seconds?

18 **A** It was about 15 seconds, maybe 20 seconds
19 at the most.

20 **Q** Okay. And then when you see the boys
21 start walking again, does the vehicle move any more?

22 **A** Yes.

23 **Q** What does it do?

24 **A** He in turn, as he's talking to the
25 gentlemen, there was another white vehicle pulled up

1 behind him and when the gentlemen started walking
2 down the street, he in turn threw his truck in
3 reverse and pulled it like he was trying to block
4 their way of going back down Canfield.

5 Q Okay.

6 A In a way to where he is now facing like
7 towards going up West Florissant at an angle in the
8 middle of the street. So he was kind of like
9 impeding their walkway down the street.

10 Q Okay. And when he did that, did he block
11 their forward motion?

12 A Somewhat, yes.

13 Q What happened then?

14 A From that point I turned around and I told
15 my wife they're down there struggling. I mean,
16 they're down there fighting or something. And I
17 couldn't tell exactly what was transpiring because
18 the truck, I was on this side of the street looking
19 at what's going on.

20 So I couldn't see exactly if the
21 gentleman reached inside his truck or the officer
22 reached and grabbed him or whatever, but the other
23 gentleman he stood down, he ran somewhere.

24 There was a white car that was behind
25 him. I don't know what happened with the white car,

1 but then he took off, something happened, I heard a
2 gunshot go off inside the struck.

3 Q Okay. Let me stop you. So are you still
4 outside of the apartment?

5 A I am.

6 Q Are you going up the stairs?

7 A I'm standing on the porch.

8 Q So on the third floor?

9 A No, on the second.

10 Q Second floor, okay. And so from your
11 vantage point here, you're looking down here?

12 A Correct.

13 Q Now, when the officer angled his car?

14 A Uh-huh.

15 Q When he went in reverse and angled his car
16 is his car between the boys and you?

17 A Yes.

18 Q Okay. So can you, so the car is blocking
19 your view of --

20 A Of the driver's side.

21 Q The driver, okay. So you can see the back
22 of the vehicle?

23 A I can see the passenger side of the
24 vehicle and the back of the truck.

25 Q And so you can't tell what was going on,

1 could you see the truck moving or anything?

2 **A** No.

3 **Q** Was it rocking or anything that you know?

4 **A** I couldn't tell you.

5 **Q** What made you think there was a struggle
6 going on?

7 **A** Because you could see, I mean, I could see
8 them going back and forth. I mean, I'm standing on
9 the porch at an angle looking down.

10 **Q** Okay.

11 **A** So I could see something going on, but I
12 can't tell whether or not if he, again, who grabbed
13 who or what have you, I don't know because like I
14 said, the truck was, it happened on the driver's
15 side of the vehicle.

16 **Q** Okay. Who was engaged in the struggle,
17 you said there was two boys or gentlemen walking and
18 then the officer that was driving, who among those
19 three were engaged?

20 **A** Mr. Brown and the police officer.

21 **Q** Okay. Now, did you know Mr. Brown before
22 this day?

23 **A** No.

24 **Q** But he's the gentleman that was shot and
25 is deceased, correct?

1 **A** Yes.

2 **Q** And when you saw the two boys, did you
3 recognize Mr. Brown?

4 **A** No.

5 **Q** Okay. Haven't seen him in the complex or
6 anything?

7 **A** No.

8 **Q** Would you describe him as pretty big guy,
9 tall?

10 **A** Yes, from what I saw.

11 **Q** And compared to like the other kid he was
12 with, Michael Brown was substantially taller; is
13 that right?

14 **A** Yes.

15 **Q** He was the one that was at the vehicle
16 struggling with the officer?

17 **A** Yes.

18 **Q** And then what happened then, you heard a
19 gunshot?

20 **A** I heard a gunshot, and about another 20
21 seconds later, I heard another gunshot go off, or
22 maybe 15 seconds another shot goes off.

23 **Q** Okay. Let me stop you. When you heard
24 the first gunshot what, if anything, does Michael
25 Brown do at the vehicle?

1 **A** He was still, they were still standing at
2 the door at the window of the vehicle. They were
3 still, I guess, struggling or going back and forth,
4 I don't know.

5 **Q** Okay. And then a few seconds go by?

6 **A** Uh-huh.

7 **Q** And then you heard another gunshot?

8 **A** Another second gunshot.

9 **Q** What, if anything, did he do after the
10 second?

11 **A** He took off running.

12 **Q** Which direction did he run?

13 **A** He started running down Canfield this
14 direction.

15 **Q** Was he running in the street?

16 **A** Yes.

17 **Q** Or on the sidewalk or the street?

18 **A** He was running in the street.

19 **Q** Now, at this point are you still on the
20 porch?

21 **A** I am.

22 **Q** Did you ever go inside s?

23 **A** Yes, I did. I stepped inside the door
24 when the first, the first gunshot went off, my
25 family, they ran inside the door and then we came

1 back outside. Because we didn't hear any more
2 shooting, to see what was going on.

3 Q So let me get this straight, were you
4 inside or outside when the first gunshot went off?

5 A We were outside when the first gunshot
6 went off.

7 Q Were you inside or outside when the second
8 gunshot --

9 A We were inside when the second gunshot
10 went off.

11 Q Okay. So you run inside, were you fearful
12 because the gunshots were going off?

13 A Correct.

14 Q And then you said he took off, meaning
15 Michael Brown took off and started running down
16 Canfield. Were you observing that from the inside
17 of 's apartment or did you come back
18 outside?

19 A I came back outside.

20 Q What did you see then as you saw Michael
21 Brown running down Canfield?

22 A So I saw Mr. Brown running down the
23 street, he ran down the street from the police
24 officer. He stopped right here at this driveway
25 right here and he turned around in the entrance of

1 the driveway about right there on the corner of the
2 driveway.

3 And he looked down at his hand or at
4 his side, and at that point, the police officer had
5 got out of his vehicle and was pursuing Mr. Brown
6 down the street.

7 Mr. Brown turned around and was
8 walking back towards the police officer, I guess,
9 they were like 20 meters maybe, 10 meters apart and
10 Mr. Brown had his hands to his sides by his waist up
11 and mister, the officer shot and he shot like six
12 times.

13 Q Okay. So let me back up. You say as he
14 ran down the street, he stops, meaning Michael
15 Brown?

16 A Right.

17 Q And when he stops, is his back to the
18 officer when he stops?

19 A No.

20 Q So does he run backwards?

21 A No, I'm sorry, yes. If he was running,
22 yes, he was running down with his back towards the
23 police officer, yes.

24 Q Okay. And so you said when he stops, he
25 looks down and looks like he is looking at something

1 or his hands or body or something?

2 **A** Right, like he's looking at his hand.

3 **Q** Do you recall which hand or both hands?

4 **A** If I'm standing on the corner right there
5 where it was, I guess it would have been his left
6 palm.

7 **Q** Okay. So everybody can see you since you
8 are seated, do you mind standing up and doing that
9 motion?

10 **A** Right. Standing on that corner, like he
11 looked down at his palm, still like looked like this
12 at his palm or something, he looked down.

13 **Q** Okay.

14 **A** At that point he turned around and started
15 walking back towards the middle of the street and
16 had his hands like this, walking towards the middle
17 of the street.

18 At that point the police officer was,
19 had already stopped, had his gun drawn and Mr. Brown
20 was walking towards him with his hands like this and
21 he fired. He fired one shot and Mr. Brown took a
22 couple steps and he fired like two or three or four
23 more shots. (indicating)

24 **Q** Okay.

25 **A** That's when he fell, he fell in the middle

1 of the street.

2 **Q** Okay. After the two gunshots that you
3 heard from inside the vehicle what we are assuming,
4 do you think that happened when the officer was
5 still in the vehicle?

6 **A** I would assume because I didn't see him
7 out of the vehicle.

8 **Q** You saw the first gunshot or you saw, you
9 were outside and looking when the first gunshot went
10 off, but you were inside when the second gunshot
11 went off?

12 **A** Correct.

13 **Q** Were you looking when the second gunshot
14 went off?

15 **A** We were looking out the window.

16 **Q** Okay. So was the officer still in the car
17 for the second gunshot?

18 **A** Yes, he was.

19 **Q** And then Michael Brown takes off running
20 after the second gunshot?

21 **A** Uh-huh.

22 **Q** And the officer, does he get out of the
23 car?

24 **A** He does.

25 **Q** And does he run or walk after him?

1 **A** He is running.

2 **Q** How is he running?

3 **A** In like a haste to try to catch him.

4 **Q** Do you see his gun?

5 **A** I don't believe I did.

6 **Q** Okay. So as he gets to about 20 meters?

7 **A** Uh-huh.

8 **Q** From Mr. Brown is when Mr. Brown turns
9 around?

10 **A** Right, and that's when he had his gun
11 drawn.

12 **Q** So when you say his gun drawn, the
13 officer's gun?

14 **A** Yes.

15 **Q** Never saw a gun on Michael Brown, correct?

16 **A** No.

17 **Q** How was he holding the gun when you saw
18 him with his gun drawn?

19 **A** He was in a stance and was holding it like
20 this. (indicating)

21 **Q** Okay. And could you hear anybody saying
22 anything?

23 **A** No.

24 **Q** Didn't hear the officer giving commands?

25 **A** From where I was standing on 's

1 porch right here and they were, let's see, about
2 right here, no, I couldn't hear exactly what they
3 were saying, but I could see what was transpiring in
4 front of me.

5 Q Okay. And so then, was your brother
6 next to you or with you when this was -- when
7 you were watching this?

8 A It was my brother, my wife and
9 standing on the porch.

10 Q Altogether?

11 A Yes.

12 Q Okay. And so when you say you saw Mike
13 Brown turn around, then would his back be towards
14 you?

15 A Catty-corner, sideways because like I
16 mentioned, from where he is standing in the
17 driveway, like his side is facing me looking up from
18 here and he's standing at an angle at the driveway
19 looking like this and he looks down to his side and
20 then he starts, the way he was turned, he was turned
21 as though he was facing this way.

22 Q Okay.

23 A Going off the street so that's the angle
24 that I had. So when he walked out in the middle of
25 the street with his hands up to his sides, that's

1 when, you know, he took a couple steps and the
2 officer fired.

3 And me and my wife were like, why is
4 he walking. And he took a couple more steps and the
5 cop, the officer fired like four more shots and
6 that's when he fell.

7 **Q** So from the time of the first gunshots in
8 the car until Michael Brown turns around to face the
9 officer, did you hear or see the officer shooting
10 his gun as Michael Brown is running away?

11 **A** No.

12 **Q** Okay. And so once he turns around, and
13 you said he stopped and he is looking and then he
14 turns around and his hands go into this position?
15 (indicating)

16 **A** Yeah, like this. (indicating)

17 **Q** So out to his sides, palms facing forward?

18 **A** Right.

19 **Q** And then he began to move towards the
20 officer?

21 **A** Correct.

22 **Q** Was the officer still moving?

23 **A** He was in a stance, no, he was standing
24 like this facing Mr. Brown.

25 **Q** Okay. As Mr. Brown started walking or

1 moving toward the officer, did you say he was
2 walking?

3 **A** Yes.

4 **Q** Was it in a, I mean, casual walk or was it
5 hurried or do you have any description of it?

6 **A** It would be speculation for me to say
7 because I don't know Mr. Brown, I don't know how he
8 walks. I just know he took steps towards the police
9 officer.

10 **Q** Okay. But he wasn't running?

11 **A** No.

12 **Q** He wasn't charging?

13 **A** No.

14 **Q** Was his body upright at that point?

15 **A** It was.

16 **Q** And so when he walks towards the officer,
17 did the officer move backwards or forward or to the
18 side?

19 **A** From what I could tell he stood still.

20 **Q** How about Michael Brown. From the time he
21 ran and stopped and turned around and started in the
22 opposite direction, does he ever, is he always in
23 the street or does he move off the street at some
24 point?

25 **A** Well, I mean, again when he ran down the

1 street, he got to right at the edge of the driveway,
2 which is right here. So this is like a water
3 fountain or a fire hydrant or street sign, right
4 there at the corner --

5 Q Okay.

6 A -- of the driveway. He stopped right
7 there at the edge of the driveway and then he
8 turned, he turned around, like I mentioned, he
9 stopped, looked at his palm and then he started
10 walking back towards the police officer.

11 Q From the time he stopped and turned
12 around, and I'm going to ask you to estimate a
13 distance, from where he stopped and turned around
14 until his body came to rest in the street.

15 A Uh-huh.

16 Q Can you give my an idea how many feet that
17 was?

18 A From the sidewalk to the middle of the
19 street, about five, maybe five, 10 yards maybe.

20 Q Okay. Did you ever see Michael Brown
21 doing anything with his hands around the front of
22 his body?

23 A No.

24 Q And so when you're looking at him from
25 your vantage point, you're seeing the left side of

1 his body, correct?

2 **A** Correct.

3 **Q** Could you clearly see his right hand?

4 **A** Yeah, I mean, when he's walking back
5 across the street, he's walking like this.

6 (indicating)

7 **Q** Okay.

8 **A** He had both his hands like this.

9 (indicating)

10 **Q** You didn't see him ever reaching or make a
11 motion toward his waistband?

12 **A** No.

13 **Q** And then you said there was a round of
14 shots, you said maybe six shots?

15 **A** Yes, four to six shots I heard, yes.

16 **Q** Okay. And then did you see if Michael
17 Brown was hit, could you tell if he was hit?

18 **A** I couldn't, I mean, again, like I
19 mentioned, when the first shot went off, well, the
20 third shot went off when Mike started walking back
21 across the street and he shot. And like I
22 mentioned, me and my wife made the comment, why is
23 he still walking, why is he walking, is he missing
24 him? And then he took like three more steps and he
25 fired like another five, four, five rounds, and

1 that's when he staggered and he fell where he laid
2 in the middle of the street.

3 Q Okay. And where, can you point on the
4 pointer where he ended up laying in the middle of
5 the street?

6 A About right here. (indicating)

7 Q Okay. And now, did you remain at
8 s while the aftermath was going on?

9 A I did.

10 Q Did you ever see the officer approach
11 Michael Brown after he went down on the ground?

12 A He walked over to him and then he turned
13 around and he went back and that's when another
14 police officer, I guess the other police officer
15 started coming into the neighborhood.

16 Q Did you ever see the officer who did the
17 shooting, did you ever see him on a walkie-talkie or
18 on a radio that was on his shoulder or anything?

19 A Not that I can remember.

20 Q And did you ever see anybody, I mean, I
21 know that Michael Brown's body was out on the street
22 for several hours, but did you ever see anybody move
23 his body from one location to another location?

24 A No.

25 Q Did you ever see the car that the officer

1 had stopped in, where the altercation initially took
2 place, did you ever see that moved?

3 **A** Not that I remember, not that I remember
4 because I think me and my wife, we stayed there
5 about another 35 to 45 minutes after everything
6 happened. And when all the police and everything
7 came down, they taped off the street and everything
8 and, um, then we left, we left.

9 **Q** Now, when is it that you were first
10 contacted or first contacted the police?

11 **A** I was contacted that evening, that night
12 by a County Police officer.

13 **Q** Were you still at Canfield?

14 **A** No.

15 **Q** How is it that they knew to contact you,
16 do you have any idea?

17 **A** My wife had mentioned to
18 and we went, it was actually the night
19 We were at a
20 and there was a gentleman there, I
21 have his card, I can't think of his name right now.
22 But he is an attorney or something for the city or
23 something, but he asked, they were talking about it
24 at the table where we were and he asked us if we
25 didn't mind speaking with a police officer regarding

1 it.

2 And then I said I really didn't want
3 to get involved in this because I hate I saw what I
4 did. He got on the phone and he called two
5 detectives and they came out that evening about
6 11:00. And me and told him, kind of somewhat
7 mentioned our story and I gave him my name and
8 address, and he came out and got in contact with us
9 at a later date.

10 Q So you talked to the officers late in the
11 evening that first day?

12 A Yes.

13 Q And then you talked to them again and gave
14 a different, not different, gave a more detailed
15 interview later; is that correct?

16 A Correct, right.

17 Q The more detailed interview, were there
18 also FBI agents present?

19 A When they came and talked to me, no, it
20 was just the two detectives.

21 Q Okay.

22 A They came and spoke to me. And then a few
23 nights later, they came back, along with a few other
24 attorneys and another FBI agent, they came and spoke
25 with my wife .

1 **Q** Okay. Is there anything that you recall
2 about what you saw that day that is important or you
3 think that the jurors should know about?

4 **A** (Shakes head.)

5 **Q** you are shaking your head no?

6 **A** No.

7 **Q** How is your eyesight?

8 **A** Good.

9 **Q** Do you where wear glasses?

10 **A** I do for reading.

11 **Q** Okay. So distance, you have no difficulty
12 seeing?

13 **A** No.

14 **Q** How about your hearing?

15 **A** My hearing is good.

16 **Q** Good.

17 **A** Uh-huh.

18 **Q** All right.

19 MS. ALIZADEH: Sheila, do you have any
20 questions?

21 **Q** (By Ms. Whirley) When Michael Brown was
22 walking towards the officer, when he first turned
23 around, he started walking, let me make sure I
24 understand. When he first turned around was there a
25 shooting, was he shot then or was he thought when he

1 started walking towards --

2 **A** When he started walking back towards the
3 police officer.

4 **Q** You couldn't hear anything that was being
5 said?

6 **A** I couldn't hear, no.

7 **Q** So as he's walking towards the officer, he
8 said he wasn't like running or charging at him?

9 **A** Right.

10 **Q** Did it seem like he was walking towards
11 the officer to fight, did you get that impression?

12 **A** No.

13 **Q** Did you get the impression that he was
14 threatening the officer as he walked toward him?

15 **A** No.

16 **Q** What was your impression of the way he
17 walked toward him?

18 **A** Again, like I say, it is hard for me to
19 speculate how Mr. Brown walked because I don't know
20 him.

21 **Q** Right --

22 **A** I don't know how he's walking, he was just
23 walking, I guess, in a normal pace towards the
24 police officer, that's what I'm saying.

25 **Q** I guess what I'm asking is, demeanor, you

1 know how a person, their outward, like if I'm, you
2 know, I'm walking like this, you know?

3 **A** I guess he was walking in a demeanor as I
4 give up.

5 **Q** That was your impression?

6 **A** Yeah.

7 **Q** Okay.

8 MS. WHIRLEY: That's all I have.

9 MS. ALIZADEH: Just really quickly.

10 **Q** (By Ms. Alizadeh) From the time you first
11 saw Michael Brown at the officer's window until
12 Michael Brown was lying in the street, how many
13 minutes or seconds do you think that took?

14 **A** I would say probably about five, five
15 minutes, ten minutes at the max, if that. I don't
16 probably like, I'm sorry, it was probably more like
17 probably like five minutes at the max.

18 MS. ALIZADEH: Okay.

19 MS. WHIRLEY: Real quickly.

20 **Q** (By Ms. Whirley) When Michael Brown was
21 running away from the officer, I think you said you
22 heard maybe a couple shots and then Michael Brown
23 ran?

24 **A** Correct.

25 **Q** I'm sorry; is that correct?

1 **A** Correct.

2 Q Did you hear any shooting while he was
3 running?

4 **A** No.

5 Q Okay. The next time you heard shots was
6 when he turned around?

7 **A** Correct.

8 Q With his hands the way you demonstrated?

9 **A** Correct.

10 MS. WHIRLEY: Okay. Anybody else?

11 When he was
12 walking towards the officer, could you see his face
13 clear enough to see if there was any kind of
14 expression, a blank look, aggressive look or
15 anything?

16 **A** No, I could not.

17 : You could not read his
18 face?

19 **A** I could not.

20 Okay.

21 From the
22 time that this happened until the time that you said
23

24 **A** Uh-huh.

25 : Is that where, the

1 attendee where the city attorney made contact with
2 you there?

3 **A** Uh-huh.

4 From the time of the
5 incident on August the 9th until the time that you
6 spoke to the police or whatever.

7 **A** Uh-huh.

8 : Do you know what length of
9 time elapsed?

10 **A** Yes, this happened about, I guess, about
11 12:30, 12:40 that afternoon. I didn't speak with
12 anybody until later that night, yes.

13 : It was the same day?

14 **A** It was the same day, yes, ma'am.

15 : Okay, thank you.

16 MS. ALIZADEH: But just to be, I'm going
17 to try to make sure I understand. Were you
18 interviewed that night or was it just you spoke to
19 them and said, hey, I saw this and made arrangements
20 to be interviewed later?

21 **A** That's exactly, that's what happened. We
22 made arrangements to interview later because, again,
23 we were at and the, he
24 didn't want to really get into that because my wife
25 was still kind of emotional. He didn't want to talk

1 about it.

2 So they took our name and our phone
3 number and they contacted us at a later date. I
4 think it was like two days or a day later. They
5 came by my home and spoke with me regarding it.

6 : Could you
7 tell Mr. Brown, I guess his attire, his shorts and
8 shirt, where they sagging, were his pants kind of
9 hanging low or do you remember?

10 **A** I don't remember, I don't remember.

11 : Okay. Did it seem to you
12 when he turned around, did it ever appear to you
13 that he reached up under his shirt?

14 **A** No.

15 MS. ALIZADEH: Anyone else have any more
16 questions?

17 (End of the testimony of .)

18

19

20

21

22

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9

10 -----

11

12

13

14

15

16

17

18

19

20

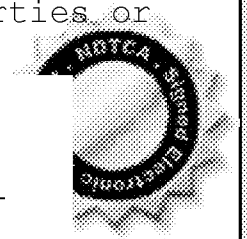
21

22

23

24

25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume IX

12

13 10/2/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume X

Date: October 6, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 6, 2014

VOLUME X

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 6th day of October, 2014, before

17

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME X

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is October 6th. This is
5 Kathi Alizadeh with the prosecutor's office.
6 Present is Sheila Whirley with the prosecutor's
7 office. All 12 grand jurors are present here today,
8 as well as , the stenographer, who is taking
9 down and recording matters that are going on today
10 in the grand jury.

11 It is about 8:39 a.m., and my
12 understanding is we are going to go to about 2:30
13 today, correct? We have a witness that's here
14 already this morning. Her name is
15 . We heard from her husband,
16 last week.

17 She wanted to come in first thing in the
18 morning, so we're going to go ahead and have her
19 testify first, and after her testimony, we will
20 listen to the statement of and
21 . We didn't get a chance to do
22 that last week.

23 I have a witness scheduled to be here at
24 1:00 this afternoon. So her name is
25 and she is the fiancée, or girlfriend, I can't

1 remember, of . If you recall,
2 has already testified.

3 So we'll probably listen to her statement
4 in the morning if we have time. We probably should,
5 and then at this point, we might be done for the day
6 after testifies.

7 Sheila and I have been talking about
8 trying to schedule your time and make use of your
9 time as best we can. We're running into the issue
10 now that some of these witnesses are not very
11 anxious to come in and meet with you. And so we're
12 going to probably need to be searching for some
13 people and giving them written invitations to appear
14 before you.

15 So I'm trying desperately to get your day
16 scheduled tomorrow, so I know you are here until
17 6:00. We want to be able to keep you busy all day.

18 And then we've got, I've got some
19 witnesses lined up, and then on Thursday we have
20 witnesses lined up too, but as of right now, I don't
21 have necessarily the whole day filled. So we'll try
22 our best. And it may be that we go ahead and call
23 some other witnesses.

24 We have lab people, we have police
25 officers yet to testify who, obviously, would be

1 easier for us to get here if we need them here.

2 So, at this point then, we're ready to go.

3 We're going to go ahead and call

4

5 of lawful age, having been first duly sworn to

6 testify the truth, the whole truth, and

7 nothing but the truth in the case aforesaid,

8 deposes and says in reply to oral

9 interrogatories, propounded as follows, to-wit:

10 EXAMINATION

11 BY MS. ALIZADEH:

12 Q Good morning, . Can you state
13 your name for the reporter and spell it for the
14 court reporter?

15 A

16

17 Q And, , you're married to
18 is that correct?

19 A Yes.

20 Q And how long have you and been
21 married?

22 A years.

23 Q And are you, you're familiar with
24 's family?

25 A Yes.

1 o Is that correct?

2 **A** Uh-huh.

3 Q You know his brother, ?

4 **A** That's my brother-in-law.

5 Q Your brother-in-law, and then lives
6 is that

7 correct?

8 **A** Correct.

9 **Q** And they live in Canfield Green Apartment
10 Complex, correct?

11 **A** Correct.

12 **Q** And how long has lived
13 in the Canfield Green Apartments?

14 **A** Um, I'm going to say maybe years. I'm
15 not quite sure. was living there when and I
16 married and met, so we've been actually years,
17 together I'm quite sure years.

18 Q So as long as you've known ?

19 **A** As long as I've known .

20 Q been there?

21 **A** Yes.

22 Q Has been living with all that
23 time as well?

24 **A** Yes, off and on.

25 **Q** Off and on. And so do you recall

1 Saturday, August 9th, of this year?

2 **A** Yes.

3 **Q** And in the morning, did anything happen
4 that was noteworthy, was there anything special
5 about the morning prior to you going to the
6 apartment?

7 **A** Actually, that was

8

9 **Q** Okay.

10 **A** So we went down there before we were
11 preparing to go to the because I
12 wanted to show what I got to wear to the class
13 reunion.

14 **Q** Ma'am, the microphone that's in front of
15 you doesn't amplify so you need to speak loud enough
16 so that we can all hear you all the way back here.
17 And please raise your hands if you can't hear her.
18 Did you need her to repeat the last answer she gave
19 anyone? Okay.

20 So, you were going, you
21 had a plan then that day to go to
22 apartment in the afternoon; is that
23 correct?

24 **A** Uh-huh.

25 **Q** And so you proceeded to the apartment

Page 10

1 complex, about what time did you get there to the
2 apartments?

3 **A** It was before noon, about maybe 11:30,
4 11:45, somewhere along in there, I'm not quite sure
5 of the exact time.

6 Q And who was in the car with you?

7 **A** My husband and I.

8 **Q** What kind of vehicle were you in?

9 **A** I have a _____ , _____ .

10 **Q** Who was driving?

11 **A** My husband.

12 Q So when you came into the complex, did you
13 enter the complex off of West Florissant or did you
14 come in the back way through the Northwinds
15 Apartments?

16 **A** Off of West Florissant.

17 Q Okay. So from West Florissant then you
18 turn onto Canfield Drive and go through a
19 residential area before getting to the complex; is
20 that correct?

21 **A** Correct, uh-huh.

22 Q And so we've got a map here that's marked
23 as Grand Jury Exhibit Number 25. And right here,
24 is a laser pointer so you don't have to
25 get up and point. You just press that button,

1 hopefully, and that will work.

2 So do you recognize the map here as
3 familiar to you, the streets and the buildings as
4 far as that being Canfield Green?

5 **A** Yeah, pretty much.

6 **Q** Okay. If West Florissant is in this
7 direction?

8 **A** Uh-huh.

9 **Q** So you entered coming down this curve; is
10 that right?

11 **A** Correct.

12 **Q** Now, this was a Saturday, sunny day, did
13 you see people out and about?

14 **A** Um, yeah, I mean, not a lot of people, but
15 the victim, as we came in off of Canfield, he and
16 the other young man were walking in the street. And
17 I said something to my husband in effect, why don't
18 they just get on the sidewalk.

19 **Q** Okay. So when you were driving now, this
20 direction is east, okay?

21 **A** Uh-huh.

22 **Q** That's going east. So you were going east
23 on Canfield Drive?

24 **A** Uh-huh.

25 **Q** Can you use the laser pointer and show me

1 where you first saw the two men that were walking in
2 the street, where were they when you first saw them?

3 **A** Right about right here. (indicating)

4 **Q** Okay. So as you came around the curve,
5 you could see them walking in the street?

6 **A** Uh-huh.

7 **Q** Just the two of them?

8 **A** Yes.

9 **Q** And when you say they were in the street,
10 were they on the side, in the middle?

11 **A** In the middle.

12 **Q** Okay. And so did you recognize either of
13 those?

14 **A** No, just two kids.

15 **Q** Two kids. Now, of course, we now know
16 that one of those kids was Michael Brown. Having
17 now known his identity, do you recall ever having
18 met him?

19 **A** No.

20 **Q** Or seen him at the apartments?

21 **A** No, we don't frequent Canfield. I mean,
22 we go to visit or to take to
23 where needs to go. I don't know anybody in
24 Canfield except for

25 **Q** You don't socialize with people from the

1 complex?

2 **A** No.

3 **Q** And so then the other boy was Dorian
4 Johnson. That name doesn't ring a bell to you?

5 **A** No, it does not.

6 **Q** Okay. So when you first saw them and in
7 this area where you had pointed, which direction
8 were they walking, were they walking east?

9 **A** Yes.

10 **Q** And --

11 **A** Into the complex.

12 **Q** Okay. So as you approach them, you saw
13 their backs?

14 **A** The back view of them, correct.

15 **Q** And so did you, I imagine you had to go
16 around them or you went around them, correct?

17 **A** Uh-huh.

18 **Q** Did you honk at them or , not

19

20 **A**

21 **Q** Roll down the window and say anything to
22 them?

23 **A** No.

24 **Q** Did they just appear to be walking?

25 **A** They was just walking, I mean, they were

1 doing what kids do. I mean, I live in , so
2 kids don't walk on the sidewalk, they just don't.
3 They have sidewalks but they don't walk on them.

4 So, I mean, we just kind of chalked
5 it up as them being kids not doing what they're
6 supposed to be doing, I mean, they just do it.

7 Q Did you notice either of them if they had
8 anything in their hands?

9 A No, I don't recall.

10 Q Do you remember what either of them was
11 wearing?

12 A Um, I'm going to say the victim had on a
13 white T-shirt and khakis. The other young man had
14 on a white T-shirt, I believe, and black pants or
15 black jeans or something.

16 Q Okay. So the other one is the smaller
17 one, I guess?

18 A Yes.

19 Q We'll call the victim, I know you know who
20 eventually was shot is the bigger one, correct?

21 A Correct, uh-huh.

22 Q And there was the smaller one?

23 A Smaller kid, yes.

24 Q So you said the smaller one had on a black
25 shirt and dark pants?

1 **A** Dark pants, yeah, or dark jeans or
2 something.

3 Q Okay. Anything else that you noticed
4 about them that drew your attention?

5 **A** No, I mean, like I said, it was a Saturday
6 morning, I mean. They was just walking in the
7 street and I made a note to my husband, why don't
8 they just get on the sidewalk, and that was pretty
9 much it. He didn't say anything, I didn't say
10 anything, we didn't blow, he just kind of went
11 around and did what we needed to do.

12 Q Okay. Were they walking shoulder to
13 shoulder or one in front of the other, do you
14 remember?

15 **A** I mean, I guess side by side, you could
16 say. I mean, just, I mean, when you see kids
17 walking and there was only two of them, so it wasn't
18 like it was a group of children, they were just
19 walking down the street.

20 Q Okay. So after you pass by them, did you
21 proceed to s apartment building?

22 **A** Uh-huh.

23 Q Can you use the laser pointer and show on
24 the map, do you see where apartment is?

25 **A** Is this Caddiefield?

1 **Q** This is Caddiefield Road, this is also
2 Caddiefield Road because it goes around like that.

3 **A** Can I stand? This is hard for me to do
4 because it's peripheral vision, I'm not used to
5 looking at.

6 **Q** Correct, I understand. Do you know the
7 number of unit?

8 **A** I think it is this one right here.

9 **Q** Okay. So when you proceeded down Canfield
10 Drive, you turned on Caddiefield, did you park in a
11 parking space?

12 **A** Right here. This is building, I
13 believe, and would have parked right in here.
14 (indicating)

15 **Q** Okay. Now, did you have, do you recall if
16 your windows were up or down?

17 **A** That I don't remember. It was hot, I
18 imagine that the air was on. It was hot that day.

19 **Q** Okay.

20 **A** So the windows were more than likely up.

21 **Q** As you drove down Canfield Drive, did you
22 see any vehicles approaching you?

23 **A** No.

24 **Q** In your direction?

25 **A** Huh-uh.

1 **Q** And so did you, after you parked your car,
2 what's the first thing you noticed going on around
3 here?

4 **A** Well, once we were going up the steps, the
5 police car came down going towards West Florissant,
6 and I said to my husband, oh, he's going to stop
7 them and tell them to get on the sidewalk.

8 Um, and we just kind of proceeded up
9 the steps.

10 **Q** Now, earlier you had pointed to this one.

11 **A** See, I'm not used to looking at these. So
12 once we got on the landing, the police officer had
13 stopped and said something to them.

14 **Q** Now, could you hear what he said?

15 **A** No, I'm assuming, I'm not going to say he
16 said, but from the activities that we saw from the
17 porch, he stopped and the kids, the children
18 stopped. I don't know what he said, I didn't hear
19 that, we were too far away to hear. I'm just
20 assuming that he said the same thing I had said to
21 my husband, get on the sidewalk.

22 **Q** So now you, the stairs that go up to the
23 apartment unit, those are exterior stairs, correct?

24 **A** Correct.

25 **Q** So you're going up the stairs and you're

1 still outside and you can see what's going on?

2 **A** Uh-huh.

3 **Q** What floor did live on?

4 **A** There is only three floors. There is the
5 basement and that would be the first floor and then
6 the second floor, or you can say the second floor
7 and then the third.

8 **Q** on the top level?

9 **A** No, on the second. Well, there is a
10 basement apartment and then apartment. So
11 on, I guess you could say second floor, I don't know
12 how they classify the floors.

13 **Q** So there's a unit above ?

14 **A** Above , right.

15 **Q** All right. So when you're on the porch,
16 this is like a decking area that's right off the
17 front door for unit?

18 **A** Uh-huh, a little patio out there.

19 **Q** And was out there?

20 **A** When we walked up the steps?

21 **Q** Yes.

22 **A** No, he was inside the apartment.

23 **Q** So now you said, can you use the laser
24 pointer and show me when you say you saw the officer
25 stop and talk to the kids, where about were they

1 when you saw that?

2 **A** About right here. (indicating)

3 **Q** Okay. And so you see the officer stop?

4 **A** Uh-huh.

5 **Q** Give me an idea, were we talking a matter
6 of seconds or a minute or two that he paused and
7 there was some kind of exchange between those kids?

8 **A** It may have been maybe a minute.

9 **Q** And then what happened, what did you see
10 happen?

11 **A** He said whatever he said, then we heard
12 two gunshots. He was still in the car, the boys
13 were outside of the car. Well, before we heard the
14 gunshots, I don't know what he said or what they
15 said or what the conversation was, but the car was
16 headed west on Caddiefield, on Canfield, and he, I
17 guess, backed the car up and was at an angle.

18 **Q** Let me ask you this. The time when he
19 paused that you thought that he might have been
20 saying, hey, get on the sidewalk, or what you
21 assumed he might have said, was that after he backed
22 up?

23 **A** No, it was before.

24 **Q** Okay. So he stops, pauses for a little
25 bit, and then does the vehicle proceed west on

1 Canfield then a little ways?

2 **A** Yes, uh-huh.

3 **Q** And do the boys, what do the boys do?

4 **A** They just were kind of standing there,
5 and, like I said, it happened really fast, but the
6 car was headed east, and then whatever conversation
7 they had, the officer backed the car back, but it
8 was at an angle and that's when we heard two
9 gunshots inside the vehicle.

10 **Q** Okay. So when the officer, I think you
11 said east, but you meant west, right?

12 **A** I'm sorry.

13 **Q** He's going westbound and then he puts it
14 in reverse, backs up, and he's at a little bit of an
15 angle in the street?

16 **A** Yes.

17 **Q** Did you hear tires squealing or screeching
18 or anything?

19 **A** No, it wasn't like it was a chase or
20 anything. I mean, he just, I mean, I don't know
21 what happened, they exchanged words, I'm quite sure,
22 and, you know, you just, I think he kind of whipped
23 the car in reverse so it was at an angle.

24 **Q** Okay.

25 **A** Not a full complete angle, it was no

1 longer straight.

2 **Q** When the first time the officer
3 encountered the boys, were the boys on the driver's
4 side of his car or on the passenger side?

5 **A** All the way on the driver's side.

6 **Q** When he reversed it around to where it was
7 at an angle, are the boys still on the driver's
8 side?

9 **A** Still on the driver's side.

10 **Q** So from your vantage point where you were
11 standing, are you looking at the driver's side of
12 the car or the passenger side?

13 **A** Driver's side. Well, at the driver's
14 side. We were on that side of the vehicle, I
15 couldn't see what was on the other side of the car.

16 **Q** Okay. So then after he comes back,
17 reverses and stops his car at an angle, what do you
18 see happen between the boys and the police officer?

19 **A** I didn't see, I just didn't see anything
20 actually happen. We just kind of heard the two
21 gunshots and I told my husband, oh, no, he's
22 shooting, they're shooting.

23 **Q** At this point did you know who was
24 shooting?

25 **A** No.

1 **Q** Okay. So you hear two gunshots?

2 **A** Uh-huh.

3 **Q** Were they in close succession like boom,
4 boom, or was there a pause between the two of them?

5 **A** Well, more like a pop, pop.

6 **Q** Okay. And so did your attention, was your
7 attention always on the car or were you --

8 **A** No, I mean, it was just, like I said, we
9 were walking up the steps and then all of the sudden
10 the car was coming down the street, the kids were
11 coming down the street, and I assume that he did
12 what we probably should have said and told them to
13 get out of street and go on the sidewalk.

14 I don't know what was said, I'm just
15 assuming.

16 **Q** Okay. So after you hear the two gunshots.

17 **A** Uh-huh.

18 **Q** What do you see happening at the officer's
19 car?

20 **A** That's when the victim started running
21 away from the car and the person that was with him,
22 he kind of disappeared. I don't know where, when
23 the two gunshots went off, he kind of hunched and
24 then he just disappeared.

25 The victim kind of, when he came from

1 on the driver's side, he kind of hid on the back
2 side of the car and that's when he ran, I'm hoping
3 I'm saying this right, there is a grassy area, he
4 kind of ran over this way, he kind of ran this way.

5 Q Okay. So he's running now east down
6 Canfield?

7 A Yes, ma'am.

8 Q And can you tell at this point if he's
9 injured?

10 A Well, he ran this way and then he kind of
11 got into the grassy area and he kind of stopped and
12 looked down at his hands. I'm assuming there was
13 blood, but he looked down at his hands and then he
14 turned back around, he turned back around and
15 started going back towards the police officer.

16 Q Okay. Let's stop now.

17 After you saw, you heard the two
18 gunshots, the victim starts running east on
19 Canfield, the other guy kind of disappears?

20 A Uh-huh.

21 Q What's the officer do?

22 A Well, by that time he's out of the car and
23 he's kind of, I guess, chasing the victim.

24 Q Okay. Now I'm going to stop you here
25 because you said I guess, chasing?

1 **A** He got out of the car.

2 **Q** You saw him get out?

3 **A** I'm sorry.

4 **Q** It's all right. We make these assumptions
5 all the time, you know, that's what we do when we
6 observe things. Oh, it looks like he was doing
7 this. But what is important is, you talk about what
8 you saw.

9 So the officer gets out of his
10 vehicle. I guess, I'm assuming, from the driver's
11 side?

12 **A** Yes, from the driver's side.

13 **Q** And so at that point, could you see if he
14 had a gun?

15 **A** Yes, he had his gun.

16 **Q** And could you see what he was doing with
17 the gun or where his gun was?

18 **A** When he got out of the vehicle, he did get
19 out with his gun drawn.

20 **Q** Okay.

21 **A** And as I said, the victim, he ran towards
22 this grassy area, he stopped and he looked down at
23 his hands and then he proceeded to come back towards
24 the officer.

25 By the time the officer was out of

1 his car, I'm going to say he was running with his
2 gun drawn.

3 Q Okay. When you say his gun drawn, I'm
4 going to --

5 A I could see the gun.

6 Q That's out of the holster is what it means
7 to me?

8 A Correct.

9 Q But there's, was it down at his side, was
10 he running like this? (indicating)

11 A No.

12 Q Was running like this? (indicating)

13 A He had both his hands on the gun.

14 Q Okay.

15 A And he was running swiftly or walking fast
16 towards the victim.

17 Q Okay. And so did you ever observe or hear
18 the officer firing, as he was running after the
19 victim?

20 A Yes, he did.

21 Q How many shots did you hear as he was
22 moving towards the victim?

23 A I'm going to say he fired maybe three to
24 four shots as they were, I guess, walking kind of
25 towards each other.

1 **Q** Okay. Now, let me stop you then. There
2 is a lot going on in here and, obviously, you know,
3 I hate to say that we have to pick this apart, but
4 we really do.

5 So as you see him, he's got his gun
6 drawn and he has both hands on it and it's pointed
7 out in front of him, you demonstrated kind of out
8 with your arms straight in front of you and he's
9 moving towards the victim.

10 **A** Uh-huh.

11 **Q** The victim, you said, stops in this area
12 here, kind of in the grassy area, so he's not on the
13 street any more?

14 **A** No.

15 **Q** And then he stops and you said that he
16 looks at his hands?

17 **A** Uh-huh.

18 **Q** Can you stand up and show the grand
19 jurors, because I know you made a motion a couple of
20 times. Show them what he looked like.

21 **A** He looked down like this and, I think, I'm
22 going to say it was his right hand, he looked at his
23 hand and then he started walking back towards the
24 police officer. (indicating)

25 **Q** Okay. So from your vantage point if he's

1 over here, when he stops, he's somewhat facing your
2 direction, would that be fair to say?

3 **A** He was running and he stopped, he looked
4 down and he turned around like this.

5 **Q** Could you see anything in his hands?

6 **A** No.

7 **Q** Okay. So you can go ahead and sit. So
8 did the officer fire his weapon at any time other
9 than in the car, did he fire his weapon before the
10 victim turned around?

11 **A** No.

12 **Q** Okay. So the victim stops, looks down at
13 his hands?

14 **A** Uh-huh.

15 **Q** And then turns around. At this point,
16 does the officer fire?

17 **A** Yes. Well, he turned around like this and
18 he started moving towards the cop.

19 **Q** Okay.

20 **A** And then he is standing there, and he just
21 proceeded to shoot.

22 **Q** Could you hear either the officer or the
23 victim say anything?

24 **A** No, ma'am.

25 **Q** So when you saw Mike, well, the victim,

1 when you saw him move toward the officer, can you
2 describe his pace, do you understand what I mean by
3 that?

4 **A** Uh-huh.

5 **Q** Okay.

6 **A** I mean, he wasn't running, he just, to me
7 it was slow motion, so he turned around, looked down
8 at his hands.

9 **Q** Let me ask you some questions just to help
10 you out through this, okay.

11 So from the time the victim turns
12 around, is the officer still moving toward him or
13 has the officer stopped?

14 **A** He stopped.

15 **Q** He'd stopped?

16 **A** Uh-huh.

17 **Q** Are you good at guessing or judging
18 distances?

19 **A** Not really.

20 **Q** All right. So let me ask you this --

21 **A** He was not this close to him.

22 **Q** This is too close?

23 **A** Yes.

24 **Q** All right. Tell me when you think.

25 **A** About right there.

1 **Q** Okay. So what do you want to guess that
2 to be 20 feet, close to 20 feet. And so after the
3 victim stops and turns around, when he moves in the
4 direction toward the officer, does the officer move?

5 **A** Not really, no.

6 **Q** Okay. So he stays basically in the spot
7 where he had stopped?

8 **A** Uh-huh.

9 **Q** And how close then does the victim get to
10 the officer?

11 **A** He just kept walking.

12 **Q** What were his hands doing as he's walking?

13 **A** I'm sorry. He is walking like this and he
14 kept walking, and I asked my husband, why won't he
15 stop.

16 **Q** Were you or your husband or anyone else
17 that you can hear yelling anything, that you recall,
18 saying to your husband, why won't he stop?

19 **A** Why won't he stop. I asked why does he
20 keep shooting him.

21 **Q** So I can be clear about this, the officer
22 did not shoot at him while he was running away from
23 him?

24 **A** No, ma'am.

25 **Q** He turns around and starts walking back to

1 the officer, is that when the officer starts
2 shooting?

3 **A** He just, I mean, he was walking back
4 towards him and he started, he started shooting. He
5 just kept shooting, he just kept shooting. And I
6 asked my husband why is he, why won't that boy stop.

7 **Q** Do you recall hearing the gunshots in your
8 mind, can you hear them?

9 **A** (Nods head.)

10 **Q** Was there just one succession of gunshots
11 or were there shots, then a pause and then more
12 shots?

13 **A** He shot like maybe three or four times,
14 and he stopped. And then he just started shooting
15 again.

16 **Q** When he shot three or four times, did
17 Michael Brown go down to the ground at that point?

18 **A** No.

19 **Q** He was still standing?

20 **A** And so I asked my husband, well, maybe he
21 doesn't have real bullets, maybe they are rubber
22 bullets, he's not stopping, why doesn't he stop
23 shooting.

24 And, of course, he couldn't answer
25 that because he doesn't know.

1 **Q** And so after he shot three or four times,
2 and then the victim continues to walk toward the
3 officer, he fires again, the officer shoots again,
4 about how many times for this?

5 **A** I'm going to say three times and then
6 that's when he collapsed, he just collapsed to the
7 ground.

8 **Q** Was he in the street or on the grass?

9 **A** By this time he was in the street.

10 **Q** Okay. And when he fell to the ground, did
11 he fall on his back, on his front?

12 **A** He fell facedown.

13 **Q** Okay. Did you ever see him fall to his
14 knees?

15 **A** (Shakes head.)

16 **Q** So he just --

17 **A** He just kind of toppled over.

18 **Q** -- he went straight down. And did the
19 officer continue to fire after he fell on the
20 ground?

21 **A** No, he just kind of stopped and kind of
22 froze and just looked.

23 **Q** Did you see the officer approach his body?

24 **A** He didn't touch him.

25 **Q** Okay. And at this point, are there any

1 other police vehicles in the area at this point?

2 **A** At this time there was a white car, I
3 don't know what kind of car it was, a white car kind
4 of moved around the police car and then by that time
5 other cars started to arrive.

6 **Q** The white car, did it look like a police
7 car or just a white car?

8 **A** No, I think it was just a white car on the
9 street.

10 **Q** Before it moved around the police officer,
11 where it had it been?

12 **A** I don't know, I guess they were coming
13 down the street, but -- and they just kind of went
14 around.

15 **Q** Okay.

16 **A** The police car.

17 **Q** And so was that car moving west on
18 Canfield then? Did you see that car leave the area
19 then or did it just park over here?

20 **A** I think it just parked over there.

21 **Q** Okay. What about the shorter kid, did you
22 ever see him again?

23 **A** No, ma'am.

24 **Q** After Michael Brown was down on the
25 ground, did you ever see anyone move his body before

1 it was eventually removed from the seen?

2 **A** No.

3 **Q** What about the officer's vehicle, did you
4 ever see the officer get back in his vehicle?

5 **A** Huh-uh, no.

6 **Q** Did you continue to watch after this or
7 did you go inside?

8 **A** No, we were standing there and, um, I just
9 said, I told my husband, he just killed that baby.

10 MS. WHIRLEY: I can't hear, I'm sorry.

11 **A** I'm sorry. After that all happened, I
12 just said, I told my husband I said, he just killed
13 him, he just killed that baby. By that time

14 came outside and, of course,
15 years old, just try to tell to go back in the
16 house.

17 **Q** (By Ms. Alizadeh) Was your

18 --

19 **A** was inside her apartment. There is a
20 patio door, was kind of standing inside the
21 patio door.

22 **Q** Had seen some of it, was upset?

23 **A** Very.

24 **Q** And how about you, you were upset at this
25 point?

1 **A** Yeah, because I had never witnessed
2 anything like that. So, of course, there are a lot
3 of questions to why. I mean, I have a son, I have a
4 son, and they could of --

5 **Q** Do you need to take a break?

6 **A** (Shakes head.)

7 **Q** The --

8 **A** I'm sorry.

9 **Q** You're doing all right. Just breathe,
10 okay. Take a little water.

11 What's your son's first name?

12 **A** This is why
13 issues like this is why we don't frequent my
14 's. There is a lot of things going on
15 down there and my son does not go down there unless
16 he's with us. I have a child and that
17 could have been my son, and so that is why it is
18 hard for me.

19 **Q** Okay. When you saw the victim turn around
20 and walk toward the officer, and you had
21 demonstrated kind of that his hands were in the same
22 position?

23 **A** Uh-huh.

24 **Q** And I'm going to describe this, you tell
25 me if I'm describing it accurately, but his hands

1 are, his fingers are pointed toward the ground?

2 **A** Yeah.

3 **Q** His palms are facing forward?

4 **A** Yes.

5 **Q** And his arms are slightly bent at the
6 elbows, but to his side?

7 **A** Uh-huh.

8 **Q** Is that accurate?

9 **A** Yes, ma'am.

10 **Q** Did his hands, when he turned around, did
11 his hands stay in that position?

12 **A** Pretty much.

13 **Q** And as he walked toward the officer?

14 **A** They stayed.

15 **Q** Did they ever go up?

16 **A** No.

17 **Q** You never saw them go up like this?
18 (indicating)

19 **A** No.

20 **Q** What about, did you ever see his hands go
21 towards his side or like was he ever --

22 **A** No.

23 **Q** -- feeling on his abdomen like for?

24 **A** No.

25 **Q** Never saw that?

1 **A** (Shakes head.) He had on a white T-shirt
2 and khaki pants or shorts. He didn't have a hoodie
3 on like most of the kids, he didn't have a hoodie on
4 or anything where he could have did anything like
5 that.

6 **Q** Okay. And never heard the officer or him
7 say anything?

8 **A** No.

9 **Q** Okay. Um, did, when he was walking toward
10 the officer, did you feel, in your opinion, was that
11 in a threatening manner?

12 **A** No, he wasn't. He didn't have his hands
13 up fist ball or anything of that nature. I think he
14 was stunned, honestly. He just turned around and he
15 just, like I said, he turned around and he looked at
16 his hand and he turned around and he did like this
17 and he kept walking, he just kept walking toward the
18 officer, he didn't stop.

19 I asked my husband, why don't he just
20 stop, why don't he just be still, why don't he just
21 stop, and he didn't.

22 **Q** Did you ever see the officer get on his
23 radio or talk into a radio, either while he was on
24 the street or back at his car?

25 **A** No.

1 **Q** At some point you saw other policemen
2 come?

3 **A** (Nods head.)

4 **Q** Did you see them taping off the scene,
5 putting tape up?

6 **A** After.

7 **Q** Afterwards?

8 **A** Yes, ma'am.

9 **Q** Did any of those officers move the
10 victim's body?

11 **A** No.

12 **Q** Did any of those officers move Darren
13 Wilson, the officer who was involved in the
14 shooting, his name is Darren Wilson, I don't know if
15 you knew that, but did you see anybody move Darren
16 Wilson's vehicle?

17 **A** No.

18 **Q** What kind of car was Darren Wilson
19 driving?

20 **A** It's an SUV, I don't know if it is a
21 Blazer, I don't know it is just the regular Ferguson
22 SUV. I don't know, I'm not good at cars, I don't
23 know.

24 **Q** Was it clearly marked as a police vehicle?

25 **A** Uh-huh, yeah. It had Ferguson Police

1 Department on the side in writing.

2 Q Did you ever notice, were the lights on?

3 A No.

4 Q The light bar on top of the car or
5 anything?

6 A Huh-uh.

7 Q What about a siren or one of those
8 squawkers, did you here any whoop, or anything like
9 that?

10 A No.

11 Q Okay.

12 MS. ALIZADEH: Does anybody have any
13 questions?

14 MS. WHIRLEY: I do, yeah.

15 Q (By Ms. Whirley) Tell me what you meant by
16 things are going on at Canfield Apartments where you
17 won't allow your son to go there without
18 you?

19 A It is just not an area that I want him in.
20 I mean, it's just a lot of things that go on just,
21 it's not a safe environment.

22 Q Okay.

23 A So, I mean.

24 Q You mean like the other folks that live
25 there?

1 **A** Yeah.

2 **Q** Or the police?

3 **A** Just the complex in general. I just, it
4 is not safe, it is not somewhere I want him.

5 **Q** Okay. Can you tell me where you were on
6 the map when the police first encountered Mike Brown
7 Michael and Dorian Johnson?

8 **A** We were walking up the steps, this little
9 patio, porch.

10 **Q** You were on porch?

11 **A** Uh-huh. And then this is where
12 apartment sits.

13 **Q** So were you watching them when the police
14 encountered them or were you walking to the
15 apartment?

16 **A** It is open, so you can see whatever is
17 going on on Canfield.

18 **Q** And it had your attention because it was
19 the police?

20 **A** Uh-huh.

21 **Q** And a couple kids in the middle of the
22 street?

23 **A** Uh-huh.

24 **Q** Okay. Now, you said that the police, show
25 me here on the map where you were when the police,

1 after Michael Brown ran from the car, where were you
2 when the police first started firing?

3 **A** Right here. We hadn't gone into the
4 apartment.

5 **Q** You were still outside?

6 **A** Uh-huh.

7 **Q** And you were, of course, watching at this
8 point?

9 **A** Yes, ma'am.

10 **Q** And you have good vision?

11 **A** Yes, ma'am. And I have contacts, I'm over
12 , yeah, bifocals, actually, yeah.

13 **Q** You could see clearly, there was no
14 impairment for you to see?

15 **A** Nothing wrong with my vision, no.

16 **Q** Well, I guess you already told us, when
17 Michael Brown and the officer, I guess, he was
18 facing the officer and the officer first started
19 shooting you said about 20 feet?

20 **A** Approximately.

21 **Q** How far apart they were?

22 **A** Yes, ma'am.

23 **Q** Did you ever see Michael Brown charging at
24 the officer?

25 **A** No.

1 **Q** Okay.

2 **A** I mean, he turned around, and I'm assuming
3 that he was just stunned, that's how it appeared to
4 me. That he looked down at his hands and he saw
5 blood. He turned around and he just started walking
6 back towards the officer.

7 **Q** Did it appear that he was surrendering?

8 **A** I guess you could say that.

9 **Q** You were there?

10 **A** I assumed that that's what he was doing,
11 but I couldn't hear words being, between the two
12 people because I don't recall them saying anything,
13 I don't recall.

14 **Q** I'm sorry, I'm trying not to talk at the
15 same time. Did it seem like they were talking or
16 words were being exchanged, even though you couldn't
17 hear them?

18 **A** I really can't say.

19 **Q** Okay.

20 **A** To be perfectly honest, I can't say. I
21 would assume and I would hope, but I can't say.

22 **Q** Where did you see Michael Brown's body
23 fall after the last shooting?

24 **A** He was in the street. I want to say maybe
25 about right here. (indicating)

1 **Q** Okay. It looks like to you it is right
2 around Copper Creek Court?

3 **A** Yes.

4 **Q** And Canfield Drive?

5 **A** Yes, ma'am.

6 **Q** Was it like east of the intersection? I'm
7 sorry, west of the intersection?

8 **A** He was going back towards the police car.

9 **Q** Okay. Which was headed west initially?

10 **A** West, uh-huh.

11 **Q** So west of the intersection. In your
12 opinion, did it appear necessary for the officer to
13 shoot him that last time?

14 **A** No.

15 **Q** Why?

16 **A** Because he had stopped, I mean, he was
17 kind of standing there and he just started boom,
18 boom, boom, boom, and he just fell.

19 **Q** Okay. So when you said he had stopped?

20 **A** He was just standing there, he wasn't
21 moving, he wasn't running, he wasn't doing anything.

22 **Q** So the last round of shots, Michael Brown
23 was not even walking towards the officer?

24 **A** No. He walked and then it was like as he
25 was shooting, he just started falling like a domino,

1 he just kind of fell.

2 Q Okay. So explain to me, I don't want to
3 be confused. Why you didn't think it was necessary
4 for him to shoot those last rounds of shots at
5 Michael Brown?

6 A I just think it was too much. I mean,
7 that's just me being a mother, this being a child,
8 he was not charging at him, he did not have a weapon
9 that I could see, I mean, I guess because these are
10 the question that I asked my husband.

11 Q Okay.

12 A I asked him whatever happened to a warning
13 shot, whatever happened to shooting in the ankle or
14 somewhere just to stop him, but he just kept going.

15 Q Okay.

16 MS. WHIRLEY: All right, thank you. Any
17 questions?

18 MS. ALIZADEH: Let me ask a couple more
19 questions,

20 Q (By Ms. Alizadeh) When you first saw them
21 at the car, after the officer had backed up, did you
22 see any kind of confrontation at the car?

23 A I don't know what happened inside the
24 vehicle when the first two shots went off.

25 Q Uh-huh.

1 **A** I don't know what was said, I don't know.

2 **Q** So at this point Michael Brown, or the
3 victim, is standing outside the driver's window or
4 driver's door, right?

5 **A** Yes.

6 **Q** And was he close to the vehicle?

7 **A** Like right here. (indicating)

8 **Q** And you are motioning?

9 **A** I'm sorry.

10 **Q** It is about an arm's length?

11 **A** Uh-huh.

12 **Q** Did you notice if any part of his body was
13 inside the vehicle, could you tell?

14 **A** No.

15 **Q** It wasn't or you couldn't tell?

16 **A** I couldn't tell.

17 **Q** Okay. So you don't know what was going on
18 between the officer and the victim at the vehicle
19 except that they were up close within?

20 **A** In proximity.

21 **Q** Close proximity. And then you heard two
22 gunshots?

23 **A** Yes, ma'am.

24 **Q** And it was after the second gunshot
25 that --

1 **A** He ran.

2 Q -- he ran?

3 **A** Uh-huh.

4 Q After the first gunshot, did Michael Brown
5 or the victim remain at the driver's window?

6 **A** Uh-huh.

7 Q Or did he back away from the car?

8 **A** The shots were like consecutive. It was
9 like boom, boom. I'm like, oh, no, they're
10 shooting. And I sat there because I didn't know who
11 was shooting. And that's when he backed away from
12 the car and started to run, and that's when the
13 officer got out of the car to run after him.

14 MS. ALIZADEH: All right.

15 MS. WHIRLEY: Questions?

16 : . When
17 you said it is not a safe area, if I could get just
18 a little bit more clarification. This is not a safe
19 area. Is there gang activity in the area that you
20 know?

21 **A** Honestly, I don't, I don't know. I just
22 don't want my child there. When I say that, it is
23 just that my son is years old, he's
24 , he's a good kid. Things happen, police
25 are always down there. I don't know what goes on.

1 I honestly don't go down there at night. So when I
2 say I don't want my child there, he abides by what I
3 tell him and he goes places where I feel he is going
4 to be safe.

5 I understand.

6 **A** I understand that's 's
7 home, I'm not comfortable with him being . I have
8 a daughter, and knows
9 they can come and take out during the day, but
10 it is just too much, it is too much activity,
11 whether it is the residents or police or whatever, I
12 don't want him there.

13 And as a mother, he does what I tell
14 him to do. So it has nothing to do with that. My
15 mother is a business owner, I don't like for him to
16 go where her business is at night because he's .
17 This is my way of protecting my child as much as I
18 can protect him.

19 Uh-huh.

20 **A** When I say go somewhere, he don't go.
21 He's he drives, he's a good student, but when he
22 leaves my house and he's going somewhere, he needs
23 to give me a phone call.

24 : Uh-huh.

25 **A** And that's what I expect him to do. When

1 he's on his way home, he needs to give me a phone
2 call.

3 : Uh-huh.

4 **A** But that's my way, that's our way of
5 protecting him as much as I possibly can. I don't
6 know what happens there because I don't live there.

7 : Uh-huh.

8 **A** But I don't want him there because it is
9 too much police activity, there is too many people
10 many walking up and down the streets all the time,
11 and I don't know what they do there because I don't
12 live there, but I don't want either one of my kids
13 there. I'm going to tell you how I feel and my
14 husband.

15 : If I can ask another
16 question being a mother, like you said, of a

17 Do you also advise him to respect --

18 **A** Yes.

19 -- law officers?

20 **A** Every time I tell him what to do and he
21 even encountered being stopped by a police officer
22 and it scared him to death because he was not doing
23 anything, this is when he first learned how to
24 drive. He was going to my aunt's house, it was dark
25 and I don't know if you all are familiar with Parker

1 Road, there are no lights on Parker, he had his high
2 beams on. The police officer pulled him over and he
3 stopped, he was not disrespectful, he was not
4 belligerent, he pulled out his insurance, his
5 license and the police officer told him, young man,
6 I'm just giving you a warning, turn your high beams
7 off. And my child was so afraid, the officer wanted
8 to know if he needed us to come and pick him up.

9 So he respects the authority,
10 however, I don't want him to be in a situation where
11 he has to second guess anything that my husband and
12 I have told him about, what he's supposed to do when
13 he's encountered by a person of authority. My child
14 has a 3.5 GPA. He's never been suspended, he's
15 never been in trouble, but it is always that one
16 incident.

17 When he leaves the house, he's only
18 to have two people in his car outside of his sister.
19 I mean, I mean, I was a teenager, my husband was as
20 well, but we try to train him and teach him to do
21 things that he's supposed to do. But that's not
22 always the case. And when you have other people in
23 your car, you don't know what they have on them. So
24 we've given him as much guidance as we possibly can.

25 Now whether or not he uses it when he

1 walks out the door, that's another story.

2 Uh-huh.

3 MS. ALIZADEH: just to
4 clarify, the officer that pulled over your son, was
5 he a Ferguson officer?

6 **A** No, he was a county.

7 MS. ALIZADEH: Okay. And that encounter
8 went okay?

9 **A** He was fine, it just scared him to death.

10 MS. ALIZADEH: Maybe that's a good thing,
11 right.

12 **A** I mean, when he got in the house, he was
13 trembling. I mean, he was shaking, and we were like
14 what is wrong with you. He is like, I got stopped.
15 I'm like, okay. Calm down, but because he knows he
16 has to respect authority. And he just, but I didn't
17 do anything. Which I understand that, but he had
18 his high beams on on a dark road and he could have
19 blinded the other driver.

20 And, again, like I said, he was ,
21 just learning how to drive. It was dark, he figured
22 I turn on the high beams and I will be okay.

23 MS. ALIZADEH: But the officer wasn't
24 belligerent with your son?

25 **A** No, huh-uh.

1 MS. ALIZADEH: And just, again, I didn't
2 ask you to make sure, but do you know any Ferguson
3 police officers?

4 A Um, I don't think he's a Ferguson police
5 officer. One of the coaches for my kids track team,
6 I can't think of the man's name, he was a Ferguson
7 police officer and I believe he's retired.

8 MS. ALIZADEH: Okay. Did you know Darren
9 Wilson?

10 A No.

11 MS. ALIZADEH: Any other questions?

12 . If you could,
13 take me back to the time when Michael Brown ran into
14 the grassy area as you said, is turning around?

15 A Uh-huh.

16 : Before he was shot at by
17 the police officer after running?

18 A Uh-huh.

19 And started moving back
20 towards the officers with his hands down like this,
21 both you and have both kind of said that
22 there was a sense of frustration with you why
23 Michael Brown was still moving forward a little bit,
24 sounds like you were both a little frustrated with
25 that. Can you describe that a little?

1 **A** I didn't understand why he just didn't
2 stop and maybe get on his knees, just stop moving
3 period. I just didn't understand why he kept going.
4 I mean, I don't know if his parents have talked to
5 him about ten and two and doing certain things when
6 you are stopped.

7 So, yes, I was frustrated.

8 Okay.

9 **A** I don't honestly think he has been taught
10 what to do and that's just my personal opinion.
11 Again, as I say, I have a son, and so
12 you know, there is certain things that you do and
13 don't do when you are approached by authority. And
14 he just, he just should have stopped. He just
15 should have stopped.

16 : Do you have any idea or
17 logical guess as to how much distance he covered
18 moving back towards the officer, was it a few steps,
19 was it ten steps?

20 **A** No, it was probably maybe ten steps.

21 : Okay.

22 **A** He was close enough to, I think reassure
23 the officer that he was not a threat, that's my --
24 MS. WHIRLEY: He is what?

25 **A** He was close enough where he wasn't a

1 threat. I think when he turned around and his hands
2 are down, I think the officer should have said okay,
3 I mean, I don't know, I don't know what was going
4 through his mind. I don't know what was going
5 through the victim's mind, but again, I was
6 frustrated because he just, I mean, he just should
7 have stopped and I guess, I don't know, he should
8 have did something different than just keep on
9 moving.

10 : Thank you.

11 : . The officer, was
12 he moving at that time as Michael Brown was
13 approaching him or maybe when he paused between the
14 two series of shots or at any time?

15 **A** He was standing still.

16 Was the officer moving
17 towards Michael, away from Michael or standing
18 still?

19 **A** He was standing still.

20 Through all the shots he
21 was just standing still?

22 **A** Uh-huh.

23 Okay. Thank you.

24 I guess
25 at the time when he turned around and he had his

1 hands like this? (indicating)

2 **A** Uh-huh.

3 : You said that, you could
4 see both of his hands?

5 **A** Uh-huh.

6 In your opinion, could the
7 police officer see both of his hands?

8 **A** Yeah, honestly, yeah, I believe so.

9 : Thank you.

10 : . Could you see
11 Michael Brown's face or was his back to you when he
12 had his hands like? (indicating)

13 **A** When he turned around this way, it was his
14 back and then he was looking this way, it was still
15 his back, but you could see his hands out to his
16 side.

17 And you say he wasn't
18 charging, he was just moving forward?

19 **A** I want to say it is almost as if you tell
20 somebody to come here and they're coming, but he
21 just kept walking, he just kept going, he just
22 didn't stop. Even today, I don't know why, I don't
23 understand that and when it was all going on I asked
24 my husband why won't that child just stop.

25 : I understand. This

1 question is hard for me to ask, okay. This one you
2 said that in your opinion because you're a mother,
3 you felt like it was too much, too many shots, I'm
4 going to ask you if it was your husband or child
5 that was the officer, would you feel the same way?

6 **A** Yes, I would.

7 Okay. Thank you.

8 **A** I have to be perfectly honest, this has
9 changed his life, it has changed this child's
10 family's life, everybody's life and it went from 0
11 to 100. And honestly, I think it was just something
12 that could have been thought through a little bit
13 more because his life has changed, no matter what
14 happens, both of them. It has changed a lot of
15 lives.

16 : I do, . I just
17 want to make sure that I heard you correctly. You
18 said the last shots were fired, the ones that you
19 feel were excessive, Michael Brown was not walking
20 towards the officer at that time, he had stopped?

21 **A** No.

22 : Okay. Thank you.

23 : Just one
24 clarification. Were there any other cars besides
25 the white car that you saw that could have been

1 blocking the police officer where he had to walk
2 around to come and show his full body?

3 **A** No.

4 MS. ALIZADEH: Any other questions?

5 : . At any
6 time did you see Michael Brown reach under his
7 shirt?

8 **A** No, I did not.

9 : Thank you.

10 MS. ALIZADEH: All right. This will
11 conclude the testimony of Thank
12 you.

13 (End of the testimony of
14 .)

15 MS. ALIZADEH: It is October 6th, it is
16 9:47. We just had a midmorning break. This is
17 Kathi Alizadeh, present also is Sheila Whirley and
18 all 12 grand jurors, as well as the court reporter.
19 We will be playing a couple of recorded statements.

20 I thought, and Sheila and I decided, we
21 talked, probably make more sense to play

22 s statement first since she just testified
23 and be fresh in your mind. And the first statement
24 is about, well, it is 54 minutes and 32 seconds. It
25 is just under an hour.

1 So we will start that, we will cease the
2 audio recording while the statement is playing. And
3 then at the conclusion of that statement, we will
4 play the statement of , which is
5 considerably shorter. Although I don't know how
6 short, I have to find out, all right. So at this
7 time we'll cease the audio recording and begin
8 playing the statement. While the statement is
9 playing, I will pass around Grand Jury Exhibit
10 Number 32.

11 (Grand Jury Exhibit Number 32
12 marked for identification.)

13 MS. ALIZADEH: Which is a map that
14 used during her statement and she
15 made some drawings and labeled some things as the
16 statement is being played. It might be helpful for
17 you to be able to have seen this.

18 MS. WHIRLEY: Her recording, just for the
19 record, is Grand Jury Exhibit Number 24.

20 (Interview of is being
21 played at this time.)

22 MS. ALIZADEH: It is 10:44 a.m. here and
23 so I have passed around Grand Jury Exhibit Number
24 32. This exhibit, as well as all the others that
25 we've seen and used will be available to you if you

1 want to see it again or at the conclusion of all the
2 evidence, will be made available to all of you
3 again.

4 We had a change of plans today. The
5 witness for this afternoon left me a message needing
6 to reschedule, so I have now gotten ahold of the
7 firearms examiner who is going to come over at
8 1:00 or whenever you are done with your lunch break.
9 So he will give his testimony after lunch. I'm
10 going to try to get somebody else. He won't take an
11 hour and a half, but I will try to get another
12 police officer or someone else to come in to round
13 out the rest of the afternoon.

14 And as of right now, I've got to see
15 what's going on outside of this room. If you want
16 to take a quick break since we will start back up
17 with listening to more statements.

18 (Recess).

19 MS. ALIZADEH: It is 10:54, this is Kathi
20 Alizadeh. Sheila Whirley is not in the room, she's
21 just outside. All 12 grand jurors are present, as
22 is , the stenographer, and right now Judge
23 asked her to come over and she needs to
24 address you as a group. There won't be any
25 individual questioning, but she's going to talk to

1 you as a group right now, all right.

2 Neither Sheila nor I will be in the room
3 when she's here to talk to you.

4 THE COURT: It is Monday, October 6th, and
5 I'm back in front of you mainly because I'm always
6 thinking about you and I have a little bit of
7 information that I want to share with you. And I
8 hope that what I'm here to say will also guide you.

9 Um, I received some information that some
10 of you, and by the way, I have no names, and you are
11 not at the principal's office right now, you have
12 not been called to the principal's office. I want
13 to assure you about that, but some of you may have
14 done some independent investigation or some
15 research, and I'm here to caution you about that.

16 Your job, as you know, when I told you
17 when you started here will be to listen to the
18 evidence that you're going to hear and then at some
19 point, you're going to be deliberating.

20 It's very important that you all come to
21 deliberate, that you are all considering the same
22 evidence. You will each have thoughts about the
23 evidence you've heard, you will each have opinions,
24 but the very important thing to give the decision
25 you make credibility and value is that you are all

1 considering the same information and evidence.

2 And so I'm here to caution you do not go
3 out and do independent research and investigation.
4 If there is something you want, you tell the
5 prosecutors. They will go and get that for you.
6 And if they can't get it for you, they'll tell you
7 why they can't get it.

8 Ask for anything you think you need to
9 reach the decision you're going to be reaching, and
10 I can't caution you enough about that.

11 I think of you often and I think of you
12 because, and I told you this before, I told you at
13 the beginning and I still tell you this, you are the
14 face of our community. This decision is important,
15 you are good people. You collectively are our St.
16 Louis County. We have St. Louis County, that's our
17 community here.

18 You are, you are the face of our
19 community. Your decision will be the decision of
20 the community because you good people have listened
21 to all of this evidence and then reached your
22 decision.

23 The decision you reach will be thoughtful,
24 it will be thorough, and it will be based on as much
25 evidence as you ask for and as can be brought to

1 you.

2 And just so you are deliberating and
3 talking back and forth, just so you all know, you're
4 thinking about the same evidence. That's why it is
5 so important that you not do this independent
6 research, independent investigation.

7 So I'm going to ask you to please, if
8 there's something you have, it has to be shared
9 collectively. I'm going to ask you from this point
10 forward, do not go forward and do anything
11 independent. Ask the prosecutors for it.

12 I guess I've stated what I really wanted
13 to state, but I have such faith in you. I think
14 you, no matter what the decision is, your decision
15 is going to be the result of a well thought out and
16 conscientious approach to considering it. That's
17 what is provided for in the law. You're going
18 through a very hard task at this time.

19 But when you go through that task, you
20 should know at the end of the day, and I will know
21 at the end of the day, you have done everything that
22 is provided for under the law in our justice system
23 when grand juries sit, and you have done everything
24 that has been asked of you as a citizen of St. Louis
25 County.

1 So my caution to you is if there is
2 anything you want, you tell these prosecutors, they
3 will get you that information. And if they can't,
4 they will tell you why, ask them why. You are
5 certainly free to do that.

6 But keep yourself safe too. I respect the
7 law and I follow the law and I'm following the law
8 right through to the very end. And, um, I will
9 answer questions that people have because people are
10 free to ask questions in our justice system.

11 If the press comes to me and ask me
12 questions, I am going to follow the law in that
13 regard. I believe I have followed the law up to
14 this point with regard to any questions from the
15 media, I will continue to do that, but when you do
16 independent investigation, I worry that you keep,
17 that you may expose yourself to dangerous
18 situations, and you may create a situation where
19 people start talking about you and reporting they've
20 seen this, they've seen that, and it may lead to
21 more problems than we could ever imagine.

22 So please keep your research and
23 investigation here in this room, please keep
24 yourselves safe and please know that you are the
25 very good people of St. Louis County, we are lucky

1 to have in St. Louis County doing this very hard
2 work. Your collective decision when you reach it
3 will be the decision, no matter what it is. I don't
4 know what it is, I'm pretty darn sure you don't know
5 what it is at this point.

6 That is the decision that our justice
7 system has thought about, provided for in the laws,
8 and will guide you ultimately to making your
9 decision and decide what the next step will be under
10 our justice system.

11 So it is nice seeing you once again.
12 Thank you for your very hard work. That's all I
13 wanted to say, thank you.

14 (End of Judge 's statement.)

15 MS. ALIZADEH: All right. It is
16 11:04 a.m. on October 6th. This is Kathi Alizadeh,
17 present also is Sheila Whirley, all 12 grand jurors
18 are present as is , the court reporter. We are
19 next going to play a taped statement from

20 If you recall, he's already testified, I
21 think, last Thursday. We'll hand out the
22 transcripts. And then as usual, we will have
23 pause the recording while the recorded statement is
24 being played and then we'll resume.

25 I don't have, if there is a map, I don't

1 have it. So I will have to, they talk about doing a
2 map in the statement and I don't remember if they
3 do. If they have a map, then I'll have to get that
4 for you this afternoon.

5 So pause the recording now, we're going to
6 play from State's Exhibit Number, Grand Jury Exhibit
7 Number 24, which is the disc that contains witness
8 statements, including the statement of

9
10 (Interview of is being
11 played at this time.)

12 MS. ALIZADEH: It is 11:15, we just
13 finished listening to the recorded statement of

14
15 Uh, I'm now going to pass out some
16 transcripts and we will listen to the recorded
17 statement of Her statement is also
18 being played on a disc, from a disc that is on Grand
19 Jury Exhibit Number 24. And is going to pause
20 the audio recording while the statement is being
21 played.

22 (Interview of is being played
23 at this time.)

24 MS. ALIZADEH: And I believe, although the
25 officer didn't specify, that he starts out in the

1 interview and he says that he is at
2 with , I believe that that is where she
3 lives, which on the map is right here, Building
4 Number . Okay.

5 And I will also let you know that we have
6 a map that has been put together for you that has
7 the dots on it of every one of the witnesses who are
8 testifying and you will have a legend that will have
9 the number of the witness and then the name.

10 So eventually when all the witnesses are
11 done testifying, we'll have that and you will be
12 able to go back and say this is where that girl was,
13 this is where that guy was and so forth.

14 So it will kind of help to pull all of
15 that together, but right now since we haven't heard
16 from all the witnesses and the map is already marked
17 with all the witnesses, we are going to wait until
18 we get all of those people on to testify. So you
19 don't have to worry about trying to remember so much
20 as far as where everybody was because there will be
21 a map given to you that kind of lays that out.

22 Um, also, there is a recorded statement of
23 that was done on September 30th, by the
24 FBI. And I just got that transcript this weekend,
25 and I haven't got the actual recording yet, but I

1 did talk to the agents this weekend and I'm hoping
2 that they're going to drop off this recording, as
3 well as some other recordings this morning. So I
4 will check during the lunch hour and if I have that
5 recording, then we will listen to that after the
6 lunch hour.

7 is scheduled first thing in
8 the morning. If we don't get on that this
9 afternoon, we will try to listen to that before she
10 testifies in the morning, okay?

11 And so we'll just skip that second
12 statement of for now, and the next
13 statement that I'm going to play is a statement of
14 . She's also scheduled to testify
15 tomorrow. And if you recall, is the
16 fiancée of whose already testified.
17 I'm going to pass out, obviously, not obviously, but
18 her statement is very brief as well.

19 (Interview of was played at
20 this time.)

21 MS. ALIZADEH: It is 11:28. We just
22 finished playing a recorded statement of
23 , which was played on Grand Jury Exhibit Number
24 24.

25 At this time, unfortunately, I don't have

1 anything scheduled, although I do have a witness
2 scheduled for tomorrow. I don't have transcripts
3 printed up yet, let me see if it is on there.

4 You want to see how long that statement
5 is?

6 If you want to hang tight, I can try to
7 print out a ten minute statement that will get us
8 closer to the lunch hour. Hopefully it will just
9 take me really quick.

10 MS. ALIZADEH: And, , if we want to
11 go ahead and pause the audio recording and then we
12 can step out while I'm printing these up. And if
13 you guys want to talk, you are able to do that while
14 we are out of the room, okay.

15 (Recess)

16 MS. ALIZADEH: It is October 6th, 2014, it
17 is 11:36. This is Kathi Alizadeh, Sheila Whirley is
18 present, as well as all 12 grand jurors and the
19 court reporter. So we took a brief break while I
20 printed up some transcripts. So we're next going to
21 play for you a recorded statement from a witness
22 whose name is , and I believe that's

23 .

24 Who is, he's a juvenile. I can't remember
25 how old he is. I am hoping he is going to be able

1 to testify tomorrow, that's the plan. We will go
2 ahead and listen to his statement now and get that
3 out of the way.

4 His statement is about ten minutes long I
5 think, you said Sheila? And it is also contained on
6 Grand Jury Exhibit Number 24.

7 (Interview of is being
8 played at this time.)

9 MS. ALIZADEH: All right. It is 11:48,
10 this concluded the playing of the recorded statement
11 done on August 9th, 2014 of . And so
12 at this time we'll go ahead and begin our lunch
13 break. I think the lunch is supposed to be
14 delivered at noon. So if you all want to just take
15 a break and use the restroom and whatever, or chat
16 amongst yourselves. And then when the food gets
17 here, we'll give, you know, a good amount of time to
18 eat and then you'll just let us know when you are
19 ready to start up after you are eating your lunch.

20 The next witness I hope is going to be
21 here, he's going to be here like a quarter after
22 noon that is for me to talk to him. We should be
23 able to get going as soon as you're ready. All
24 right. So we'll conclude for the morning.

25 (Lunch recess taken)

1 MS. ALIZADEH: This is Kathi Alizadeh. It
2 is October 6th at 12:58 p.m. I'm present, as well
3 as Sheila Whirley of the prosecutor's office, all 12
4 grand jurors are present. We're going to begin the
5 afternoon session. We are going until about
6 2:30 today. I have had to, we had a witness cancel,
7 so I did my best to get a couple of people in here
8 to make good use of your time for this afternoon.

9 So the first witness you are going to hear
10 from is And then on his way is
11 another detective, his name is ,
12 So hopefully we'll get the two of them in. I
13 apologize if it is not 2:30, then you guys are going
14 to break early today and go on your way because I
15 don't think I can get anybody else in this
16 afternoon.

17 So if the witness now would be sworn.
18 ,
19 of lawful age, having been first duly sworn to
20 testify the truth, the whole truth, and
21 nothing but the truth in the case aforesaid,
22 deposes and says in reply to oral
23 interrogatories, propounded as follows, to-wit:

24 EXAMINATION

25

1 BY MS. ALIZADEH:

2 Q Could you please state your name and spell
3 it for the court reporter?

4 A , .

5 Q Um, can you please tell me how you're
6 employed?

7 A I am a police officer with St. Louis
8 County Police Department, assigned as a firearm and
9 tool mark examiner in the crime laboratory.

10 Q And so you originally received your
11 training to be a police officer; is that right?

12 A Yes.

13 Q When did you become a police officer?

14 A In early, I'm sorry, 1991. I became an
15 officer commissioned and hired by St. Louis County
16 and have not worked for any other departments.

17 Q So as a police officer after your
18 graduation from the academy and during your training
19 with the academy, you learned how to use firearms,
20 correct?

21 A Yes.

22 Q And then at some point you went from being
23 a uniformed officer to having this specialized area
24 of tool marks and firearms examiner, correct?

25 A That's correct.

1 **Q** So can you explain for the jurors, first
2 of all, when is it that you went and got your
3 training for that?

4 **A** After four and a half years on patrol, I
5 went into the Crime Scene Unit and was in the Crime
6 Scene Unit for six and a half years.

7 So approximately 2002 I was assigned
8 in the crime laboratory, trained under other
9 qualified firearm examiners, both on the job and
10 through available training outside the laboratory by
11 firearm manufacturers, ammunition manufacturers, ATF
12 training opportunities, FBI training opportunities
13 and so forth. Completed that training in 2004 and
14 have been an examiner ever since, even becoming the
15 supervisor of the section, I think, two and half,
16 almost three years ago now.

17 **Q** So you began in the firearms lab in 2002
18 you said?

19 **A** Yes.

20 **Q** So there's, you had approximately two
21 years of training before becoming a firearms
22 examiner?

23 **A** A qualified examiner, yes.

24 **Q** Now, to be a qualified examiner, do you
25 have to have any type of certification or

1 qualification?

2 **A** There are opportunities for certification
3 through an international organization. They're not
4 required, only a small percentage of examiners take
5 that opportunity and I have not, so I am not
6 certified through them, but I have been qualified
7 both in state and federal courts numerous times as
8 the expert witness.

9 **Q** So for approximately ten years you've been
10 working solely and strictly as a tool marks and
11 firearms examiner for St. Louis County Police
12 Department?

13 **A** That's correct.

14 **Q** And can you give me an estimate of how
15 many times you have testified as an expert witness
16 in that area in state and federal courts?

17 **A** I wish I had counted them. Truthfully my
18 best estimate would be dozens, not 50, but more than
19 25.

20 **Q** Okay. And in those cases, have you been
21 qualified to testify as an expert in the field of
22 tool marks and firearms examination?

23 **A** Yes.

24 **Q** So can you explain for the jurors,
25 obviously, firearms and tool marks are two different

1 types of things you might be looking at in this
2 case?

3 **A** Uh-huh.

4 **Q** The investigation into the shooting of
5 Michael Brown. You were looking at firearms and
6 ballistic materials; is that correct?

7 **A** Yes.

8 **Q** Okay. So while it might be very
9 interesting to talk about tool marks and what you do
10 with them, let's skip that part of your expertise
11 and we'll go straight to the firearms portion of it,
12 is that all right?

13 **A** Very good.

14 **Q** Now, in the laboratory setting at St.
15 Louis County Police Department Crime Laboratory, are
16 evidence items submitted to you for you to examine
17 and test?

18 **A** Yes, they are.

19 **Q** And in this particular case, which is in
20 relation to St. Louis County Police Department's
21 Complaint Number 14-43984, were there items
22 submitted to you for you to examine and test?

23 **A** Yes.

24 **Q** So first off, let's talk about a weapon.
25 Was there a weapon submitted to you for you to test

1 and examine?

2 **A** There was a firearm submitted for my
3 examination, yes.

4 **Q** And I say weapon, I guess that's pretty
5 all inclusive. The weapon in particular is a
6 firearm, correct?

7 **A** Correct.

8 **Q** And you tested that weapon and compared it
9 to some other materials that have been submitted to
10 you?

11 **A** That's correct.

12 **Q** Did you put your conclusions in a report
13 that you then gave to me?

14 **A** I did.

15 **Q** All right. And I'm going to show you
16 Grand Jury Exhibit Number 33.

17 (Grand Jury Exhibit Number 33
18 marked for identification.)

19 **Q** (By Ms. Alizadeh) Is that a copy of a
20 report you made in this case?

21 **A** Yes, it is.

22 **Q** I'm going to pass this around so everybody
23 can have a copy of that as well. So Officer
24 when you are submitted, in this case,
25 the firearm, what do you do to begin your

1 examination?

2 **A** In this particular case, after opening the
3 package to observe the weapon, firearm, I discovered
4 that it had what appeared to be blood on it. In the
5 interest of safety for myself and others that might
6 handle this firearm after me, I cleaned it with
7 bleach to kill any biohazards and remove that
8 apparent blood from the firearm.

9 **Q** Okay. So let's back up now. This weapon
10 was submitted to you by Detective is
11 that correct?

12 **A** The seizing detective was .
13 From him it went to a secure vault that they have
14 access to for dropping off evidence after hours.
15 That vault is then accessed by Property Control
16 Unit, and in this case , who is the
17 supervisor of the Property Control Unit. Removed it
18 from that vault and brought it to me.

19 **Q** So what day did you receive that firearm?

20 **A** October 11th of 2014. I'm sorry, did I
21 say October? I meant August, I'm sorry.

22 **Q** That would have been a Monday, correct, or
23 maybe. If the 9th was a Saturday, that would make
24 the 11th a Monday?

25 **A** That sounds correct.

1 **Q** Can you describe how this weapon, this
2 firearm was packaged and how you first saw it?

3 **A** It was packaged in a box that we have
4 specifically on our department for the storage of
5 firearms and it is sealed with evidence tamperproof
6 tape. In other words, if the tape is torn to open
7 the package, you can tell by the tearing of the
8 tape.

9 And it is also itemized on an
10 evidence receipt that accompanies that box. So its
11 submission has some of the case information and the
12 contents of the box listed thereon.

13 **Q** Now, when you received the box, did you
14 examine it to determine whether or not the tape that
15 sealed the box had been tampered with?

16 **A** It was sealed when I received it.

17 **Q** Had you noticed, or in any case when you
18 noticed that there has been a tear in the evidence
19 tape, would you notify the seizing detective
20 immediately?

21 **A** Yes.

22 **Q** Okay. So in this case, it appeared to
23 still be intact, correct?

24 **A** Yes.

25 **Q** Was there anything unusual about the way

1 it was packaged?

2 **A** Not to my recollection.

3 **Q** Now, there has been testimony from
4 Detective , and I'm just going to ask you to
5 take my word on this, that when he first found the
6 weapon or first got the weapon I'll say, that it had
7 been packaged, so to speak. And he described to the
8 jurors the way that was.

9 The weapon had been placed in like an
10 evidence envelope and the magazine and live round
11 had been removed from the weapon and the slide had
12 been locked in its back position. Did you see any
13 evidence envelope with the box that you opened up,
14 was there anything like that in there?

15 **A** Truthfully, I don't recall, however,
16 that's not unusual. So the answer to your earlier
17 question anything unusual, no, because it's not
18 infrequent that that does occur, especially the
19 firearm being made safe and unloaded and the action
20 locked up and so forth, that is actually a
21 requirement of the laboratory that we not have
22 loaded or unsafe firearms.

23 Specifically in this case I don't
24 recall an envelope, but if there was in that box, it
25 would still be there today.

1 **Q** Okay. Whatever the condition it was in
2 was not unusual to you?

3 **A** Correct.

4 **Q** And, in fact, the St. Louis County Police
5 Department's Crime Laboratory examines firearms and
6 ballistic materials from any police department in
7 St. Louis County that would submit them to you; is
8 that fair to say?

9 **A** Yes, including federal agencies, yes.

10 **Q** And I would imagine, and I'm not sure,
11 would it be fair to say that just different
12 departments, they may have a different way of
13 packaging a firearm? In other words, they might not
14 use the same box that the county uses and so forth?

15 **A** That's absolutely true. In fact, that's
16 why it is not unusual because we have a requirement
17 that the guns be boxed. It is for a safer storage
18 and so forth, easier to store.

19 Those agencies that will use those
20 envelopes, when they arrive at our lab we will offer
21 them boxes. It is not unusual to have that envelope
22 in that box, no matter how they choose to submit it.
23 Still other agencies will choose boxes very
24 different from our own. Simply whatever they have
25 available because then they meet the requirement of

1 having the firearm boxed.

2 **Q** Now, we have also heard testimony from
3 Detective that when he seizes a weapon, in
4 order to package it and submit it for examination,
5 that he would zip tie through the ejection port of
6 the weapon in order to prevent that slide from
7 moving. Did you notice if that had been done in
8 this case?

9 **A** I didn't pay particular attention to note,
10 but every firearm is required to have a safety of
11 some sort applied to it for its submission and that
12 is the most common. And, in fact, when I'm done
13 examining, I put on the very same zip tie.

14 **Q** And then he also testified that he would
15 use some kind of led identification number seal that
16 he would put on the trigger guard of the weapon to
17 mark it, so to speak, or number it. Is that also
18 something that you use for sealing?

19 **A** Absolutely, it's a led tab that has a
20 steel wire coming from it. That led is manufactured
21 for our department with our name on one side and
22 forgive me, our number on one side that is unique.
23 It is an incremental numbering system on those led
24 seals. They are unique so they're not repeated. So
25 that number, when that led wire goes through the

1 trigger back into the led and is crimped on with the
2 led crimper, it embosses St. Louis County on it
3 ideally. Then that is a unique number identifiable
4 to that specific firearm and yes, I am very use to
5 seeing those.

6 Q All right. So when you first receive that
7 weapon and you look at it, did it appear to be
8 handled properly in your opinion, came to you at
9 least in a condition that didn't raise any
10 suspicions with you?

11 A Correct, I found it as I would expect to.

12 Q Okay. So can you describe what this
13 weapon is?

14 A Yes, it is a pistol. It's made, as you
15 can see on your copies, by Sig Sauer, Incorporated.
16 They're located in Exeter, New Hampshire. This
17 model is a P229 and the caliber of it is .40 Smith &
18 Wesson.

19 Again, it is a pistol, the finish I
20 call black, that's mainly for the color.
21 Manufacturer's have many different names for their
22 finishing processes. We don't try to keep up with
23 those. We simply try to know what color that finish
24 is. It has six lands and groves with a left twist
25 inside the barrel, and this firearm has serial

1 number 55B003794.

2 **Q** All right. The things that you indicated
3 just now about the weapon, are those things you can
4 see in your visual examination of the weapon or did
5 you have to like actually look through some kind of
6 device in order to determine that it had six lands
7 and grooves with a right side twist, I mean, a
8 left-hand twist?

9 **A** That is the interior of the barrel. It
10 took some lighting to eliminate that. It can be
11 seen with the naked eye, however, low power
12 magnification is best. I have an eye loop, it is a
13 jeweler's loop, it is only 5X, it is not very much
14 at all. Like a magnifying glass, it is not very
15 much at all. It makes it easier to see. So I can
16 look into the barrel and determine the number of
17 lands and grooves and the direction of that twist.

18 **Q** In regard to the caliber of the weapon,
19 what does that mean?

20 **A** The number is roughly the diameter from
21 the raised area of the land on one side to the
22 raised area of the land on the other side on the
23 interior of the bullet. Interior diameter, if you
24 will.

25 **Q** The interior of the barrel?

1 **A** Of the barrel. However, that's not an
2 exact measurement. There are different tolerances
3 that the manufacturers have. The S & W after that
4 number is Smith & Wesson is what that stands for.
5 They developed that caliber, so .40 Smith & Wesson
6 caliber is a name of this caliber of ammunition that
7 this firearm is designed to fire.

8 **Q** All right. And when you say that you
9 cleaned the weapon of blood, did you do any testing
10 on that to determine it was blood?

11 **A** The testing of any blood or search for any
12 fingerprints if it was necessary is all done before
13 the firearm comes to me in the laboratory.

14 **Q** Okay.

15 **A** So I understand that there were some tests
16 done, I don't know specifically what tests nor the
17 results.

18 **Q** But you didn't do any yourself?

19 **A** That's correct.

20 **Q** Okay. And so after, are you familiar with
21 this weapon?

22 **A** Yes.

23 **Q** Not this particular one, but the Sig Sauer
24 .40 caliber pistol?

25 **A** Yes, in fact, it is the same firearm that

1 we are issued as county police officers.

2 **Q** All right. And so after having cleaned
3 the firearm, what do you do then to continue your
4 examination of the weapon?

5 **A** I then made note of these observations and
6 then began to do some more observations and some
7 simple tests to include determining the capacity
8 of a magazine that was submitted with the firearm
9 and that was 12.

10 The firearm has no safety, I took
11 note of that.

12 **Q** Is that unusual that a weapon of this type
13 does not have a safety? Is it manufactured without
14 a safety or is it somehow removed from the weapon?

15 **A** This firearm and many others have internal
16 safeties and when we speak of a safety, we are
17 referring specifically to an external safety that
18 can be applied by the person possessing the firearm.
19 There are no external safeties on this firearm, but
20 there was never designed to be. It was not removed
21 from this weapon, it is simply not present.

22 **Q** Okay. And so then you also indicated
23 there was a magazine submitted with this weapon,
24 correct?

25 **A** Yes.

1 **Q** Can you describe for the grand jurors what
2 is a magazine, it is not People or Time, obviously,
3 but what was the magazine that was submitted to you?

4 **A** Some people call it a clip, but it's that
5 detachable part of the firearm that contains the
6 ammunition. You can load it with as many as you
7 like up to its capacity and in this case as many as
8 12 live cartridges inside the magazine. The
9 magazine when you desire, when you use your desires,
10 would seep into that firearm and lock into it and
11 contain that ammunition.

12 The firing cycle, it would take
13 individual cartilages to load and fire from that
14 magazine. And to continue to do so as many times as
15 you fire it until the ammunition supply is
16 exhausted.

17 **Q** So the magazine that was submitted to you,
18 was it empty as submitted to you?

19 **A** We receive it in both manners, where it is
20 loaded and unloaded. I don't remember at the moment
21 if he unloaded the magazine or not.

22 **Q** Do you recall if there were any live
23 rounds that were submitted with this weapon?

24 **A** I did have one live cartridge submitted
25 with the magazine and firearm.

1 **Q** So now I called it a round and you just
2 called it a cartridge. Can you describe for the
3 grand jurors what you mean by a cartridge?

4 **A** A cartridge is the unfired ammunition. It
5 is a live cartridge where the primer is ready to be
6 fired, I'm sorry, there is gunpowder contained in
7 the cartridge case. And the bullet is seated in the
8 mouth of that cartridge case. Again, it is unfired.

9 A round is a interchangeable term if
10 you will, perhaps a layperson's term. It can mean
11 the same thing, but among fire examiners the
12 definition of that is a live cartridge.

13 **Q** What else did you note about this weapon
14 that you indicated in your report. You have here
15 trigger pull SA, not applicable. What does that
16 mean?

17 **A** Trigger pull single action and next to
18 that is DA, for double action, I put not applicable
19 because I did not test the different trigger pulls
20 that firearm has. It is a measurement taken in
21 pounds. And the reason why I did not report that is
22 because it can vary. One pull of the trigger might
23 be 5 pounds and the next one might be 7 pounds.
24 Unless it becomes a key element in the case, it is
25 simply too variable to have much meaning to me and

1 for me to testify to it. It is seemingly
2 unimportant.

3 Q So in that case where someone says I was
4 holding the weapon and I barely touched the trigger
5 might be relevant, but in this case it was not; is
6 that correct?

7 A To my understanding, correct. There is no
8 denial of firing the weapon, there is no question of
9 how long the trigger pull might have been and things
10 of that nature, so it was not recorded.

11 Q And then CYL and CYL rotation, what do
12 those terms mean?

13 A CYL is standing for cylinder. And that is
14 for a revolver type weapon, this is a pistol, so it
15 does not have that cylinder, so it is not
16 applicable.

17 Q All right. And then you described the
18 barrel length in inches; is that correct?

19 A That's correct, three and three quarter
20 inches.

21 Q And then muzzle trigger length you have
22 NA, is that because it is a short pistol as opposed
23 to a long gun?

24 A That's correct. That's more intended for
25 the overall length of firearms. Sometimes that

1 length becomes an issue in the application of
2 statutes. For example, sawed off gun, it has to be
3 a certain length to be legal. And if it is any
4 shorter than that, the measurement would have been
5 taking there.

6 **Q** Now, we've described the action of this
7 weapon or firearm as being semiautomatic.

8 **A** Yes.

9 **Q** What does that mean?

10 **A** Semiautomatic pistols fire one bullet,
11 fire one cartridge with each pull of the trigger.
12 So if you pulled that trigger one time, even if you
13 hold it back and don't release it, it is only going
14 to fire the one time. You have to release the
15 trigger then until it resets internally and then if
16 you pull that trigger again, assuming you have more
17 ammunition it would then fire again.

18 But again, it only fires one time
19 with each pull of the trigger.

20 **Q** Now, you described in this case the
21 magazine that was submitted to you as having a
22 capacity of 12 cartridges. Can this weapon, when
23 the magazine is seated in the handle of the weapon,
24 can it have more than 12 cartridges and be fully
25 loaded.

1 **A** Yes. If you were to seat the magazine and
2 work the action of the firearm, open the slide,
3 release the slide, it would feed that top cartridge
4 from the magazine into the chamber of the barrel.
5 If you remove that magazine, and you have 11 in it,
6 if you put another one in it. So it is now again at
7 capacity with 12, reseal that magazine, you now have
8 a total of 13 live cartridges available to be fired
9 in that magazine, I'm sorry, in that firearm without
10 reloading it again.

11 **Q** And you identified the cartridge, the live
12 round I called it, but the cartridge that you were
13 submitted, you've listed as one Federal JHP, what
14 does that mean?

15 **A** The Federal is the marketed name stamped
16 on the head stamp or on the base, if you will. If
17 you stand that cartridge up on the bottom, it says
18 Federal, that's who markets that ammunition. And
19 JHP stands for Jacketed Hollow Point, that is the
20 style of the bullet that's loaded into that
21 cartridge case.

22 **Q** And the cartridge that was submitted to
23 you, is this the type and caliber of a cartridge
24 that could be fired from that weapon?

25 **A** It is. I did not note the caliber next to

1 that cartridge because it is the same caliber that
2 the firearm is designed to fire. Sometimes
3 ammunition that is submitted differs from the
4 firearm, but I note when it is different here. And
5 because there is no such note. I know that that is
6 a .40 Smith & Wesson caliber cartridge.

7 **Q** All right. You also indicated that you
8 had been submitted five bullets. Can you explain
9 what is a bullet, how is a bullet different from a
10 cartridge?

11 **A** The cartridge is the combination of all
12 the elements needed to fire a weapon. The primer in
13 the cartridge case that contains the gunpowder and
14 the bullet.

15 So when you're firing a cartridge, a
16 firing pin strikes the primer, which is a very small
17 explosive. So that sets off that explosion, that
18 miniature explosion sends fire into the open chamber
19 of that cartridge case where the gunpowder is.

20 So that fire then ignites the
21 gunpowder. It doesn't detonate, which means to burn
22 instantly, it burns rapidly, it deflagrates, which
23 means it creates pressure. So that pressure that is
24 created by the burning gunpowder is the same
25 pressure that pushes the bullet out of that

1 cartridge case through the barrel towards its
2 target.

3 **Q** And then the bullet is the piece that
4 comes out of the barrel of the gun and is what we
5 normally think of as a bullet, it is what it shoots
6 at targets or things?

7 **A** Correct. In this case, for example, the
8 submitted cartridge is a jacketed hollow point
9 bullet. So that bullet would leave the cartridge
10 case after having been fired, go through the barrel
11 of the firearm. It's designed to make minimal, but
12 contact with the lands and groves in that barrel to
13 impart spin to the bullet so that when it leaves the
14 barrel, it's a spinning bullet in flight now.

15 The purpose of that is if you think
16 of the analogy of a football, if you throw a spiral
17 football, it will go farther and more accurately
18 than an end over end football. It is the same
19 principles at work here. If the bullet is spinning,
20 it will go farther and more accurately than
21 tumbling. That rifling is what gives it that
22 stability.

23 **Q** So the bullet is forced through the barrel
24 of the gun, what happens to then the rest of the
25 cartridge?

1 **A** The energy that pushes that bullet out the
2 barrel is equal, but opposite on that cartridge
3 case. And in essence on the gun in the shooter's
4 hand itself. That's the recoil that you see in
5 cowboy movies.

6 That cartridge case after it has
7 fired that bullet, it is marked in several ways by
8 that firearm. First, as I mentioned the firing pin
9 striking that primer will leave a mark.

10 The pleasure from the firing process
11 pushing that cartridge case rearward against the
12 breech of the firearm impresses the contours of that
13 breach into the surface of that fired cartridge
14 case.

15 In this case, speaking of pistols,
16 the action of the firearm is intended to extract
17 that fired cartridge case from the chamber. So
18 there is a little hook on the firearm that grabs the
19 rim of that fired cartridge case and pulls it out,
20 pulls it rearward of that chamber as it is pulled
21 rearward then it is designed to hit what's called an
22 ejector. It is nothing more than a little piece
23 that when that cartridge case is pulled rearward, it
24 hits that ejector to deflect it out of the open side
25 of that slide of the firearm.

1 So to answer your question in a short
2 order, after firing the bullet, the cartridge case
3 is ejected from the pistol and then before the
4 action closes, it needs the next cartridge from the
5 magazine to reload it if there is one available.

6 **Q** So, what you just described from pulling
7 the trigger and the firing pin hitting the cartridge
8 and the bullet being expelled from the gun and the
9 casing coming out and the next cartridge being
10 loaded up into the firing position, is that called a
11 cycle, is that the firing cycle?

12 **A** Yes.

13 **Q** And that happens at one pull of the
14 trigger, correct?

15 **A** That will happen with each pull of a
16 trigger on a semiautomatic pistol like this.

17 **Q** So it doesn't require someone actually
18 pulling the slide back in order to cause the gun to
19 cycle again?

20 **A** No, it doesn't. In fact, if you were to
21 that, you would be ejecting a live cartridge and not
22 have as much firing capacity because you would be
23 wasting your ammunition.

24 **Q** Can you explain, because there has been
25 testimony perhaps that when this weapon was fired

1 during the incident of August 9th, that the officer
2 pulled the trigger on a couple of different times
3 and the weapon didn't fire. Did you test fire this
4 weapon yourself?

5 **A** I did.

6 **Q** Was it normal, did it fire normally?

7 **A** Yes, I noted no defects at all.

8 **Q** Is there anything that you can explain
9 that would have happen that would cause a weapon to
10 not fire the cartridge if on this weapon pulled the
11 trigger back?

12 **A** To be clear, you're asking for speculation
13 or generally speaking, correct.

14 **Q** Sure, right. I know you don't know what
15 happened in this case.

16 **A** Right.

17 **Q** I'm just asking you what could possibly be
18 the reasons that you could pull the trigger and the
19 weapon wouldn't fire?

20 **A** Okay. Sometimes ammunition is simply bad
21 ammo, maybe the primer doesn't have a priming
22 compound in it. So no matter how many times you
23 strike it, it is not going to fire.

24 Sometimes a firearm might fail to
25 feed a cartridge from the magazine, so you might try

1 to cycle it and it doesn't feed that cartridge, so
2 there is no cartridge in it to fire.

3 There are other scenarios if you are
4 successful firing one cartridge, but it fails to
5 extract, in other words, the hook doesn't grab the
6 rim and pull it out or if it fails to eject and it
7 pulls out from that hook, but it doesn't eject
8 before the action closes on it. It might have it
9 standing to where the open end of that fired
10 cartridge case pointing up and out of the gun, they
11 call it a stovepipe, like a stovepipe on the top of
12 your house.

13 Another factor might be in some way
14 the action is impeded during the firing process.
15 Perhaps unimpeded a firearm and ammunition might all
16 be in perfect working condition, but if there was
17 something blocking the action to where it couldn't
18 cycle freely, then it might cause some of these
19 other events to occur, especially not being able to
20 fire after one shot because it wasn't allowed to
21 cycle enough to feed the next one. There could be
22 many others.

23 Q Let me ask you a question. In this
24 particular weapon, when you fire it, I don't know
25 that this is the technical term for it, but the

1 hammer, is that a technical term?

2 **A** There is a hammer that strikes the firing
3 pin, yes.

4 **Q** The hammer, as you can see it externally
5 on the gun when you examine the gun, correct?

6 **A** Yes.

7 **Q** And when you fire that weapon, does the
8 hammer come back and go forward striking the firing
9 pin?

10 **A** That's correct.

11 **Q** So if there would be something that would
12 prevent that hammer from moving backwards and
13 forward, would that cause the gun to not fire even
14 though you pulled the trigger, it could?

15 **A** Absolutely it could. And that, in fact,
16 would be a scenario where the action of the firearm
17 is impeded. Yes, interference with that hammer and
18 motion of that hammer would prevent the firing pin
19 being struck and firing that cartridge.

20 **Q** And then what about, you know, you've
21 described, or I did and you also explain to where
22 the hammer strikes the firing pin, which is
23 basically on the bottom of the bullet, correct?

24 **A** It's inline with the primer of the loaded
25 live cartridge, yes.

1 **Q** If there is something that is in between
2 the hammer and that firing pin, whether it be, you
3 know, but something that would be between that
4 action, could that possibly explain why you pulled
5 the trigger and nothing happened?

6 **A** Yes.

7 **Q** In other words, if a part of your hand
8 would be in between that firing pin and the hammer,
9 that could prevent the weapon from firing?

10 **A** Yes, absolutely.

11 **Q** And if that were to have happened, again,
12 pure speculation, but if that were to have happened,
13 and the weapon would not fire, if that obstruction
14 was removed between the hammer and the firing pin,
15 would the weapon then be able to cycle normally
16 after that?

17 **A** Misfire.

18 **Q** Or would you have to then go ahead and
19 eject that round?

20 **A** This firearm you could pull the trigger a
21 second time. If the action is not impeded, it would
22 be expected to fire then. It is not true of all
23 firearms, but this firearm yes.

24 **Q** Okay. And if that were to have happened
25 with this firearm, would there be anyway to tell

1 that simply from your examination of the weapon?

2 **A** In the scenario you've described, no.
3 Because there are no marks on that live cartridge
4 for me to observe. In other words, a different
5 scenario, for example, I gave a bad ammunition was
6 my first example. If you tried to fire it once and
7 pulled the trigger again and that firing pin struck
8 that primer a second time and then fired, I would
9 note two firing pin impressions and know that there
10 was more than one attempt to fire it.

11 But in your scenario, no. There
12 would be no marks made, I would have no indications
13 on what evidence was submitted to me?

14 **Q** Now, in this case, let me ask you, you
15 described how the gun was fired from the weapon and
16 you mention that there are marks left on the empty
17 cartridge that is ejected from the ejection port,
18 correct?

19 **A** Yes.

20 **Q** And there is also markings that are made
21 on the bullet itself as it is forced through the
22 barrel of the gun, correct?

23 **A** That's correct.

24 **Q** And can you see those markings using a
25 microscope?

1 **A** Yes.

2 **Q** Are those markings made by the individual
3 weapon that fires that cartridge?

4 **A** The answer is yes and no. And if you'll
5 allow me, let me explain.

6 **Q** Okay, go ahead.

7 **A** There are what's called class
8 characteristics. The number of the lands and groves
9 and the direction of their twist inside the barrel,
10 as well as the dimension of those lands and groves,
11 that is determined by the manufacturing. They make
12 many, many firearms with those specifications.

13 So you might have one right after
14 another coming off an assembly line that putting six
15 left .40 caliber barrels out to be put into these
16 pistols. And they're going to have those same class
17 characteristics, they are intended by the
18 manufacturer.

19 However, as the tool wears during the
20 making of that part, and as the gun is used after it
21 is manufactured and sold, by firing, cleaning,
22 abusing, misuse, etc., there are microscopic
23 qualities in that are called individual
24 characteristics. They're specific. Every one of
25 us, if we were all given the same firearm in this

1 room would treat it the same way and have exactly
2 the same microscopic qualities or individual
3 characteristics in our barrels after a hundred or a
4 thousand rounds as an example.

5 Are they unique to the weapon? Yes.
6 There are some characteristics that I look for under
7 the microscope to be able to tell one bullet from
8 another, from the source of another or to determine
9 whether or not they came from the same source fire.

10 Q So in this case, were you able to examine
11 the shell casings that you had been submitted and
12 you had a total of 12; is that correct?

13 A Yes, that's correct.

14 Q Were those shell casings the same make and
15 manufacture as the live round that was submitted to
16 you?

17 A Yes, they're Federal and .40 S & W
18 caliber.

19 Q Were you able to compare the bullets which
20 are submitted to you, which are five in number,
21 correct?

22 A Initially five.

23 Q And one later?

24 A And one later.

25 Q On the 11th.

1 **A** On the 11th I had five submitted to me.
2 And they indeed were observed to be jacketed hollow
3 point design bullet and .40 caliber, and it had six
4 land and groove impressions with a left twist.

5 **Q** And when we're talking about the five
6 bullets, these are spent bullets, correct?

7 **A** Right. These are fired. They would not
8 have the lands and grooves of the barrel incrust upon
9 them until they're fired through the barrel, yes.

10 **Q** Were you able to determine whether or not
11 the five bullets that were submitted to you and the
12 12 casings that were submitted to you, were you able
13 to draw any conclusions after comparing those items
14 with the firearm that had been submitted to you?

15 **A** I was. In test firing the submitted
16 firearm, I retained fired cartridge cases and fired
17 bullets. That's what I microscopically compared to
18 submitted evidence. I was able to determine that
19 all 12 of the submitted fired cartridge cases have a
20 sufficient quantity and quality of those matching
21 individual characteristics for me to conclude that
22 they were fired in this firearm.

23 **Q** So just so we're clear, the 12 cartridge
24 cases, they're like we call casings, or what I call
25 casings?

1 **A** Yes.

2 **Q** The hollow kind of left over that gets
3 thrown out of the ejection port, correct?

4 **A** That is correct.

5 **Q** And then were you able to, I see here on
6 page two of your report, you number the bullets as
7 QB 1 through 5, and then you also reference where,
8 where they were discovered. Is this information
9 that you received on the evidence packaging that
10 each bullet was packaged in?

11 **A** It may or may not be on the package
12 itself, but I get that directly from the evidence
13 receipt that accompanies that evidence and
14 packaging, yes.

15 **Q** So for QB 1, which is a copper jacketed
16 hollow point bullet, .40 caliber, you have here from
17 FPDVEH.108. What does that mean?

18 **A** Uh, that is in quotations, because I took
19 it directly from the evidence receipt. And my
20 understanding is that stands for Ferguson Police
21 Department Vehicle Number 108.

22 **Q** Okay. And you have here a measure of 158
23 grams and CSU Number 7. What does that mean?

24 **A** The 158 is in grains, we measure in
25 grains. And the CSU stands for Crime Scene Unit and

1 that Number 7 next to that is their item number. So
2 seizing detectives item number was given my
3 laboratory specimen number QB 1. It stands for
4 questionable, by the way. QB stands for
5 questionable cartridge case.

6 Q And so the QB 2, 3 and 4, you indicate
7 have been from the evidence receipt. It says from
8 Brown's right side of back, right side of chest and
9 right side of head. Those are all spent bullets
10 that were seized by someone else and packaged and
11 according to evidence receipt, were recovered from
12 the body of Michael Brown, would that be what you're
13 indicating?

14 A It is.

15 Q And then regarding QB 5, it says from
16 roadway and your information was then that this
17 bullet was received from a roadway or on the street?

18 A Yes, I had no further description of a
19 specific location. Just what I noted there in the
20 roadway.

21 Q And so after examining QB 1 through 5,
22 were you able to make any, draw any conclusion about
23 whether those bullets were fired from the weapon
24 that had been submitted to you, the Sig Sauer?

25 A Yes, I was.

1 **Q** And what were your conclusions?

2 **A** The first one listed specimen QB 1,
3 apparently from Ferguson police vehicle was
4 inconclusive. It had enough damage to its surfaces
5 that I did not have enough of those microscopic
6 characteristics to match to my test shots to
7 determine that it came from the same source.

8 I did not have enough differences
9 either to think or believe that it came from a
10 different source firearm. So it is inconclusive for
11 number one. However QB 2, 3, 4 and 5 had a
12 sufficient quantity and quality of those matching
13 individual characteristics in the rifling striations
14 that we've talked about for me to conclude that they
15 were indeed fired from this firearm.

16 **Q** Now, at a later date you were submitted
17 another evidence item and asked to compare it to
18 your QB, what's the gun called?

19 **A** QF 1 or the test shots are TB 1A and B, TC
20 1A and B, compared with my test shots.

21 **Q** Okay. Did you make a report after you
22 examined this additional evidence item?

23 **A** I did.

24 **Q** And is this a copy of your report?

25 **A** It is.

1 (Grand Jury Exhibit Number 34
2 marked for identification.)

3 **Q** (By Ms. Alizadeh) And Grand Jury Exhibit
4 Number 34, I made copies of this report for the
5 grand jurors.

6 So what was the additional item that
7 was submitted to you?

8 **A** It was a copper jacketed hollow point
9 bullet fragment. In other words, it was not the
10 complete whole bullet, it was only part of that
11 bullet. I note that it was one side of a bullet,
12 all the way from base to nose. It was part, once
13 part of a .40 caliber bullet. It had six lands and
14 grooves with a left twist represented and it was from
15 2909 Canfield, seized on September 3rd of this year.

16 **Q** All right. And you examined this QB 6,
17 your QB 6 and were you able to compare it to the
18 test shots that you fired from the Sig Sauer weapon
19 that was submitted to you back on the 11th of
20 August?

21 **A** I did make that comparison, yes.

22 **Q** And what, if any, conclusions did you draw
23 from that?

24 **A** It had sufficient quantity and quality of
25 those matching individual characteristics for me to

1 conclude that this bullet was also fired from this
2 firearm.

3 **Q** And the items that you tested and examined
4 in this case, did you repackage them and were those
5 submitted to property control for safekeeping and
6 storage?

7 **A** That is the intended destination and, yes,
8 I finished my examination, resealed the packages and
9 put them in our vault on a shelf that is intended
10 for the evidence to be forwarded to property
11 control.

12 **Q** And just one more thing because I haven't
13 seen the firearm that we're talking about in this
14 case, but I recall from other cases I've had that
15 sometimes the firearm has orange tape on the end of
16 the barrel, is that still done when you are finished
17 examining a weapon?

18 **A** It is. It's an extra measure. We talked
19 about the zip tie earlier, I provide the officers,
20 my department with bright orange zip ties and that
21 is so it is readily visible to anyone that if the
22 firearm is handled openly, especially in court at a
23 later time, that that's highly visible and they know
24 that it's safe.

25 I add in my lab when my examination

1 is done, I added, my other examiners we add that
2 bright orange tape to the barrel as well. It is
3 nothing more than a visual indicator for you that
4 what is being handled is safe and can't be fired in
5 the state it's in.

6 **Q** So that bright orange tape I'm assuming is
7 on the barrel of this gun that was placed there by
8 you?

9 **A** Yes.

10 MS. ALIZADEH: Does anybody have any
11 questions?

12 MS. WHIRLEY: I have just a couple. You
13 want to go first?

14 : No.

15 **Q** (By Ms. Whirley) That bullet, the copper
16 bullet fragment from 2909 Canfield, was that like a
17 building that it was taken from or would you know?

18 MS. ALIZADEH: That's the next question.

19 **A** I understand it is another apartment in
20 the area, but where inside that building I don't
21 have specific knowledge.

22 **Q** (By Ms. Whirley) On first page of Exhibit
23 Number 33, Grand Jury 33, poor condition of residue,
24 what does that mean?

25 **A** When I look in the barrel, I simply note

1 is it clean and free of any debris, is there
2 residues. I'm not even certain what those residues
3 might be. Sometimes it is dust from people carrying
4 it, it gets clothing dust in it, sometimes it is
5 from firing it. There is residues left behind.
6 When you fire a cartridge, 100 percent of the gun
7 powder isn't consumed, there is some partial burned
8 and some unburn powders, sometimes they're left in
9 the barrel, sometimes they just fly out of the gun
10 and left in the nearby area.

11 Residue is simply that there was some
12 debris in that barrel, but the barrel itself was not
13 obstructed. It wasn't heavily fouled with multiple
14 firings and build up of residues, it was simply a
15 small amount of residue.

16 Q Okay. And the grain, like it's 158.0
17 grain, 177.0 grain, what does that grain mean, what
18 are we talking about?

19 A That's a measurement much like grams and
20 ounces and so forth.

21 Q Of what, though, what are we measuring?

22 A That is the weight of the bullet.

23 Q Okay.

24 A So specimen QB 1, I described as a bullet
25 itself. The full weight of that bullet that was

1 submitted to me was 158 grains.

2 **Q** And they're different weights because of
3 what they went through once they were fired?

4 **A** Yes, and they're manufactured in different
5 weights by manufacturers. Their starting weight
6 might be, for example, 154 grains, but they might
7 add weight because they retain wall material if they
8 were dug out of the wall or something of that
9 nature.

10 Or if it is a fragment, you might
11 only have part of the full weight of the bullet.
12 Sometimes that weight helps us determine a caliber,
13 it didn't really come into play in this scenario.

14 **Q** The internal safety, what is that on this
15 weapon, you said it has an internal safety?

16 **A** Basically what I mean is the parts in the
17 firearm are designed so it cannot be fired unless
18 you pull the trigger. If you drop it, it's not
19 going to fire. If you hit on the hammer, you know,
20 with something, it's not going to fire. It's
21 designed not to go off unless you pull the trigger
22 of that firearm.

23 **Q** So this weapon was fired 12 times; is that
24 correct, based on your examination?

25 **A** For there to be 12 fired cartridge cases

1 ejected in the area of this firearm as it's alleged,
2 the trigger would of had to have been pulled 12
3 times.

4 **Q** 12 individual times?

5 **A** At least, yes.

6 **Q** Is that the difference between a
7 semiautomatic and an automatic?

8 **A** Yes, an automatic you could hold the
9 trigger back and it will continue firing until you
10 release the trigger. So a fully automatic firearm
11 might fire every cartridge available to it with one
12 pull of the trigger, but this is not that kind
13 weapon.

14 MS. WHIRLEY: I don't have anything else,
15 thank you.

16 **A** You're welcome.

17 MS. WHIRLEY: Oh, no, I do. One more
18 thing. I'm sorry you guys.

19 Where it says offense assault on LEW,
20 which is Law Enforcement Officer.

21 MS. ALIZADEH: LEO.

22 MS. WHIRLEY: LEO, I'm sorry, which is
23 Law Enforcement Officer.

24 **A** Yes.

25 MS. WHIRLEY: Where does that come, I

1 mean, this is your report, is that some
2 determination you made?

3 **A** No, actually, that is some of the, as I
4 mentioned earlier, some of the case information that
5 is provided to us on the evidence receipt that is
6 submitted with the evidence. That case information
7 is entered into our laboratory system, so different
8 areas of the lab know what evidence they have to
9 examine and so forth. And it is auto populated into
10 our reports.

11 So it was submitted, again, on the
12 evidence receipts that the offense is an assault on
13 a law enforcement officer.

14 **Q** (By Ms. Whirley) Okay. You had nothing to
15 do with that being determined?

16 **A** That's correct. Now, we will often get
17 receipts from the same incident that might have
18 different offenses listed. We, there's no real
19 rhyme or reason to figuring out which one is
20 accurate because we're not determining what the
21 charges might be. So most often we go with what is
22 either most commonly submitted or what is first
23 submitted.

24 In this case the copy of receipts
25 that I have most commonly are listing assault of an

1 officer as the offense.

2 MS. WHIRLEY: That has nothing to do with
3 your examination?

4 A That's correct. Our examination is done
5 the same way regardless of what that offense is
6 quite honestly. Sometimes there are non-offenses
7 that are submitted to the lab and the examination
8 remains the same.

9 MS. WHIRLEY: Thank you.

10 A You're welcome.

11 : We
12 heard previously about this stovepiping, and how it
13 didn't appear that there was any. Would that have
14 to be taken off, would it have to be repaired for
15 that gun to fire again if that was there?

16 A Good question. No, there is no physical
17 repair needed for that. Basically the fired
18 cartridge case becomes an obstruction to the action
19 of that firearm. And a practiced user of that
20 firearm can clear that because it's not permanently
21 trapped. It is just kind of pinched in place. So
22 if you pull the slide back and release that
23 pressure, it can fall out or be caused to fall out.
24 And then there is no impairment to the action. So
25 if you let the slide go, the firearm would then

1 again act normally.

2 : Is that the only type of
3 reason that that firearm wouldn't go, or whatever,
4 that you would be able to see? Like you always talk
5 about if something obstructing like a hand or piece
6 of whatever, the stovepiping is the only thing that
7 you would be able to examine, it is not necessary
8 for you to be able to tell exactly what happened and
9 say it would be able to be fired, am I explaining
10 myself correctly?

11 **A** I think I understand your question. Is
12 there any circumstances where a firearm wouldn't
13 function that I could tell, is that basically what
14 you're asking?

15 : That's right, that you
16 couldn't tell, you couldn't say no, that firearm
17 didn't get stuck.

18 **A** No.

19 : There is no possible way
20 that it would happen that way?

21 **A** I could not, you posed a good question. I
22 can't think of a scenario where I could prove that
23 something did not happen in the firing of the
24 firearm.

25 MS. ALIZADEH: Officer , let me

1 ask you a question.

2 **A** Okay.

3 MS. ALIZADEH: If the, in the firing of
4 the weapon the cartridge has stovepiped and you said
5 it kind of gets caught in that ejection port and the
6 ejection port has a door to it, correct?

7 **A** There's an opening in the slide called the
8 ejection port, but not a door per se that closes on
9 that.

10 **Q** (By Ms. Alizadeh) Okay. But the cartridge
11 gets caught in between something, correct?

12 **A** Basically the barrel itself where it's
13 supposed to feed into, it can get caught against
14 that and then when the slide closes on that, that
15 ejection port is what might hold that fired
16 cartridge case against the barrel to where it is
17 kind of standing up out of there.

18 **Q** If that were to have occurred, could you
19 look at that cartridge casing and see marks on it
20 that might indicate that it had been stuck in the
21 gun that way?

22 **A** And that's where I was thinking the answer
23 might take me, but is it possible? Yes. However,
24 because those marks are unpredictable, there may be
25 marks on a cartridge case that I can't determine

1 their origin.

2 So while it very well may have
3 happened and there may be marks from being a
4 stovepipe, it's also quite possible that it is not
5 something that I could conclusively say were from a
6 stovepipe simply because ammunition in a pocket with
7 keys is going to get marked. Ammunition thrown in a
8 drawer is going to roll around. I mean, they get
9 marked in so many ways, same as anybody's jewelry or
10 anything else that we have with a metal surface, it
11 is going to have scratches and so forth to it.

12 And it's not in a uniform or
13 explainable way for me to determine if it was or was
14 not from that type of event.

15 **Q** Okay.

16 **A** Does that answer your question?

17 : Yes, yes.

18 **A** Yes, ma'am.

19 : . You said
20 that when you received the gun from the evidence
21 locker or the supervisor or whatever.

22 **A** Uh-huh.

23 That you saw blood on the
24 gun.

25 **A** Okay.

1 : This is kind of a two-part
2 question. Tell me where on the gun did you see the
3 blood and you cleaned it off yourself that you've
4 testified; is that correct?

5 **A** Yes.

6 Could you tell me where
7 you saw the blood on the gun and also in the area
8 where the hammer is on the gun?

9 **A** Uh-huh.

10 : Was there any blood or
11 human tissue that you found in that area as well?

12 **A** I don't take note of where I see the blood
13 or any tissue because it will have been in
14 photographs before it gets to me. It also goes for
15 other examinations and sampling before it gets to
16 me. So by the time I'm receiving it, all of that
17 other testing and documentation has been completed
18 and I don't have it as a concern in my part of the
19 laboratory. I hope that you will find that answer
20 from other witnesses, but I don't have those.

21 : Thank you.

22 **A** You're welcome. Yes, sir.

23 : . Going
24 back to the stovepiping, I guess.

25 **A** Uh-huh.

1 If that was to happen,
2 would that be, would it come out as a bullet or does
3 it come out as a spent casing?

4 **A** Good question. It could happen both ways.
5 If the cartridge is fired and extracted out of the
6 barrel and then it attempts to eject it out of the
7 firearm, but it gets caught and trapped before it's
8 able to clear that ejection port, you would have a
9 fired cartridge case and it looks like a chimney or
10 a stovepipe if you will, but if for some reason, and
11 sometimes it is just random and there is no even
12 reproducing it.

13 If the action fires that cartridge
14 and successfully ejects that fired cartridge case,
15 but it fails to properly feed the live cartridge
16 from the magazine, in other words, it is designed to
17 come up out of the magazine, go up the feed ramp and
18 into the chamber, but if it bounces up off of that,
19 the action can close and trap a live cartridge there
20 as well.

21 Now, in either scenario, if you have
22 something trapped, as I mentioned with
23 , working the action is all you need to clear that
24 and assuming you have more ammunition, feed the next
25 cartridge and then continue to fire, but what you

1 would have left behind on the ground next to you is
2 different, you would have either the fired cartridge
3 case that was cleared or the live cartridge that was
4 cleared. Does that answer your question?

5 : Could you demonstrate how
6 you clear a round with that particular firearm?

7 **A** Okay. If you grip that firearm, it has a
8 grip and trigger guard, so if your finger is in that
9 trigger guard, it is held pretty much like this.

10 Above that, on the back of the gun is
11 where the hammer would be, okay, visible, external
12 hammer, all right. So when you pull the trigger,
13 there is single action and double action, only a
14 double action trigger pull, it is a long, heavy
15 trigger pull that also cocks that hammer and then
16 releases it to strike the firing pin, okay.

17 If you fire like that, this pistol is
18 designed for that slide then to come rearward. As
19 it's coming rearward, the extractor or the hook
20 pulling it rearward towards the ejector, which then
21 hits and ejects it out the open ejection port of the
22 firearm. Whereas that slide comes back, it is
23 cocking the hammer as well, okay. Because this has
24 a single action mode as well.

25 So that hammer will be locked back

1 when that slide feeds the next cartridge and goes
2 forward. So now you have a loaded cartridge in the
3 chamber already cocked so your trigger pull is
4 designed to be much, much less because you don't
5 have to pull the full weight of it and cock it, you
6 are only pulling enough to release. Okay.

7 To answer your question specifically,
8 if it were jammed, you would simply maintain your
9 grip on that firearm, most commonly with your other
10 hand, but if it is incapacitate there are other
11 means to do it, but grabbing that slide, taking the
12 pressure off of that jammed live or spent cartridge
13 case and getting it out of the gun and then letting
14 it go, it should feed the next cartridge and being
15 cocked and ready to fire, okay.

16 Can you
17 talk about when a spent cartridge is ejected, what
18 direction does it eject from the gun up, down, side
19 ways, forward, back, whatever, and then about how
20 far do you expect it to travel before it hits the
21 ground?

22 **A** I'm asked that question, I'm sorry.

23 Is it pretty consistent
24 the cartridges hit about the same area? The first
25 question was direction after the ejection.

1 **A** I might actually summarize the answer for
2 the entire question you've asked, because I'm asked
3 question a lot. It differs for every firearm, but
4 since we are talking about a particular make and
5 model here and a specific firearm, I will tell you
6 that it's unpredictable even within a single firearm
7 because you have different elements in play.

8 For example, if the firearm were even
9 intended to send them in the exact same direction to
10 the exact same distance every time, a simple turning
11 of the firearm at any angle is going to change where
12 those cartridge cases land and how far they go, but
13 they're not designed to do that. They're really
14 only designed to clear that weapon.

15 So sometimes they'll go good
16 distances, sometimes they'll go short distances,
17 like they're just dribbling out of the gun,
18 sometimes they'll fly over the back of your head,
19 sometimes they'll go to your right, straight up,
20 forward, and things of that nature.

21 It is such an unreliable factor for
22 determining where someone is positioned, for
23 example, that we don't give any credence to ejection
24 patterning, if you will. There is just too many
25 variables that come into play, especially if you

1 start dealing with a scene that intentionally or
2 even unintentionally has been tampered with is to
3 strong of term. It could be kicked, it could be
4 stepped on, it could be carried by a car tire, it
5 could bounce off of things and so forth. Final
6 positioning of cartridge cases is something that we
7 don't even consider.

8 : . Cartridge cases
9 are very light, obviously, they bounce around. When
10 they're ejected, they don't just roll, they often
11 come out spinning, flying all of over the place,
12 correct?

13 **A** Absolutely.

14 On a weapon like that with
15 a slide that comes back and what I would say is
16 pretty aggressive if you've ever seen it, it comes
17 back pretty quick, pretty hard.

18 **A** Oh, yeah.

19 : Do you have any guess at
20 what kind of pressure you apply to a slide like
21 that, could you hold a slide like that back if
22 somebody tried to hold the slide, is that possible,
23 or would you expect a lot of damage to your hands,
24 the gun?

25 **A** Surprisingly, it doesn't take as much as

1 one would think. And the reason I say that is I'm
2 not going to put my hand in the way. It comes back
3 with a good deal of force. In fact, there are
4 officers, you know, when we're issued these guns and
5 first training on them that if they hold their thumb
6 in the wrong place, you are going to hurt yourself.

7 Now that said, I have spoken to
8 others who have been brave enough, if that's the
9 right word, to use their thumb to try and hold that
10 slide in place and they have been successful in
11 firing that weapon and preventing it from cycling.

12 So I don't have any idea, I can't
13 describe what amount of energies and forces it would
14 take to do that, but I know that it can be done.

15 And that's a little
16 surprise because when you see it, it looks like it
17 comes back with an enormous amount of force.

18 **A** Yeah. In fact, what I can tell you is if
19 I don't have a good way to describe this, but I'd
20 rather have my thumb on it and against it and trying
21 to hold it forward then behind it and away from it
22 and not expecting it because it is going to hurt a
23 lot more getting hit like that, than it is going to
24 take to overcome the pressure that it's creating.

25 I guess even thinking while I'm

1 speaking, the energy that takes that bullet out of
2 the gun, is also equal but opposite rearward and
3 that's the recoil.

4 So if you think about it, if the gun
5 were to fire without any support from a human being
6 at all, they would go an equal distance apart, but
7 we're overcoming that in holding that gun.

8 So I'm thinking maybe it wouldn't
9 take so much to prevent that slide from cycling.
10 Suffice it to say, I know it's possible, I know it
11 can be done and there is a wide range of ways to do
12 that.

13 Do you have any idea what
14 the opening, once cycle through one series, the
15 hammer is now cocked, do you have any idea what the
16 opening is between the back of that slide and the
17 start of that hammer, is there enough to get a
18 finger between, a thumb between there?

19 **A** Absolutely, it is a visible amount of
20 distance. In fact, in the training of officers,
21 when I first started a number of years ago, my first
22 duty firearm was a revolver and it had an exposed
23 hammer as well. And part of the training was if we
24 were faced with a revolver or we're to lose our own
25 revolver to someone else, was to jam the meat of our

1 hand into that space so then that gun can't be
2 fired.

3 So not only are you grabbing the gun,
4 but you are preventing it from being fired back at
5 you. So absolutely is there room to obstruct that
6 whether you intend or not, it could be clothing, it
7 could be whatever. Is there room? Absolutely.

8 So
9 that raised another question.

10 **A** Yes.

11 So in that case,
12 something were obstructing it other than the
13 stovepiping, you wouldn't have to do this or do this
14 with the slide to make it fire again. You would
15 just have to remove whatever was obstructing that
16 and then fire that without that added step?

17 **A** Correct. If you had the hammer obstructed
18 and it did not fire, this firearm is designed to
19 function with another pull of the trigger.

20 So if that obstruction is removed, it
21 would have then fired. There are firearms that will
22 only give you one opportunity, one pull of the
23 trigger. If it didn't fire, then you have to work
24 that action. This is not that kind of gun. This is
25 one that if it doesn't fire once, pull the trigger,

1 pull the trigger, pull the trigger, it might go off
2 later.

3 : Just to be clear.

4 **A** Yes.

5 : If it were this type of
6 situation, you have to do it this way or use your
7 arm whatever to clear it, but not always. I mean,
8 only for this situation would you have to do that if
9 there was something else obstructing it?

10 MS. ALIZADEH: You are going like this,
11 you mean the stovepiping situation?

12 : Yes, the stovepiping
13 situation you would have to --

14 **A** Work the action.

15 -- work the action.

16 **A** To clear the obstruction.

17 : But if anything else you
18 just have to move that from out of the way in order
19 to still fire without, without the slide?

20 **A** Without working the action?

21 : Yes.

22 **A** Yes, absolutely correct. For example, he
23 mentioned could you stick a hand between the hammer
24 and the frame and the firing pin.

25 : You wouldn't have to

1 redo.

2 **A** If you remove that hand, you're good to
3 go.

4 MS. WHIRLEY: That stovepiping situation,
5 would you actually lose the cartridge trying to
6 clear it so that you could fire again?

7 **A** Well, if it is a fired cartridge case that
8 is obstructing the action, you want to lose it, you
9 want it out of the firearm, so yes.

10 **Q** (By Ms. Whirley) If it was feeding and
11 never fired?

12 **A** Right, then you have got a live cartridge.

13 **Q** You want to clear it because it is in that
14 standing up position, you would lose that cartridge?

15 **A** You would lose a live cartridge because it
16 would automatically, it needs to load the next live
17 cartridge. So you want to lose that as well.

18 **Q** And in this case you did not find any live
19 cartridges other than the one that was in the
20 chamber. Is that the other witness?

21 MS. ALIZADEH: That's not how it came to
22 him.

23 MS. WHIRLEY: There were 12 cartridges
24 that were used when the bullet was gone out of this
25 weapon?

1 **A** Correct, 12 fired cartridge cases were
2 submitted and one live.

3 MS. WHIRLEY: That's what I'm asking.

4 **A** But I have no live cartridges submitted to
5 me with documentation that they came from outside of
6 the firearm or outside the magazine. In other
7 words, not from the ground and not from the police
8 car.

9 MS. WHIRLEY: That's what I'm getting at.

10 **A** I don't have anything submitted like that.

11 MS. WHIRLEY: So there is 12 that were
12 fired, and one live?

13 **A** Correct.

14 MS. WHIRLEY: And so in a stovepiping
15 situation when you lose a live cartridge, to clear
16 it to get it to fire the next cartridge.

17 **A** Not, there is two different scenarios. If
18 the fired cartridge case failed to eject and got
19 trapped. The firearm might not necessarily have
20 grabbed the next live cartridge to feed it. So in
21 clearing it, you might not lose a live cartridge.

22 MS. WHIRLEY: But you would have to clear
23 it?

24 **A** Yes, you would have to clear that, but if
25 you have, the other scenario is if you failed to

1 feed a live cartridge to clear that, you would

2 definitely lose a live round. Yes.

3 : . Does a live

4 cartridge have the firing pin strike on it so that

5 it doesn't fire?

6 **A** In that scenario it should not --

7 : I think not.

8 **A** -- however, bad ammunition would be a
9 reason a gun might not fire. If it doesn't have a
10 priming compound or any powder in it because the
11 manufacturer, you know, the machine skipped that
12 one, then you very well may have failure to fire.
13 And it wouldn't be a stovepipe situation, but then
14 you would still have to work the action to eject
15 that unfired live cartridge that would have firing
16 pin impressions, although it is still unfired.

17 But in a stovepipe situation where a
18 live cartridge was suspected to have failed to feed
19 and had to be cleared, I would expect no firing pin
20 impression.

21 Obviously, a stovepipe situation with
22 a fired cartridge case, yes, I would expect a firing
23 pin impression.

24 I was trying to figure out
25 if tried to be fired, it did not strike --

1 **A** Right.

2 -- it has been tried to be
3 fired.

4 **A** Exactly. In all likelihood it never
5 chambered properly and had no attempt to be fired
6 before it jammed up the gun, which would then, is
7 what I considered the failure to feed.

8 I don't even know if that
9 cartridge even cycled through, it could have been
10 left in the magazine, came out that way, you
11 wouldn't know?

12 **A** Absolutely, I wouldn't be able to tell.

13 MS. ALIZADEH: Any other questions?

14 Well, at this time then, this will
15 conclude the testimony of this witness. It is 2:11
16 p.m. needs to read something.

17 (End of the testimony of
18)

19 MS. ALIZADEH: This is Kathi Alizadeh.
20 October 6th, it's 2:19 p.m. Present is myself,
21 Sheila Whirley and 12 grand jurors. is the
22 stenographer taking down what is being said and
23 audio recording what's being said. And we have one
24 more witness we're going to try to cram in today and
25 that is Detective of the

1 St. Louis County Police Department.

2

3 of lawful age, having been first duly sworn to

4 testify the truth, the whole truth, and

5 nothing but the truth in the case aforesaid,

6 deposes and says in reply to oral

7 interrogatories, propounded as follows, to-wit:

8 EXAMINATION

9 BY MS. ALIZADEH:

10 Q Could you state your name and spell it for
11 the court reporter, please?

12 A Detective , it is .

13 Q How are you employed?

14 A I am a detective with the Crime Scene Unit
15 for St. Louis County.

16 Q How long have you been a police officer?

17 A Eighteen years.

18 Q And how many of those years have you been
19 working with the crime scene unit?

20 A Over three.

21 Q And were you asked, were you asked to take
22 some photographs of Ferguson Police Officer Darren
23 Wilson in the course of the County Police
24 Department's investigation that is documented in
25 Complaint Number 14-43984?

1 **A** Yes.

2 **Q** Okay. And do you recall the day that you
3 took those photographs, the date?

4 **A** No, I do not recall the date. I think it
5 was a Tuesday after the shooting.

6 **Q** Okay. And I'm going to hand you what I've
7 marked as Grand Jury Exhibit Number 21. This is an
8 envelope that contains some photographs. That's not
9 your handwriting on the front, is it?

10 **A** No.

11 **Q** Okay. But seeing that there is a date,
12 8/12/14, do you believe that might be consistent
13 with the date that you took the photographs?

14 **A** Yes.

15 **Q** Okay. And I'm going to show you then
16 these photographs, these images that are contained
17 in Grand Jury Exhibit Number 21, and each photograph
18 has a computer marking that indicates the number of
19 the image that was taken, correct?

20 **A** Correct.

21 **Q** And so if you look at each of these
22 images, are they consecutive from number one being
23 the first image, all the way to Image Number 21?

24 **A** Yes.

25 **Q** And then I'm going to just ask you real

1 quickly to look through these too. Do these appear
2 to be images that you took of Officer Darren Wilson?

3 **A** Yes.

4 **Q** Do you know where you went to take those
5 pictures?

6 **A** It's, it is the office in Overland.

7 **Q** That the Fraternal Order of Police?

8 **A** Yes.

9 **Q** And these pictures appear to be taken
10 inside, inside, correct?

11 **A** Yes.

12 **Q** Did you use any special lighting when you
13 took this picture?

14 **A** Just the flash on my camera.

15 **Q** All right. And did you do anything
16 special with the flash in order to insure that the,
17 the image that you were taking was what you would
18 see with the naked eye?

19 **A** Yes, I moved it up to the side so items
20 submitted wouldn't bleed out or anything.

21 **Q** These images that you took, Images 1
22 through 21, these are the photographs that you took
23 of Officer Darren Wilson?

24 **A** Yes.

25 **Q** Okay. And your purpose of taking these

1 photographs, is that to document how his face and
2 neck and head area looked on the day you were taking
3 the photographs?

4 **A** Yes.

5 **Q** Okay. So we'll go through those later.
6 And then also were you asked another time your
7 Photograph Number 21, is this your placard that you
8 prepared?

9 **A** Yes.

10 **Q** Does it have the date on it?

11 **A** Yes 8/12 of '14.

12 **Q** And your DSN ?

13 **A** Yes, ma'am.

14 **Q** So that tells you you took these
15 photographs on the 12th of August?

16 **A** Yes.

17 **Q** And then the same thing were you asked to
18 take some photographs on September 3rd of 2014 in
19 relation to the investigation into the shooting of
20 Michael Brown?

21 **A** I was asked to take the photographs and
22 retrieve a projectile.

23 (Grand Jury Exhibit Number 35
24 marked for identification.)

25 **Q** (By Ms. Alizadeh) Okay. And so I'm going

1 to show you Grand Jury Exhibit 35, which is an
2 envelope. Is that your handwriting on the envelope?

3 **A** Yes, that is.

4 **Q** Okay. And did you examine the photographs
5 that are contained in this envelope?

6 **A** Yes, I stamp the back of them.

7 **Q** Is there a total of 20 photographs?

8 **A** Yes.

9 **Q** Okay. And these were the photographs that
10 you took of documenting your investigation on the
11 September, what date did I say?

12 **A** 9/3.

13 **Q** September 3rd. So you were asked to go
14 where to retrieve an apparent projectile?

15 **A** Canfield.

16 **Q** And that's in the Ferguson, City of
17 Ferguson, correct?

18 **A** Yes.

19 **Q** In the Canfield Green Apartment Complex?

20 **A** Yes.

21 **Q** And so we have an aerial map here, which
22 is Grand Jury Exhibit Number 25, and you said it is
23 29?

24 **A** .

25 **Q** Now, this building here Number ,

1 has 2905 and 2909, looks like they're the southern
2 most units?

3 **A** Correct.

4 **Q** This being south down here. Do you recall
5 was the projectile that you retrieved at this
6 location or was it at that location?

7 **A** which that is inverted.

8 **Q** So that's what I was getting at. These
9 numbers are in the wrong place?

10 **A** Yes.

11 **Q** So actually where it says is actually
12 unit ?

13 **A** Right.

14 **Q** You photographed the exterior of the
15 building?

16 **A** Yes.

17 **Q** And the place that you retrieved the
18 bullet?

19 **A** Yes.

20 **Q** The bullet?

21 **A** Yes.

22 **Q** And so when you arrived there, it was
23 daylight hours?

24 **A** Yes.

25 **Q** Were you able to see on the exterior

1 staircase of that building a demarcation or a defect
2 in the wooden staircase that appeared to you that it
3 might be the trail of a bullet?

4 **A** Yes.

5 **Q** Did you photograph that?

6 **A** Yes, I did.

7 **Q** And then did you find a defect in the wall
8 of the exterior wall of that building?

9 **A** Yes.

10 **Q** And I don't have time, you know, I don't
11 have time to turn on that goofy thing, I'm going to
12 show you your Image Number 4. Is that the outside
13 of the building that we're talking about?

14 **A** Yes.

15 **Q** Okay. And so each, the building and each
16 building actually has this outer kind of wall that
17 is kind of the staircase is behind that wall, would
18 that be fair to say?

19 **A** Yes.

20 **Q** I don't even know to call that other than
21 it is a wall that's outside of the staircase. And
22 was it in this wall that you saw a defect?

23 **A** Yeah, the interior side of it, yes.

24 **Q** So on the --

25 **A** On the staircase side.

1 **Q** On the stairwell side of that wall. So
2 I'm showing you Image Number 6. Is that a
3 photograph that shows that defect?

4 **A** The defect in the wall, yes.

5 **Q** Okay. And so when you are looking, and
6 actually you are on the staircase, so you're looking
7 at the inside of that wall, and that would be
8 siding; is that correct?

9 **A** Yes.

10 **Q** And then you see this little mark right
11 here, did you dig into the defect area?

12 **A** Yes, I did.

13 **Q** Did you have to remove any siding or did
14 you --

15 **A** Yes, I did.

16 **Q** And what did you recover inside that
17 siding?

18 **A** A projectile.

19 **Q** And did you package that projectile?

20 **A** Yes, I did.

21 **Q** And did you submit that projectile for
22 examination at the St. Louis County Crime
23 Laboratory?

24 **A** Yes.

25 **Q** Okay. And the Image Number 7 and Image

1 Number 8, do those images show a defect in the
2 wooden railing of that staircase?

3 **A** Yes.

4 **Q** And does that railing correspond to
5 possibly the path of that bullet might have taken
6 before hitting the wall?

7 **A** Yes.

8 **Q** Where you found it?

9 **A** Yes.

10 **Q** And just really quickly showing you on
11 these images on the wooden railing, which would be
12 coming across right here going into the wall.

13 Now, when a projectile, if it trailed
14 against that wooden part of the railing, could it
15 change the path or the direction of the projectile
16 as it traveled?

17 **A** Yes.

18 MS. ALIZADEH: Okay. I am certainly not
19 going to keep our juror longer than he has to be
20 here. If anybody has a quick question or two if
21 they can ask it, otherwise, we can bring him back if
22 there is more questions that need to be answered.
23 Anybody have any questions for him?

24 No. If you think of other questions
25 afterwards after today, I'll get him back here. I

1 don't want to cut anybody off if there is any
2 inquiry that needs to be made.

3 (End of the testimony of)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4 State of Missouri

5 SS.

6 County of St. Louis

7 I, a Licensed Certified Court
8 Reporter by the Supreme Court in and for the State
9 of Missouri, duly commissioned, qualified and
10 authorized to administer oaths and to certify to
11 depositions, do hereby certify that pursuant to
12 Notice in the civil cause now pending and
13 undetermined in the County of St. Louis, State of
14 Missouri.

15 The said witness, being of sound mind and being
16 by the grand jury first carefully examined and duly
17 cautioned and sworn to testify to the truth, the
18 whole truth, and nothing but the truth in the case
19 aforesaid, thereupon testified as is shown in the
20 foregoing transcript, said testimony being by me
21 reported in shorthand and caused to be transcribed
22 into typewriting, and that the foregoing page
23 correctly sets forth the testimony of the
24 aforementioned witness, together with the questions
25 propounded by counsel and grand jurors thereto, and

1 is in all respects a full, true, correct and
2 complete transcript of the questions propounded to
3 and the answers given by said witness.

4 I further certify that the foregoing pages
5 contain a true and accurate reproduction of the
6 proceedings.

7 I further certify that I am not of counsel or
8 attorney for either of the parties to said suit, not
9 related to nor interested in any of the parties or
10 their attorneys.

11

12

13

14

15

16

17

18

19

20

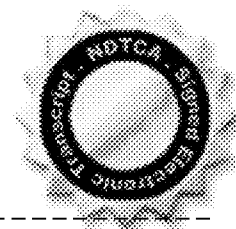
21

22

23

24

25



1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume X

12

13 10/6/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XI

Date: October 7, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 7, 2014

VOLUME XI

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 7th day of October, 2014, before

17

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XI

2 MS. ALIZADEH: Today's date is
3 October 7th, it is 10:15 a.m. This is Kathi
4 Alizadeh with the prosecutor's office. All 12 grand
5 jurors are present this morning, as is the court
6 reporter, , who is taking down the proceedings
7 and also audio recording the testimony of witnesses.
8 Sheila Whirley is here and will be in the room in a
9 minute, but I wanted to just give you an idea of
10 what we expect to happen today.

11 We're getting a late start because as
12 Roseanne Roseannadanna said, it's always something.
13 So we had some difficulties this morning that we had
14 to hammer out and we do have two witnesses here this
15 morning who are going to testify.

16 And they will, first one is going to be
17 . He's right out here with Sheila.
18 He's going to be walking in as soon as I give them
19 the high sign and he'll, after his testimony is
20 completed, then we will hear from .

21 If you recall, she made a statement that
22 was recorded that she made to the County Police, we
23 heard that yesterday. She also made another
24 statement to the FBI, which we'll play after we're
25 done just to give you an opportunity to hear that as

1 well.

2 And so we also have witnesses lined up for
3 this afternoon. This is just one of those things I
4 never know if people are going to show up at this
5 point. People call me and say, I don't think I can
6 make it now. Well, I call you a cab. So I'm going
7 to do my best to make good use of your time today.

8 I've got a couple witnesses who are police
9 officers or technicians who I've already notified
10 them to be available if I need to fill a slot if
11 somebody doesn't show up. So hopefully we'll have
12 stuff for you for most of the day today, okay.

13 Does anybody have anything to bring up,
14 questions before we get started? All right.

15 ,
16 of lawful age, having been first duly sworn to
17 testify the truth, the whole truth, and
18 nothing but the truth in the case aforesaid,
19 deposes and says in reply to oral
20 interrogatories, propounded as follows, to-wit:

21 EXAMINATION

22 BY MS. ALIZADEH:

23 Q Would you go ahead and state your name and
24 spell it for the court reporter?

25 A My name is

1

2 **Q** And how old are you, ?3 **A** .4 **Q** And do you live in the Canfield Apartment

5 Complex?

6 **A** Yes, ma'am.7 **Q** How long have you lived there?8 **A** Since .9 **Q** of this year?10 **A** Yes, ma'am.11 **Q** So you were living there back in August of

12 this year, correct?

13 **A** Yes, ma'am.14 **Q** I'm going to direct you to this map that I

15 have here, which is marked as Grand Jury Exhibit

16 Number 25. And this is an aerial view of the

17 streets and the buildings that make up the Canfield

18 Green Apartment Complex. Do you recognize the

19 streets and the buildings?

20 **A** Yes, ma'am.21 **Q** Can you use the laser pointer and show me

22 what building that, are you living in the same

23 building?

24 **A** Yes.25 **Q** Same apartment?

1 **A** Same building, same apartment, yes, ma'am.

2 **Q** Can you show me with a laser pointer what
3 building you are in?

4 **A** I live in , which is
5 here, the top floor,

6 **Q** Okay. Now, those buildings, are there
7 three stories to each building, three levels?

8 **A** Yes, yes.

9 **Q** And so is there a basement level?

10 **A** Yes.

11 **Q** And so the apartment that's on the ground
12 floor is the second floor?

13 **A** Yeah, there is a basement, which you have
14 to go down the stairs to get to and then you have
15 normal level, which is right up the stairs and my
16 level, which is all the way up.

17 **Q** Okay. So your unit is is it on the
18 front of the building?

19 **A** Yes, it is on the front, yes.

20 **Q** So this is Canfield Drive?

21 **A** Uh-huh.

22 **Q** And out here would be West Florissant?

23 **A** West Florissant, yes.

24 **Q** So just to help you with the directional,
25 north is this way.

1 **A** Uh-huh.

2 **Q** And south is that way. So would it be
3 fair to say that your unit is on the west side of
4 the building?

5 **A** Yes.

6 **Q** Okay. And, um, in August were you living
7 with anyone?

8 **A** Um, with my now girlfriend.

9 **Q** ; is that right?

10 **A** Uh-huh.

11 **Q** ?

12 **A** .

13 **Q** How long has lived there with you?

14 **A** Since .

15 **Q** So she was there living with you back on
16 August 9th as well?

17 **A** Yes, ma'am.

18 **Q** Okay. For the sake of trying to
19 understand this, you were inside the apartment that
20 day, correct?

21 **A** Yes.

22 **Q** So there are, are there windows on the
23 west side of that building?

24 **A** Yes, there is. My door, there's my living
25 room window which was open at the time and also my

1 bedroom window that's facing the west.

2 Q Okay. So the door, meaning like the front
3 door?

4 A Yes.

5 Q Is there a window in that door?

6 A No.

7 Q Okay. And then you have your living room
8 window you said?

9 A Uh-huh.

10 Q Is that a sliding glass, is it a slider?

11 A Yes.

12 Q So the whole thing is glass?

13 A Yes, ma'am.

14 Q And then you have a bedroom window?

15 A Uh-huh.

16 Q Is that a slider or a regular window?

17 A It is a slider.

18 Q But, I mean, can you walk out of that?

19 A No, no.

20 Q What about your living room window?

21 A Yes.

22 Q You can walk out of that?

23 A Uh-huh.

24 Q So your bedroom window is just a regular
25 window?

1 **A** Yes.

2 **Q** Um, are there coverings on your living
3 room and bedroom windows?

4 **A** Yes.

5 **Q** What kind of window coverings are there?

6 **A** Just regular blinds, my living room is
7 vertical, they are little vertical blinds, my
8 bedroom are horizontal.

9 **Q** Okay. And typically during the day would
10 you have those blinds open or keep them closed?

11 **A** My bedroom, no, but my living room I do
12 tend to keep open.

13 **Q** And on August 9th it was a hot day?

14 **A** Uh-huh.

15 **Q** Would you have had the windows open or
16 closed?

17 **A** Open.

18 **Q** The windows would be open?

19 **A** Uh-huh.

20 **Q** You are not running the air conditioner?

21 **A** No.

22 **Q** And so the morning of the 9th, was there
23 anything unusual that happened or that you saw or
24 anything that you recall special about the day?

25 **A** No, that morning I happen to have been at

1 work, but I left work early due to a complication
2 with me and my manager. I left work early, went
3 back home. I made it home around 11:11.

4 Q What time had you gotten to work, did you
5 get to work like at the middle of the night?

6 A No, I got to work at 7:00 in the morning.

7 Q Okay. So you had left your apartment
8 before then to get to work by 7:00?

9 A Uh-huh.

10 Q And then you came home and got home about
11 11?

12 A Uh-huh.

13 Q So when you got home at 11, was there
14 anything going on that was special or that you
15 noticed?

16 A No.

17 Q And this was a Saturday?

18 A Uh-huh.

19 Q And it was a sunny, bright day?

20 A Uh-huh.

21 Q People just about, out and about in
22 general?

23 A Just a normal day. Some people outside, I
24 recall someone barbecuing, just a normal day.

25 Q Okay. Was home?

1 **A** Yes.

2 **Q** Now, had she been home the whole morning
3 to your knowledge?

4 **A** Yes.

5 **Q** So she was there when you left for work
6 and then she was there when you got home at 11?

7 **A** Uh-huh.

8 **Q** When you got home at 11, what was she
9 doing?

10 **A** She was still sleeping.

11 **Q** Okay. Now, do you all have the same
12 bedroom?

13 **A** Yes.

14 **Q** So your bedroom window is the same view?

15 **A** Uh-huh.

16 **Q** If she says in my bedroom windows, that's
17 your bedroom too?

18 **A** Uh-huh.

19 **Q** And so, uh, and so when you got home at
20 11, what did you do?

21 **A** Um, I started playing games.

22 **Q** Video games?

23 **A** Yeah, started playing video games.

24 **Q** Were you in the living room or bedroom?

25 **A** In my living room.

1 **Q** Okay. And from, were you playing, was
2 there anybody else in your apartment with you?

3 **A** No.

4 **Q** Were you online playing with someone on
5 line?

6 **A** No.

7 **Q** Just playing on your own?

8 **A** Just playing on my own.

9 **Q** And so did something happen that drew your
10 attention to the outside?

11 **A** Yes, I heard shots, I heard gunshots.

12 **Q** About how many shots do you recall
13 hearing?

14 **A** The first shots I would say around three
15 or four.

16 **Q** Were these shots in like a succession,
17 like boom, boom, boom, boom?

18 **A** Uh-huh.

19 **Q** Or were they like boom, boom, boom?

20 **A** No, it was succession.

21 **Q** Okay. So there was no real pausing
22 between those shots?

23 **A** Huh-uh.

24 **Q** All right. Have you heard gunshots
25 before?

1 **A** Yes.

2 **Q** So no doubt in your mind when you heard
3 that that was gunshots?

4 **A** That was gunshots.

5 **Q** You didn't think maybe it was firecrackers
6 or anything?

7 **A** At first when I first heard, there were
8 construction workers that happen to have been around
9 here in front of my apartment. I thought it was
10 them at first, but after the third and fourth shot,
11 I realized it was gunshots. I thought they might
12 have been hammers or something. I realized a hammer
13 is not going to be that loud, that's when I realized
14 it was gunshots.

15 **Q** So it was louder than you would expect if
16 it were fireworks?

17 **A** Yes.

18 **Q** Or hammering going on?

19 **A** Uh-huh.

20 **Q** Now, you said these construction workers,
21 can you use the laser pointer again and point out
22 where they were working that day?

23 **A** Yes, the truck was parked here in our lot
24 that I live in, and they were scattered between like
25 the front of this complex and on the side here.

1 **Q** Okay. Do you know those construction
2 workers?

3 **A** No, but they had been out there for about
4 a week or so.

5 **Q** About a week. Was it the same guys that
6 were there each day?

7 **A** Yes.

8 **Q** How many workers?

9 **A** Two.

10 **Q** And did you ever stop and chat with them?

11 **A** No.

12 **Q** You didn't know them?

13 **A** Huh-uh.

14 **Q** Were they white or black?

15 **A** White.

16 **Q** And do you know what they were working on
17 or what they were doing?

18 **A** I'm not sure. I know the pipes up under
19 the ground, they were digging around there.

20 **Q** Okay. And so from your bedroom window
21 then, I'm sorry, you were in the living room?

22 **A** Uh-huh.

23 **Q** So after you hear the three or four
24 gunshots, what do you do?

25 **A** I get up and walk to the window.

1 **Q** Are you talking about the living room
2 window?

3 **A** Yes, my living room window.

4 **Q** Were the blinds open or closed?

5 **A** They were open.

6 **Q** So now when I think of blinds, they can be
7 totally open so that there's nothing covering the
8 window or they can be closed, but they can be
9 adjusted so that you can see out?

10 **A** Yes, they were closed.

11 **Q** Okay.

12 **A** But adjusted so I could see straight
13 outside.

14 **Q** Okay. So when you went to the window,
15 were you able to see without moving them or did you
16 move the blinds?

17 **A** I was able to see without moving.

18 **Q** Did you move the blinds at all?

19 **A** No.

20 **Q** And so when you looked out the window,
21 what did you see?

22 **A** I saw a person holding hisself around here
23 and had a hand up in the air and was, it looked like
24 he was going to a knee or on one knee. I think he
25 was going down to his second knee and he was

1 falling. And from that point is when I seen him get
2 shot and seen his head like jerk back and I seen him
3 do that like three times and that's when he just
4 fell face first. (indicating)

5 Q Okay. Could you see who was shooting at
6 him?

7 A I could not see who was shooting at him.
8 My view from here at my apartment I could see the
9 person in the street about here, but my view of what
10 was going on was obstructed by this building.

11 Q Okay. So when you looked out and you see
12 a person, did you recognize him?

13 A No.

14 Q So you hadn't seen him before in the
15 complex or anything that you recall?

16 A After finding out what was going on, I had
17 in my memory had seen him around the complex, but
18 during the shooting of what I seen, I couldn't
19 recall anybody.

20 Q He didn't, it didn't mean anything to you
21 when you first saw him?

22 A No.

23 Q You didn't recognize him?

24 A Huh-uh.

25 Q And we now know that the man who was shot

1 in the street was Michael Brown?

2 **A** Mike Brown, uh-huh.

3 **Q** Did you see another guy out there, a
4 shorter African-American, darker complected guy?

5 **A** From where I seen, Mike Brown was about
6 here. I seen a person run across to here, across
7 this way. (indicating)

8 **Q** Okay. Was he African-American?

9 **A** Yes, African-American, but I couldn't, him
10 being so far away from me, I couldn't make out any
11 details or facial details or hair or anything.

12 **Q** Okay. And how about clothing?

13 **A** I couldn't really tell, too far away.

14 **Q** Okay. And so he was running, when you
15 first saw him, where was he when you first saw him?

16 **A** I just seen him run like, came from out
17 the street and just streaked across this yard here.

18 **Q** This is like an open field, right?

19 **A** Yes.

20 **Q** Without trees or anything, you can see
21 someone that's in this area, correct?

22 **A** Uh-huh, yes.

23 **Q** And so at the time did you have any idea
24 that he had anything to do with it?

25 **A** No, at the time when I seen someone

1 running, I just thought they might have been running
2 away from the gunshots.

3 Q Okay.

4 A Just running away from the scene just to
5 be clear to make sure that they didn't get shot and
6 everything.

7 Q So when you first looked out the window
8 and saw who we now know as Michael Brown.

9 A Uh-huh.

10 Q Were you, and you're looking from here and
11 you put the pointer somewhere around this area?

12 A Yes.

13 Q Okay. Was his back to you?

14 A His back was, I would say, to me, but he's
15 like in the middle of the street. And so I see like
16 his side, like his side and his back, yeah.

17 Q But he's facing?

18 A He's facing.

19 Q This direction?

20 A Yes.

21 Q So you see him from behind, but you can
22 also see a part of his side?

23 A Uh-huh.

24 Q So which side would that have been?

25 A His right side.

1 **Q** Okay. And so from that view you said you
2 saw that he had a hand across his body?

3 **A** Uh, he had his left hand across his body.

4 **Q** Okay.

5 **A** And his right hand was up in the air.

6 **Q** Okay. And so just so we can make sure
7 that the jurors understand it and so I can explain
8 it for the record, why don't you stand up.

9 **A** Uh-huh.

10 **Q** And do that what you just did again?

11 **A** His left hand was across his body.

12 (indicating)

13 **Q** So you have your left arm about a little
14 below your chest?

15 **A** Yes.

16 **Q** And almost reaching around to your rib
17 cage on your right side, correct?

18 **A** Uh-huh.

19 **Q** And then your other hand, do that again?

20 **A** His other hand is like up in the air, but
21 like out. (indicating)

22 **Q** So you have your arm, elbow is straight?

23 **A** Uh-huh.

24 **Q** Fingers are facing forward and up a bit?

25 **A** Yes.

1 **Q** And I'm going to say that's probably maybe
2 a 45 degree angle?

3 **A** Uh-huh.

4 **Q** You know, 90 degrees --

5 **A** Not straight up, yeah.

6 **Q** More like that, okay. All right. And so
7 now when you first demonstrated that when you were
8 sitting there you had your hand like that, it was
9 more bent, the elbow was bent?

10 **A** Yeah, when he was up it was out, it was
11 out more.

12 **Q** Okay. So why did you do that at first?

13 **A** Just showing.

14 **Q** Okay. So it's not that Michael Brown
15 changed?

16 **A** No, he didn't change.

17 **Q** He didn't like go like this and then raise
18 his hand higher?

19 **A** No, it was out.

20 **Q** The whole time when you first saw him it
21 was like this? (indicating)

22 **A** Yes.

23 **Q** Which is extended out at a 90 degree angle
24 away from in front of him?

25 **A** Yes, ma'am.

1 **Q** And so after, when you first saw him,
2 could you see any blood on him?

3 **A** No.

4 **Q** Couldn't tell if he was injured or
5 anything?

6 **A** No.

7 **Q** And so did he move from that place where
8 you saw him?

9 **A** No.

10 **Q** Never walked forward or backwards or spun
11 around or anything?

12 **A** No, he was on his way down, he was on his
13 way down.

14 **Q** Okay. So you say that he went down, I
15 don't want to put the words in your mouth and I
16 don't, I can't recall exactly what you said, but you
17 said he went down like to one knee?

18 **A** Uh-huh.

19 **Q** And is that a yes?

20 **A** Yes.

21 **Q** Okay. So can you stand up maybe and if
22 you want to walk out here so they can see what you
23 are describing.

24 **A** When I looked out the window he was sort
25 of in a position like this with his arm out.

1 (indicating)

2 Q You're on your left knee?

3 A Uh-huh.

4 Q And then your right leg, the ball of your
5 foot is on the ground and your knee is bent?

6 A Uh-huh.

7 Q Okay. And in that position he had his?

8 A He had his hand up and he was covering
9 like this side.

10 Q Okay, okay. You can sit back down. And
11 so now, to get the timeframe, you hear the three or
12 four shots, you look out and that's what you see him
13 going down to one knee. And then do you hear any
14 more shots?

15 A Yes, I would say another four or five
16 shots.

17 Q Okay. How much of a pause was there
18 between the first set of shots and the second set of
19 shots you heard?

20 A I would say maybe 20 seconds, 25 seconds
21 at the most.

22 Q How long, now, when you heard the first
23 shots, did you, were you sitting on the couch?

24 A I was sitting on the couch, yes, when I
25 heard the first shots.

1 **Q** Did you stay on the couch and just look
2 out the window or did you get up?

3 **A** No, I got up and looked out the window.

4 **Q** So we talking a matter of a second or two
5 for you to get up and go look out the window?

6 **A** Yeah, I would say around 20 to 25 seconds
7 because at first, I'm sitting there playing the game
8 when I heard the shots. At first I assumed it was
9 the construction workers and then I realized it was
10 gunshots.

11 At the time when I recognized that it
12 was gunshots, I had just kind of sort of believed
13 that someone had just been shooting or shooting up
14 in the air because I have heard shooting before in
15 Canfield. So I just sort of assumed that it was
16 just something going on, but what kind of made me
17 get up was like everything happened so fast, what
18 kind of made me get up my mind it is like 12:00 in
19 the afternoon, why are people shooting this early.
20 So that made me get up and just look out the window
21 to see what was going on, that's when I seen him
22 down.

23 **Q** Okay. And so when you, there may have
24 been 20 to 25 seconds before you actually go out to
25 go to the window and see him?

1 **A** Uh-huh.

2 **Q** And he's in the process of going down to
3 his knee?

4 **A** Yes.

5 **Q** As you demonstrated, his left knee?

6 **A** Yes.

7 **Q** And what happens, you said you hear
8 another series of gunshots?

9 **A** Uh-huh.

10 **Q** Is he still on his knee and with his hand
11 extended in that manner?

12 **A** Yes.

13 **Q** Or is he going down when you hear more
14 gunshots?

15 **A** When I heard the gunshots, the same time
16 I'm hearing the gunshots, I seen his head jerk back
17 and he came back forward and he jerked back again
18 and that's when after that he fell face first on the
19 ground.

20 **Q** Okay. And so what were his arms doing
21 during this second series of gunshots?

22 **A** During the second series, this is when his
23 arms kind of just fell.

24 **Q** Okay.

25 **A** When he jerked back at the time of him

1 jerking back, his arms are falling and that's when
2 the shooting stop, he fell on the ground.

3 Q Okay. And after he fell on the ground,
4 did you see him move any more?

5 A No.

6 Q And what did you next see?

7 A Um, at this time after he fell on the
8 ground is when I called my girlfriend. I said,
9 , someone just got killed out here, someone just
10 got killed.

11 At the time I'm thinking, I'm looking
12 around. This is when I seen the young man run
13 across the field here and I'm thinking someone just
14 shot someone else or whatever. And it wasn't until
15 I seen around three or four officers come from
16 around the corner of this building is when I
17 realized okay, that's when I say, the police
18 just shot someone, the police just shot someone.

19 Q But that was an assumption you were
20 making, correct?

21 A Yes.

22 Q You didn't see the police officer shoot
23 anybody?

24 A No, I didn't see a police officer shoot
25 anybody.

1 **Q** Why is it that you would assume the police
2 officer shot somebody?

3 **A** Um, because I felt at this time I wasn't
4 sure if Mike Brown had a weapon and anger at the
5 police officer or threatened him, may have caused
6 the police officer to shoot him. It is just me
7 assuming that the police officer being that close to
8 a shooting that fast, that it was conflict between
9 them.

10 **Q** I'm sorry. The fact that there were three
11 police officers there very quickly, you drew that
12 conclusion that it was a police officer involved
13 shooting?

14 **A** Yes.

15 **Q** Or is it after when people were coming out
16 and talking that you then learned that?

17 **A** No, it was at that time. Like I said, I
18 just assumed that it was a police shooting.

19 **Q** Why wouldn't you think it was this guy
20 because you said you saw him run after the shooting,
21 right?

22 **A** Uh-huh.

23 **Q** In your mind you don't think man, that guy
24 just shot somebody and run in the field?

25 **A** At the time of his running through here, I

1 didn't see any officers in pursuit, so that's why I
2 figure he was just running away from the scene and
3 the officers were on the scene of what happened.

4 **Q** Okay. And so you see three officers you
5 say, correct?

6 **A** Uh-huh.

7 **Q** When you looked out the window, did you
8 notice those two construction guys?

9 **A** Yes. When I looked out the window I seen
10 the two construction guys at this point, they were
11 getting in their truck. They had been looking at
12 the incident that was going on. After the shooting
13 stopped, they got in their truck and they left.

14 **Q** Okay. That day, did you take any video
15 with your phone?

16 **A** No.

17 **Q** Or any video camera?

18 **A** No.

19 **Q** Did you see other people outside after the
20 shooting?

21 **A** Yes.

22 **Q** Did you see people taking videos?

23 **A** Yes.

24 **Q** Okay. Did you go outside?

25 **A** No, I went outside on my balcony and stood

1 on my balcony.

2 Q You never came down to the scene or
3 anything?

4 A No.

5 Q Um, and so you said you saw three
6 officers?

7 A Uh-huh.

8 Q Did you recognize any of the officers?

9 A No, ma'am.

10 Q Do you know Darren Wilson?

11 A No, ma'am.

12 Q Did you recognize them as Ferguson
13 officers, were they wearing blue shirts or brown
14 shirts?

15 A Blue shirts.

16 Q Did you see any police vehicles?

17 A No, it wasn't until after everything was
18 over I seen police vehicles pull up around here.

19 Q Okay. So how much after the shooting, how
20 much time elapsed after you saw Michael Brown
21 collapse in the street.

22 A Uh-huh.

23 Q Before you saw the three officers?

24 A Uh, 15, 20 seconds, not too long.

25 Q Okay. And all three officers appeared

1 together or was it one officer and then another two
2 came after?

3 **A** It was, it was one officer at first who
4 came this way from off the street around like in
5 this part of the grass here.

6 **Q** Uh-huh.

7 **A** I seen two more officers that came around
8 the corner of the building like right off the corner
9 of the building.

10 **Q** Okay. So they came around the building
11 separately?

12 **A** Yes.

13 **Q** And how much time --

14 **A** One and then two.

15 **Q** How much time between the time you saw the
16 first one come around the corner and when you saw
17 the second one, the two come around the corner?

18 **A** Five seconds.

19 **Q** Okay. Um, so did you ever see any of the
20 Ferguson officers approach Michael Brown's body?

21 **A** No.

22 **Q** Did you ever see, other than when they
23 eventually removed the body from the street, did you
24 see anybody move the body?

25 **A** No.

1 **Q** Okay. Um, now you testified today that it
2 was after the shooting that you said to hey,
3 come see this, they just killed somebody or
4 something like that?

5 **A** Yes.

6 **Q** You recall giving a statement previously,
7 correct?

8 **A** Yes.

9 **Q** And you talked to a couple of female FBI
10 agents?

11 **A** Yeah.

12 **Q** They come to your house?

13 **A** Yes.

14 **Q** And did you show them the window that you
15 looked out of and what you saw?

16 **A** Yes, uh-huh.

17 **Q** And do you remember telling them that it
18 was after the first few shots that you said, hey
19 Emya, they're shooting out here?

20 **A** Yeah, as the shooting, as the first shots
21 rang is when I got up to the window and then when I
22 got to the window is when the second shots started
23 to occur is when I called her.

24 **Q** Okay. So where was when you heard
25 the first shots?

1 **A** She was in the bedroom.

2 **Q** And you said that you normally keep the
3 blinds closed?

4 **A** Yes.

5 **Q** And so when you said to or eventually
6 said, you know, hey, what did you say to her?

7 **A** I said, , someone's out here shooting,
8 someone just got killed.

9 **Q** And did she come out of the bedroom?

10 **A** Yes.

11 **Q** Or did she look out the bedroom window to
12 your knowledge?

13 **A** To my knowledge she looked out the bedroom
14 window first and then she got up and put some
15 clothes on and then came to the living room where I
16 was standing.

17 **Q** Okay. When the FBI agents came to talk to
18 you.

19 **A** Uh-huh.

20 **Q** Was sitting with you when you talked
21 to them about what you saw?

22 **A** Yes.

23 **Q** And did you hear the FBI agents talk to
24 ?

25 **A** Yes.

1 **Q** Now, did you hear told the FBI agents
2 that she saw at least a part of this incident,
3 correct?

4 **A** Yeah.

5 **Q** And is it your belief that she did not see
6 part of the incident?

7 **A** Yes.

8 **Q** Okay. Why is it that you say that?

9 **A** Because her being in the bedroom, I'm not
10 sure that she got up fast enough to see and look out
11 the window to see what was going on.

12 **Q** So by the time she came out of the bedroom
13 and came to where you were?

14 **A** By the time she came to where I was, the
15 shooting was over.

16 **Q** Okay.

17 **A** Now, I don't believe, she was still
18 sleeping when all of this was occurring, so I'm not
19 absolutely sure that she got up at a time when I
20 first called her name, that she got up and was able
21 to look out the bedroom window and see anything.

22 **Q** But you were sitting with her when you
23 heard her tell the FBI agents that she did see
24 Michael Brown get shot?

25 **A** Yes.

1 Q And, of course, you know, you're not in
2 her head, so whether she saw it or not, we have to
3 ask her that, correct?

4 **A** Uh-huh, yes.

5 Q But you were there when she told the FBI
6 agents that she did see it happen?

7 **A** Yes.

8 Q Okay. And then also do you remember when
9 the FBI agents were talking to you that you said
10 that you watched Michael Brown take a few steps and
11 then he was in the middle of the street?

12 **A** I don't recall ever saying he took two or
13 three steps.

14 Q Your memory today he never moved from the
15 time you saw him to when he went down to the ground.
16 His body obviously moved, but he didn't walk in the
17 street or anything?

18 **A** Yes.

19 Q Okay. So you don't recall telling the --
20 actually, looks like it was two men that talked to
21 you?

22 **A** Yes.

23 Q That's and ,
24 two FBI agents?

25 **A** Yes.

1 **Q** Do you recall they talked to you on
2 August 16th?

3 **A** Yes.

4 **Q** Is that the first time that you talked to
5 any officers or police?

6 **A** Yes, those were the first and only time
7 that I talked to them.

8 **Q** You don't recall telling those two agents
9 that, um, you observed Michael Brown take a few
10 steps and then he was in the middle of the street,
11 and then Brown dropped to one knee and collapsed
12 face down and he stopped advancing. When he stopped
13 advancing, the shooting stop?

14 **A** I don't recall ever telling them that he
15 took a few steps.

16 **Q** Okay.

17 MS. ALIZADEH: Sheila, do you have any
18 questions?

19 MS. WHIRLEY: Sure. At any time did you
20 talk to the St. Louis County Police Department?

21 **A** No.

22 **Q** (By Ms. Whirley) Just to the federal FBI
23 agents?

24 **A** Yes, ma'am.

25 **Q** Do you know if the St. Louis Police

1 Department tried to contact you or not?

2 **A** I have no idea.

3 **Q** You never made contact with them?

4 **A** No.

5 **Q** They never made contact with you?

6 **A** No, ma'am.

7 **Q** Okay. If was in the bedroom, is it
8 the bedroom facing west?

9 **A** Yes, the bedroom would be about here.
10 (indicating)

11 **Q** If you were in that bedroom, would you be
12 able to see what you saw?

13 **A** Yes.

14 **Q** And where were you, though, when you saw
15 it?

16 **A** I was in the living room.

17 **Q** Where is the living room?

18 **A** The living room would be about close where
19 this extends at.

20 **Q** Okay.

21 **A** Those are the steps and the living room
22 would be right about the corner.

23 **Q** So both the living room and the bedroom
24 face west?

25 **A** Yes.

1 **Q** Okay. And you said you first heard a few
2 shots and that's what brought your attention to the
3 living room?

4 **A** Yes.

5 **Q** What were you doing in the living room
6 before the shots occurred?

7 **A** Playing my video games.

8 **Q** Okay. So you were awake an everything?

9 **A** Yes.

10 **Q** You weren't taking a nap or anything like
11 that?

12 **A** No, ma'am.

13 **Q** Okay. It was your impression that
14 was sleeping --

15 **A** Sleeping.

16 **Q** -- in the bed? Hadn't even gotten dress
17 for the day?

18 **A** Not yet, no.

19 **Q** Okay. Did you all have any children?

20 **A** Yes, my son lives in the house, my
21 stepson, her son.

22 **Q** How old is he?

23 **A** He will be in December.

24 **Q** Was he home that day?

25 **A** Yes.

1 **Q** Did he see any of this?

2 **A** No.

3 **Q** Where was he when all of this was going
4 on?

5 **A** He was in the room sitting on the floor
6 watching TV.

7 **Q** Okay.

8 **A** When that happened.

9 **Q** In the same room with you?

10 **A** No, with , he was in the bedroom.

11 **Q** Okay. He was in the bedroom with ?

12 **A** Yes.

13 **Q** And was asleep and he was watching
14 TV?

15 **A** Uh-huh.

16 **Q** Did he run to hear and see what was going
17 on with the shooting?

18 **A** He only got excited after me and her got
19 excited about everything that was going on.

20 **Q** He wasn't really paying any attention?

21 **A** No.

22 **Q** Okay. So you hear the shots, you go look
23 and you see and when you see Mike Brown, did you
24 know Mike Brown?

25 **A** I didn't know him personally, no.

1 **Q** But you had seen him around?

2 **A** I seen him around the complex. He had
3 friends in the complex, I had seen him.

4 **Q** Did you know Dorian Johnson?

5 **A** No.

6 **Q** When you see him, you don't see him
7 running at any point?

8 **A** No.

9 **Q** Do you ever see him charging at the
10 officer?

11 **A** No.

12 **Q** And you said you couldn't actually see the
13 officer?

14 **A** I couldn't see the officer, no.

15 **Q** You could just see Mike Brown?

16 **A** Yes.

17 **Q** When you saw Mike Brown, he wasn't
18 running?

19 **A** No.

20 **Q** Or charging. Did you see a weapon on him?

21 **A** No, I couldn't see a weapon, no.

22 **Q** Okay. Could you see his hand?

23 **A** Yes.

24 **Q** Did it look like he was holding anything?

25 **A** No.

1 **Q** It did not?

2 **A** No.

3 **Q** All right. And when you said he fell on
4 one knee, was he like on the knee for a while or was
5 it as he was falling down, he hit a knee first?

6 **A** That's how I was trying -- as he was
7 falling down, he hit his left knee first. And then
8 the second set of shots, and then that's when he was
9 just on the ground.

10 **Q** So as he's, okay, some shots have
11 occurred?

12 **A** Uh-huh.

13 **Q** He's falling down?

14 **A** Uh-huh.

15 **Q** Kneeling, in a kneeling position, he's
16 falling down?

17 **A** Yes.

18 **Q** And then another set of shots occur?

19 **A** Yes.

20 **Q** Okay. So as he's falling down, he's
21 getting shot is what you are saying?

22 **A** Yes.

23 **Q** But you can't see who is shooting him?

24 **A** I can't see who is shooting him, no.

25 **Q** Did he appear to be in an altercation with

1 anybody at any point that you were, wait a minute,
2 let me ask the question because he's got to take us
3 one at a time.

4 **A** Okay.

5 **Q** At any point when you were watching
6 Michael Brown, or the person who was shot, which is
7 Michael Brown, did he appear to be in an altercation
8 with anyone?

9 **A** No.

10 **Q** Do you know what I mean by altercation?

11 **A** A fight or.

12 **Q** Yeah, or some type of disagreement or
13 anything?

14 **A** No.

15 **Q** You never saw anybody but him?

16 **A** Just him.

17 **Q** Okay.

18 MS. WHIRLEY: Anybody have questions?

19 MS. ALIZADEH: I just want one more
20 clarification.

21 **Q** (By Ms. Alizadeh) So, do you
22 remember telling the two FBI agents that after you
23 saw Michael Brown collapse in the street, you
24 observed a police officer approach Brown and shortly
25 thereafter, other officers arrived at the scene, do

4 Q Okay. And then do you remember telling
5 the officers that when you had looked out the
6 window, you observed Brown walking toward the
7 direction from which the police officer came?

9 Q Okay. All right.

15 **A** Between me looking out the window and him
16 hitting the ground?

18 **A** I'd say the timeframe, probably about 45
19 seconds at the most.

21 Did you
22 ever hear any yelling going on when all of this was
23 going on?

24 **A** No, because my window was, the screen
25 part, the door part was closed, I just had my blinds

1 open, but I could hear the shots, but I didn't hear
2 any yelling or anything.

3 : You couldn't hear any
4 voices or anything?

5 **A** No, sir.

6 . At the time of
7 the shooting, I know it happened very fast, did you
8 notice what the two construction workers were doing,
9 were they locked on the scene too, do you know?

10 **A** Yes, they happen to have been looking at
11 what was going on and then as they were watching,
12 they were loading up their stuff in their truck and
13 they pulled off.

14 : You think they had a clear
15 view of what?

16 **A** I'm not sure how clear their view was, but
17 they were down on the ground, probably had a better
18 view than I did.

19 MS. WHIRLEY: Show us again on the map
20 where they were?

21 **A** They were about here. Their truck was on
22 the lot, one was about here and the other one was
23 about here closer to my building. (indicating)

24 **Q** (By Ms. Whirley) Okay. And this was
25 occurring where?

1 **A** The shooting was here.

2 **Q** Okay, all right. And you think their view
3 was better than yours?

4 **A** I'm not sure, I'm not sure what they seen.

5 **Q** I'm talking about their view, not what
6 they saw?

7 **A** Yeah, I assume them being down closer than
8 I was, I thought they would see more than I would
9 have.

10 MS. WHIRLEY: Okay. I didn't know if you
11 were done.

12 : I'm done, thank you.

13 Could
14 you see Michael Brown's face when this was going on?

15 **A** At the time I couldn't see his face, no.

16 And you said you heard
17 gunshots in Canfield before, did that happen a lot?

18 **A** Um, I wouldn't say like a lot, like every
19 night.

20 Okay.

21 **A** But every so often.

22 So you were there from
23 February to August, would you say you heard it more
24 than once or twice gunshots?

25 **A** Five or six.

1 : Five or six in that eight
2 months, seven months?

3 **A** Actually, two nights before August 9th,
4 the night of August 7th there were gunshots that
5 happened right in front of my building.

6 : Do you know if those were
7 police involved gunshots?

8 **A** No.

9 : Was it with the
10 residents?

11 **A** I think those were residents.

12 : Okay.

13 **A** I was asleep when I heard the shots, the
14 shots woke me up. And so when I looked out the
15 window, there was no one there, but police officers
16 came and looking at the ground. I guess they were
17 picking up shell casings.

18 : They were investigating a
19 shooting and they weren't involved in it?

20 **A** Yes.

21 : And you said that you had
22 an obstructed view of who was shooting, but you
23 could see the field?

24 **A** Yeah.

25 : Could you see the whole

1 thing?

2 **A** No, I couldn't see the whole thing because
3 the building obstructs, but I could see part of the
4 field.

5 You said you saw a man
6 running?

7 **A** Yes.

8 Which way was he running?

9 **A** He was running this way towards the south.
10 (indicating)

11 So he was running from
12 Canfield?

13 **A** From Canfield Drive.

14 To maybe go to one of
15 these places?

16 **A** Yes.

17 Can you tell me what that
18 man looked like, can you describe him?

19 **A** I can't, I don't really have any details.

20 Okay. Like dark skin,
21 light skin?

22 **A** He was black, yes.

23 : He was black.

24 **A** Darker skin than me, I could see it.

25 : What about his hair, did

1 you see what his hair looked like?

2 **A** I couldn't see his hair.

3 : You couldn't tell if he
4 had a shaved head or dreads or whatever?

5 **A** (Shakes head.)

6 Was he short or tall do
7 you know?

8 **A** I couldn't tell you.

9 : Okay. I'm sorry, one
10 more question.

11 **A** You're fine.

12 : And it is your opinion
13 that you do not believe that saw the actual
14 shooting.

15 **A** Yes.

16 Because of when you
17 called her in?

18 **A** Yes.

19 That's it. Sorry, thank
20 you.

21 MS. ALIZADEH: I just want to clarify and
22 I'm not sure if I heard you well enough. When you
23 said you saw the man running and you described for
24 the jury the direction, did you say he was running
25 towards his house?

1 **A** No, south.

2 MS. ALIZADEH: Oh, okay. Glad I asked.

3 . Is the

4 bedroom adjacent to the living room, like can you
5 stand in the living room and see through your living
6 room?

7 **A** No, no. Like my front door is here, was
8 straight into the living room, then my living room
9 is pretty spacious and then there's a slight hallway
10 and then my bedroom goes in, so it was right next to
11 it, but there's a wall there so I can't see into the
12 bedroom from the living room.

13 : So are you saying that you
14 just assumed that wasn't up?

15 **A** Yes.

16 : Or did she tell you that
17 oh, I got up when you called me?

18 **A** I'm assuming that she wasn't, that she
19 didn't get up fast enough. I heard her get up, I
20 don't think she got up fast enough to see anything
21 that happened.

22 Did you all have a
23 conversation, you know, what was going on, while
24 everything else was happening outside?

25 **A** No, we just kind of sort of were caught in

1 the moment of what was going on and talking to
2 people and finding out what had happened. We had
3 never really had a conversation about it, no.

4 At
5 the time that you and , you say you were
6 questioned by the FBI; is that correct?

7 **A** Yes, ma'am.

8 : And the FBI also came to
9 your home; is that correct?

10 **A** Yes.

11 Was there one or two
12 officers?

13 **A** Two.

14 : At that time was your
15 testimony and testimony, even though you are
16 at home together, you were there together in the
17 same room, is that my understanding.

18 **A** Yes.

19 You could hear what
20 was saying and she could hear what you were saying,
21 is that also correct.

22 **A** Yes.

23 Was that both of your
24 testimony, was it recorded as well?

25 **A** Yes.

1 All right. I think that's
2 about all I have.

3 MS. WHIRLEY: Let me clear something up,
4 just about what said. You asked
5 about something being recorded; is that right?

6 : Yes.

7 MS. WHIRLEY: You had a recorded
8 statement?

9 **A** Yes.

10 MS. WHIRLEY: Okay, all right, go ahead.

11 MS. ALIZADEH: Let me just clarify.

12 Because, when the FBI came and talked to
13 you, it was two male officers, correct?

14 **A** Yes.

15 MS. ALIZADEH: And that was on
16 August 16th?

17 **A** Uh-huh.

18 MS. ALIZADEH: And they came to your
19 house?

20 **A** Yes.

21 MS. ALIZADEH: And was there when
22 they talked to you?

23 **A** Yes.

24 MS. ALIZADEH: When the FBI talked to
25 , it was two females officers, correct?

1 **A** Yes.

2 MS. ALIZADEH: So that was on a totally
3 separate day?

4 **A** Yes.

5 MS. ALIZADEH: Were you there will when
6 the two females officers talked to ?

7 **A** Yes.

8 MS. ALIZADEH: They didn't interview on
9 the same day?

10 **A** No.

11 MS. ALIZADEH: But you were present and
12 heard the other person make their statements?

13 **A** Yes.

14 MS. ALIZADEH: And you heard talk to
15 the female FBI agents and say she saw the shooting?

16 **A** Yes.

17 MS. ALIZADEH: And you now know that
18 says that she didn't see it?

19 **A** Yes.

20 MS. ALIZADEH: Have you talked to her
21 about that?

22 **A** Um, yes, briefly.

23 MS. ALIZADEH: Now, I'm just wondering,
24 you know, all the uproar that has happened since
25 this occurred.

1 **A** Yes.

2 MS. ALIZADEH: You still live in the
3 Canfield Apartment Complex?

4 **A** Yes.

5 MS. ALIZADEH: When you were talking to
6 the FBI agent, did you feel pressured to say things
7 that weren't true?

8 **A** No.

9 MS. ALIZADEH: Is what you told the FBI
10 agent true?

11 **A** Yes.

12 MS. ALIZADEH: To the best of your
13 recollection?

14 **A** Yes.

15 MS. ALIZADEH: And yet what told the
16 FBI agents she is now saying is not true?

17 **A** Uh-huh.

18 MS. ALIZADEH: Is that right?

19 **A** Yes.

20 MS. ALIZADEH: Since the time you were
21 interviewed by the FBI agents until you come in and
22 testify today, have you felt pressure from other
23 people to say something that you're not comfortable
24 saying?

25 **A** No.

1 MS. ALIZADEH: Okay. What about , has
2 she talked to you about feeling pressure about
3 having to come and testify about that day?

4 A Feeling pressure as far as me feeling
5 pressure or her feeling pressure?

6 MS. ALIZADEH: About her, has she told you
7 that she feels pressure?

8 A She never said that she feels pressure,
9 she sort of told me that she felt, I don't want to
10 say obligated, but so to speak in that sort of way
11 she felt that she needed to say something.

12 MS. ALIZADEH: When did you first learn
13 that really didn't see this, when did she tell
14 you that she didn't see it?

15 A A couple days ago.

16 MS. ALIZADEH: A couple days ago. Now,
17 you know that I talked to about her coming into
18 court and everything?

19 A Yes.

20 Q Is it after I contacted her and told her?

21 A Yes, yes, yes, when you contacted, that's
22 when me and her sort of had a sitdown, okay. You
23 got to go to court and that's when she kind of
24 acknowledged I really didn't, you know, I really
25 don't want to go to court because I really didn't, I

1 don't have any solid evidence of my eyewitness to
2 it.

3 MS. ALIZADEH: So when she was giving her
4 statement to the two female FBI agents and you were
5 sitting there and listening to her say that, did you
6 believe that she did see it at that time.

7 A Like I said at the time I was still having
8 my doubts because I wasn't really sure.

9 Q (By Ms. Alizadeh) But at that time she
10 didn't secretly tell you I didn't really see it,
11 but --

12 A No.

13 Q You thought that she was telling the FBI
14 agents the truth?

15 A Uh-huh.

16 Q And now she says it wasn't true, correct?

17 A Yes.

18 MS. ALIZADEH: Anything else? Okay. That
19 will conclude, needs to say something.

20 (End of the testimony of .)

21 MS. ALIZADEH: This is Kathi Alizadeh. It
22 is October 7th at 11:18 a.m. I'm present, Sheila
23 Whirley is present, as well as all 12 grand jurors
24 and the court reporter. And at this time we're
25 going to play a recorded statement for you. It is a

1 statement of that was taken or done by
2 Federal Bureau of Investigation agents and this
3 statement is contained on a disc that I have marked
4 as Grand Jury Exhibit Number 36.

5 (Deposition Exhibit Number 36
6 marked for identification.)

7 Q (By Ms. Alizadeh) It is 21 minutes and 56
8 seconds in length. I have transcripts that I can
9 pass.

10 I want to mention during the break
11 before we began recording again, the grand jurors
12 had asked if we could try to get a floor plan of the
13 apartments, and we'll look into that if that can be
14 done. Also I intend, I'm going to try to get some
15 testimony from a witness who, as you heard the last
16 witness, he said that they were interviewed at their
17 home by federal agents. So it's possible that I
18 could get one of them who has been inside the
19 apartment to maybe describe, if we don't have a
20 floor plan available.

21 And then also there was a question
22 about topography, if there was any maybe
23 topographical maps available. I don't know the
24 answer to that, but we can see if we can find some.

25 I also advised the grand jurors that

1 we have had some additional investigation done where
2 we had officers go out to the scene as recent as
3 last week and take photographs with a lens that
4 would be as close to what the human eye sees as we
5 can get.

6 In other words, it is not a zoom lens
7 or anything like that and taking photographs from
8 different vantage points because I gathered from
9 some questions that had been asked previously that
10 this might be a question that you have about, you
11 know, can somebody be in a certain place and see
12 what they are describing that they saw.

13 So I would probably call
14 to introduce those photos. And as I mentioned
15 before, if we may have a gap today with witnesses
16 who might not appear. And so is
17 standing by ready as one of my fill-in witnesses.
18 So that might be something that we can get to this
19 afternoon.

20 Also, yesterday, we had
21 talk about taking photographs of Darren Wilson's
22 face and then we also had him talk about taking
23 photographs of him taking a bullet out of the side
24 of one of the buildings.

25 And so we didn't have time for me to

1 pass those photographs to you yesterday, so at some
2 point today when we maybe have a break where there
3 is no witness available, we'll get those photographs
4 passed around and give you plenty of time to look at
5 those.

6 Is there anything else or any other
7 questions before we begin the recording?

8 All right. And at this time I'd ask
9 to pause the audio recording while we're
10 playing the statement of .
11 (Interview of is being played
12 at this time.)

13 MS. ALIZADEH: It is 11:44. We just
14 finished listening to a statement of .
15 She's here and are we okay with bringing her on and
16 getting her done so that we can break for lunch
17 after she's testified, is that all right? Okay.

18
19
20
21
22
23
24
25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

EXAMINATION

8 BY MS. WHIRLEY:

9 Q I'm going to stand back
10 here as best I can, I need you to speak up, okay?

11 A Okay.

12 Q So that all the grand jurors can hear you.
13 Introduce yourself to the grand jurors and spell
14 your name for the court reporter, please?

15 A My name is

16

17 Q Okay. And , you know why
18 we're here today, correct?

19 A Yes.

20 Q And we're here to talk about the shooting
21 of Michael Brown?

22 A Uh-huh.

23 Q And what you know about that?

24 A Okay.

25 Q Now, you've given, how many statements

1 have you given regarding this incident?

2 **A** Two.

3 **Q** And who did you give those statements to?

4 **A** To the FBI agents.

5 **Q** Both statements were to the FBI agents?

6 **A** Yes.

7 **Q** And as far as you know, were those
8 statements recorded?

9 **A** Yes.

10 **Q** Okay. Have you ever talked to the police,
11 the St. Louis County Police about this incident?

12 **A** No.

13 **Q** Was there any reason why you didn't talk
14 to the police?

15 **A** No.

16 **Q** I mean, did you not want to talk to the
17 police?

18 **A** Huh-uh, because I had already talked to
19 the FBI agents.

20 **Q** And the first time you talked to the FBI
21 agent, well, at some point you did talk to the
22 police, didn't you, on the first day that this
23 occurred August the 9th?

24 **A** Uh-huh.

25 **Q** Do you remember when it occurred on

1 Saturday August the 9th?

2 A Yeah.

3 Q Did you talk to ?

4 A There was two.

5 Q You thought he was an FBI agent?

6 A Uh-huh.

7 Q You did talk to someone that same day that
8 it occurred?

9 A Yeah.

10 Q A few hours later?

11 A (Nods head.)

12 Q And after that, you talked to --

13 A The two ladies.

14 Q Two women FBI agents later?

15 A Uh-huh.

16 Q At your home?

17 A Yes.

18 Q And that would have been on
19 September 30th?

20 A Yes.

21 Q So a week or so ago then, right?

22 A Uh-huh.

23 Q That was very recent, most recent?

24 A Yeah.

25 Q You gave two statements, were both of

1 those statements true?

2 **A** No.

3 **Q** Okay. We'll start there.

4 **A** Okay.

5 **Q** So was one true and not the other, or were
6 they both not true? All we're looking for here is
7 the truth. We're not here to embarrass you or to
8 make you feel bad in any way, we just need the
9 truth, this is very important.

10 **A** Okay.

11 **Q** Okay.

12 **A** Um, the statement that I made, it was with
13 what my boyfriend saw. I just felt
14 like I want to be part of something and what I saw
15 was just lying, lying there at the end. I didn't
16 see what I told the FBI what I saw.

17 **Q** Okay. And then how did you know what, was
18 ?

19 **A** Uh-huh.

20 **Q** How did you know what saw?

21 **A** Cause when I was in the room, he called me
22 and let me know what was happening and by the time I
23 got to the window, everything was done. And then he
24 just told me what happened because I asked him what
25 happened.

1 **Q** Okay. So that same day before anybody
2 talked to the authorities, he told you what he saw?

3 **A** Yeah.

4 **Q** All right. And then I guess the police
5 came around to talk to people?

6 **A** Yes.

7 **Q** That same day. Did they talk to
8 before they talked to you?

9 **A** No, they talked to me first because he had
10 left.

11 **Q** Okay. He left and did what?

12 **A** He went to work.

13 **Q** About what time the he leave and go to
14 work?

15 **A** Like 7:00, 7:30.

16 **Q** Okay. So when the police, according to
17 the information we have, it would have been around
18 5:00 in the afternoon?

19 **A** Uh-huh.

20 **Q** Was he there when the police came?

21 **A** No.

22 **Q** Okay. So he had left before 5:00?

23 **A** No, he was there at 5:00.

24 **Q** Okay.

25 **A** That's when they got his body up about

1 like 5:15.

2 **Q** Okay.

3 **A** So he was still there.

4 **Q** Okay.

5 **A** And then his mom picked him up and he
6 left.

7 **Q** His mother picked him up and he left
8 around 7:00?

9 **A** Uh-huh.

10 **Q** The only reason why I'm questioning you on
11 this matter it looked like around 5:06 p.m.,
12 would have taken your statement?

13 **A** Uh-huh.

14 **Q** I'm trying to figure out was at the
15 house at that time when he took your statement?

16 **A** No.

17 **Q** So could your times be off?

18 **A** Probably.

19 **Q** Okay.

20 **A** Yeah, because he wasn't there, it was just
21 me and my son.

22 **Q** You are sure he wasn't there?

23 **A** It was just me and my son.

24 **Q** Just you and your son?

25 **A** Uh-huh.

1 **Q** So what's your son's name?

2 **A**

3 **Q** okay. So you and were there
4 and the police came?

5 **A** Yes.

6 **Q** Did you go to them and say, hey, I know
7 something, did you walk out?

8 **A** They were going door to door.

9 **Q** They were canvassing, going door to door?

10 **A** Yes.

11 **Q** When they came to you, tell us how that
12 went down?

13 **A** They asked me did I see anything? And I
14 told them, yes. And then he gave me what I could
15 write all the stuff and also so he can record what I
16 saw.

17 **Q** Okay.

18 **A** And he recorded it and then he left.

19 **Q** Okay. And you were telling him what you
20 had told, what had told you happened?

21 **A** Yes, yes.

22 **Q** Okay. So then there was another occasion,
23 well, first of all before I move on, I want to make
24 clear what you did see.

25 **A** Uh-huh.

1 **Q** So at what point did you go and see
2 anything that day?

3 **A** I was, when I first heard the shots, I was
4 in the room laying down, me and my son. And we just
5 thought it was construction people, they was cutting
6 down our trees and stuff.

7 And then when yelled that
8 somebody get shot, and so I'm putting on my clothes.
9 And by the time I get to the living room and look
10 out the window, he was already on the ground.

11 **Q** He was already on the ground?

12 **A** Uh-huh.

13 **Q** Did you see any police officers or
14 anything?

15 **A** Not at that moment.

16 **Q** You just saw him on the ground?

17 **A** On the ground.

18 **Q** Was he moving on the ground?

19 **A** (Shakes head.)

20 **Q** Did you keep looking out the window?

21 **A** Yes.

22 **Q** And this little pen here, see how it
23 works? You push that button there. Show us where
24 you were looking, what apartment you were at when
25 you were looking out the window, can you tell from

1 this map?

2 **A** This is my street.

3 **Q** You live on Canfield Drive?

4 **A** Court.

5 **Q** Canfield Court. Point at it with the
6 little pointer, that's fine.

7 **A** Mine is right there. (indicating)

8 **Q** This is you. So you were looking --

9 **A** I'm looking out my balcony to the street.

10 **Q** Where did you see the body laying?

11 **A** Like right here. (indicating)

12 **Q** Okay.

13 **A** Right there. That's my driveway, it was
14 driveway it is right there. (indicating)

15 **Q** Okay. And so you just saw the body
16 laying?

17 **A** Uh-huh.

18 **Q** At some point did you see the police
19 arrive or show up?

20 **A** Yes. There was like three officers that
21 just came. About that time there was people rushing
22 outside and everything.

23 **Q** Was it when you saw the body lying there,
24 you didn't know how long Michael Brown had been
25 laying there?

1 **A** No.

2 **Q** Because you didn't see him when he fell or
3 anything?

4 **A** No.

5 **Q** You didn't see him with his hands up or
6 anything?

7 **A** No.

8 **Q** And you already told us, I don't want to
9 say what you said, I'm going to have to ask you one
10 more time, I want to be real clear. When the police
11 came that first time you told them that you saw, but
12 you really didn't, why did you do that?

13 **A** I just wanted to be a part of something
14 and tell them what my boyfriend said because he
15 wasn't there.

16 **Q** Okay.

17 **A** I didn't know if they was going to come
18 back and try to talk to him, I just wanted his story
19 to be out there.

20 **Q** Okay. And you made his story your story?

21 **A** Yeah.

22 **Q** You didn't tell the police, though, that
23 this is what my boyfriend said he saw?

24 **A** No.

25 **Q** Did you give them his name to come back

1 and talk to him?

2 **A** Uh-huh.

3 **Q** Okay. Did you realize when you were
4 contacted by the FBI, what did you think then when
5 they wanted you to tell them what happened, and that
6 would have been, before I move on, this was
7 September 30th?

8 **A** I was nervous. I didn't want to say
9 nothing because I knew I really didn't see it, but
10 then one of the ladies was like, I might as well
11 just tell them and let them know what happened
12 because they want to hear it. So I'm like okay, I
13 might as well just keep telling them what I saw,
14 what saw.

15 **Q** You didn't tell them that's what
16 saw?

17 **A** No.

18 **Q** Has anyone threatened you or made you come
19 here and say that you didn't see it when you really
20 did?

21 **A** No.

22 **Q** Okay. Has anyone coerced you, you know
23 what I mean by coerced, promised you something or
24 said that they're going to do something to somebody
25 in your family if you don't come here and say what

1 you said?

2 **A** No.

3 **Q** Before?

4 **A** No.

5 **Q** So it's the absolute truth that you did
6 not see it?

7 **A** Yeah.

8 MS. WHIRLEY: Questions?

9 MS. ALIZADEH: I have a few.

10 **Q** (By Ms. Alizadeh) , on the day
11 that this happened, just a few hours afterwards,
12 Detective came and knocked on your door and
13 said, did you see what happened, anything that
14 happened today? You didn't say, I didn't, but my
15 boyfriend did. You said, I saw it?

16 **A** Yes.

17 **Q** And so then he said, would you mind
18 telling us what you saw?

19 **A** Yes.

20 **Q** You are saying you just repeated what your
21 boyfriend had you happened?

22 **A** Yes.

23 **Q** Did you guys go through that in detail
24 before he left for work to make sure you knew the
25 story?

1 **A** No, he just let me know what happened,
2 when he saw the shots being fired.

3 **Q** Did you discuss the position of his arms,
4 or how many gunshots there were or anything like
5 that?

6 **A** No, I could hear the gunshots, but I
7 couldn't see them like entering his body, I just
8 heard them.

9 **Q** I'm sorry, did you and , though,
10 discuss like the positioning of his arms?

11 **A** No, he just told me he had his arms up.

12 **Q** He didn't tell you that he was grabbing at
13 his side?

14 **A** Yeah, he told me everything that he saw
15 from the side. From him kneeling, falling,
16 everything.

17 **Q** Okay. So did know then on that day
18 that it happened, did he know that you didn't see
19 it?

20 **A** No.

21 **Q** Okay. And so several weeks go past and
22 you know that the FBI and the Department of Justice
23 and there are a bunch of people that are trying to
24 get ahold of you because they want to talk to you?

25 **A** Uh-huh.

1 **Q** And you knew that, right?

2 **A** Yes.

3 **Q** And you said you didn't want to talk to
4 them?

5 **A** No.

6 **Q** And then, but at some point these FBI
7 women came to your house, correct?

8 **A** Yes.

9 **Q** Now, did they have a warrant for your
10 arrest?

11 **A** No.

12 **Q** Did they threaten you in any way?

13 **A** No.

14 **Q** Were they nice?

15 **A** Yes.

16 **Q** I mean, I've met them, they seem like nice
17 ladies, right?

18 **A** Uh-huh, yes.

19 **Q** And was home when they were there?

20 **A** Yeah.

21 **Q** So he was there when they were talking to
22 you, correct?

23 **A** Yeah.

24 **Q** And this is now several weeks later, you
25 don't take the opportunity to go, well, I really

1 didn't see it, but my boyfriend did. He can
2 tell you what happened, but you didn't do that?

3 **A** No.

4 **Q** Before you talked to those ladies, they
5 told you, didn't they, if you lie to a federal
6 agent, it is a crime?

7 **A** Yes.

8 **Q** And you know that, right?

9 **A** Yes.

10 **Q** And when I called you, I called you last
11 week about coming in and testifying, correct?

12 **A** Uh-huh.

13 **Q** And you said okay. We made arrangements
14 for you to come in and then you had to reschedule,
15 right?

16 **A** Yes.

17 **Q** You never told me on the phone, well, you
18 know what, I didn't really see anything, right?

19 **A** Uh-huh, yes.

20 **Q** And so this morning you and came
21 here and you had an attorney with you?

22 **A** Yes.

23 **Q** All right. Your attorney advised me that
24 you were going to take the Fifth, in other words,
25 you were going to invoke your right to incriminate

1 yourself?

2 **A** Yes.

3 **Q** And you had discussions with your attorney
4 about your, he gave you advice and you talked to
5 him. I'm not asking you what you said to him or
6 what your conversation was, but at the conclusion of
7 that you decided that's what you were going to do,
8 right?

9 **A** Yes.

10 **Q** And then at some point you were aware that
11 I had gotten ahold of the Department of Justice and
12 that the Department of Justice said they would give
13 you immunity?

14 **A** Yes.

15 **Q** In other words, if you testified today
16 truthfully, they're not going to charge you or try
17 to prosecute you for any charges that may involve
18 giving a false statement to a federal agent, you
19 understand that?

20 **A** Yes.

21 **Q** Okay. So you are testifying here today
22 based upon the promise by the Department of Justice
23 that they wouldn't, they're not going to prosecute
24 you for that?

25 **A** Yes.

1 **Q** And I talked to you before you came in
2 here today and didn't I tell you that look, it is
3 not a crime per se to lie to a state official, we
4 don't, I told you I wasn't concerned about that, I
5 just wanted you to say what was truthful?

6 **A** Uh-huh.

7 **Q** Is that what you're doing today?

8 **A** Yes.

9 **Q** I know Miss Whirley asked you questions
10 about anybody threatening you or pressuring you and
11 you said no; is that right.

12 **A** Yes, that's correct.

13 **Q** And that includes , correct?

14 **A** Yes.

15 **Q** Did pressure you into saying, hey,
16 you've got to say what I said happened?

17 **A** No.

18 **Q** You still live in Canfield Green, correct?

19 **A** Yes.

20 **Q** And you know that there's been a lot of
21 tension, have you felt the tension?

22 **A** Yes.

23 **Q** You're aware that there's a lot of tension
24 and especially focused right in your neighborhood,
25 correct?

1 **A** Yes.

2 **Q** Do you feel pressure, whether or not
3 anybody came flat out that was threatening. I'm not
4 asking you that because you said no, I'm asking did
5 you feel pressure to lie to the federal agents or do
6 you feel pressure to come in here today and say that
7 you didn't see it when in fact you did?

8 **A** No.

9 **Q** Okay. So you're saying the reason you
10 lied to the federal agents is that you just kind of
11 thought you wanted to be part of it?

12 **A** Yes.

13 **Q** And that feeling was still continuing when
14 let me ask you this when the federal agents were
15 trying to get you to come in and talk to them, how
16 come you didn't talk to them then if you still
17 wanted to feel like you were a part of it?

18 **A** Cause I knew that I was lying and I didn't
19 want to talk to nobody at all.

20 **Q** But you know then when they came to your
21 house, that was your opportunity to say, you know, I
22 don't want, I know it is a crime to lie to a federal
23 agent, and I don't want to get myself in trouble. I
24 just want to get, you know what, I don't want to
25 lie, I'm going to tell you right now, I didn't

1 really see it. You didn't do that?

2 **A** No, I was going to come in Monday to talk
3 to you and that's when I was going to let you know.
4 And then I had told that I didn't really see
5 nothing and that's when he called the lawyer.

6 **Q** Okay. Do you believe me when I told you
7 before you came in here that Miss Whirley and I, all
8 we care about is that we get to the truth.

9 **A** Yes.

10 **Q** I'm not on anybody's side one way or the
11 other. I told you we want witnesses to give
12 truthful testimony regardless of what that testimony
13 is, it just has to be the truth.

14 **A** Uh-huh.

15 **Q** Are you saying that your testimony today
16 is truthful?

17 **A** Yes.

18 **Q** Anything else you want to add or --

19 **A** No.

20 **Q** -- or state now that you want to get off
21 your chest or anything before we're done here?

22 **A** No, I just wanted to be a part of it, I
23 just wanted them to hear what he saw because he
24 wasn't there to let them know, that was it.

25 **Q** Well, you know that two federal agents

1 came out and talked to him in August?

2 **A** Yeah.

3 **Q** So he had already given his statement too?

4 **A** I didn't know they was going to come back
5 and talk to me.

6 **Q** Do you know anyone else in your community
7 in the same spot that you found yourself in. In
8 other words, that they maybe said something that
9 they knew wasn't truthful, but they said it because
10 either they wanted to be a part of something, or
11 that they felt like they were pressured or they just
12 wanted to go along with what everybody else was
13 saying?

14 **A** No.

15 **Q** Have you talked to the neighbors in your
16 complex?

17 **A** Yes.

18 **Q** Do you know anybody else who claims to
19 have seen this?

20 **A** No.

21 **Q** So you've not had any conversations with
22 somebody who said, yeah, I was looking out my window
23 too, I saw it?

24 **A** No.

25 **Q** So you don't know if there are people out

1 there who are saying that they saw it, but in fact,
2 didn't see it?

3 **A** No, I don't.

4 **Q** Okay.

5 MS. ALIZADEH: I'm done.

6 MS. WHIRLEY: Questions?

7 (Lunch recess)

8 MS. ALIZADEH: All right. Good afternoon.

9 It is October 7th, it is 1:46 p.m. I'm Kathi
10 Alizadeh, present also is Sheila Whirley with the
11 prosecutor's office, all 12 grand jurors are also
12 present, as wells as the court reporter who is
13 taking down what's transpiring in the room and also
14 he is doing an audio recording to record what's
15 being said.

16 And so the first witness we're going to
17 have for this afternoon is . And he
18 is a chemist with the s St. Louis County Police
19 Department Crime Laboratory. Could you stand up,
20 please?

21 Do you go by , you're not a
22 detective or police officer, correct?

23 THE WITNESS: No, is fine.

24

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

9 Q Could you state your name and spell it for
10 the court reporter, please?

A

13 Q Can I call you ?

A Sure.

15 Q And, , where do you work?

A The St. Louis County Police Crime Lab.

17 Q What do you do for the crime lab?

A I'm a drug chemist.

19 Q And so what is your educational background
20 that qualifies you to be a drug chemist with the
21 crime laboratory?

22 A I have a bachelor of science degree in bio
23 medical sciences from formerly known as Southwest
24 Missouri State University.

25 Q And when did you receive that?

1 **A** In May of 1999.

2 **Q** All right. And then did you have any
3 other postgraduate work?

4 **A** No.

5 **Q** And so after you graduated from Missouri
6 State, is it Missouri State?

7 **A** It is now Missouri State University.

8 **Q** Okay. That's in Springfield?

9 **A** Correct.

10 **Q** And then after you graduated, did you have
11 any employment other than working for the St. Louis
12 County Crime Laboratory?

13 **A** Yes, I did.

14 **Q** Where did you work?

15 **A** Missouri State Highway Patrol Crime
16 Lab.

17 **Q** And so were you a chemist with the
18 Missouri State Highway Patrol Crime Lab?

19 **A** Yes, our official title is criminalist.

20 **Q** Did you do work that was in your field of
21 chemistry?

22 **A** Yes, I did.

23 **Q** And did you, how long were you with the
24 Highway Patrol Crime Lab?

25 **A** Thirteen years.

1 **Q** And after that, where were you employed?

2 **A** Then I started with the St. Louis County
3 Police Crime Lab.

4 **Q** How many years have you been with the St.
5 Louis County Crime Lab?

6 **A** One and a half years.

7 **Q** And so do you work as a chemist or a
8 criminalist, but you do work in chemistry and
9 analysis and chemical compounds for the crime
10 laboratory?

11 **A** Correct.

12 **Q** Are you a certified or post-certified
13 police officer?

14 **A** No.

15 **Q** Have you ever been a police officer?

16 **A** No.

17 **Q** Do you have any training as a police
18 officer?

19 **A** No.

20 **Q** Do you have any certifications or any
21 other, are there any other requirements that you
22 received or passed in order to work in the chemistry
23 county crime lab?

24 **A** The county and the Missouri State Highway
25 Patrol Crime Lab as well are accredited, so I work

1 under an accreditation.

2 Q All right. And so what, without sounding
3 too obvious or moronic I would say, could you
4 describe what chemistry is, the field of forensic
5 chemistry?

6 A Forensic chemistry is in the drug
7 chemistry, we generally it's powders, liquids,
8 residues, plant material, pharmaceuticals, that we
9 analyze and determine if they have controlled
10 substances in them or not.

11 Q What about other types of things like, for
12 example, poisons, would you analyze a liquid to
13 determine if it had any kind of poisonous material?

14 A Not me, no.

15 Q So if say there was a substance that might
16 be seized in a criminal investigation and it was
17 suspicious that it was arsonic, is that something
18 that you would examine and test?

19 A Not me.

20 Q Okay. So your field is strictly regarding
21 the examination and testing of substances to
22 determine whether or not they have contained
23 controlled substances?

24 A Correct.

25 Q And controlled substances are drugs?

1 **A** Yes, ma'am.

2 **Q** Okay. And then everything from
3 prescription drugs to marijuana, to street drugs; is
4 that right?

5 **A** Yes.

6 **Q** And so did you receive an evidence item in
7 order for you to examine in relation to a St. Louis
8 County investigation that is hopefully, or will be
9 documented under Report Number 2014-43984?

10 **A** Yes.

11 **Q** What was it that you received to analyze.

12 **A** I received a bag that actually I believe
13 was in a plastic container and then a plastic bag
14 containing a plant material substance.

15 **Q** Okay. In general now, let's talk about
16 how you get evidence items. How is it that they
17 come to you?

18 **A** They are submitted, in this case since
19 this is, this is submitted as a county, St. Louis
20 County case. So it goes through property control
21 division and then property control brings it up to
22 the crime lab.

23 So it gets entered into the computer,
24 the evidence is then placed into a vault and then --

25 **Q** A vault in the crime lab?

1 **A** Yeah.

2 **Q** Okay.

3 **A** And actually, that's normal procedure.

4 This one, I remember that it went through one of my
5 co-workers. He was getting ready to work the case
6 and I asked him, oh, what do you got there? And he
7 goes, well, this is a case that needs to be worked,
8 a rush case, do you want to do it? And he asked the
9 supervisor, I said, that's fine, I can rush this
10 case.

11 And he said, let me call the
12 supervisor and the supervisor said yeah, if
13 wants to do the case, that's fine, so I did it.

14 **Q** Now, when you began as a chemist or
15 forensic chemist with the County Crime Laboratory,
16 was there like an on-the-job training period or
17 probationary period?

18 **A** Yes.

19 **Q** And how long did that last?

20 **A** Normally it would last six months and
21 probation is one year, but since I had training
22 through the Highway Patrol, it really was about two
23 months here.

24 **Q** Okay. And so you were as qualified to
25 examine this evidence item as any other forensic

1 chemist in the lab; is that fair to say?

2 **A** Yes.

3 **Q** It wasn't like this was your first time
4 doing this?

5 **A** No, not at all.

6 **Q** Okay. And so when this came in though, it
7 was described or it was explained to you that this
8 was something that they needed to have tested ASAP?

9 **A** Yes.

10 **Q** When you said it was rush, did you mean
11 rush the test or just that it needed?

12 **A** We call them rush cases if it needs to be
13 worked quickly.

14 **Q** Okay. But did you rush the test, in other
15 words, did you go through the testing process faster
16 than normal?

17 **A** No, I have my own pace.

18 **Q** Okay. So you have a wait for testing
19 substances, isn't that fair to say?

20 **A** Yes.

21 **Q** It can be in the normal scheme of things
22 it could be several weeks or even months before an
23 evidence item that a police department brings in?

24 **A** Yes. We have a backlog so, by meaning
25 rush, we were putting this case ahead of other cases

1 that are waiting.

2 Q Okay. All right. Did you have, when you
3 examined or brought out the evidence that was
4 submitted to you, did it have an evidence sheet with
5 the evidence?

6 A Yes, it did.

7 Q Okay. So when you, do you have a copy of
8 that with you?

9 A Yes, I do.

10 Q The evidence receipt, we have heard a
11 little testimony from Detective and Detective
12 , who are crime scene investigators, about how
13 they fill out an evidence receipt or an evidence
14 sheet when they seize something. And they've
15 described the chain of custody that must be
16 completed on the bottom of the sheet.

17 So looking at the copy of the
18 evidence receipt that you had with this evidence
19 item, can you tell from there where this was seized
20 from?

21 A Oh, it says that, well, it says who the
22 officer is and the department, St. Louis County PD.

23 Q Okay. The officer who seized the
24 evidence, does it give his name?

25 A Yes, it does.

1 **Q** And who was he?

2 **A** Darren Wilson.

3 **Q** So Darren Wilson, actually, let me direct
4 you, Darren Wilson is originally listed as the
5 victim in this case, correct?

6 **A** Yes.

7 **Q** And then there is a Detective who
8 is actually , a different person?

9 **A** Oh, okay, I learned something new.

10 **Q** There is a bit of confusion with the two
11 ?

12 **A** Okay.

13 **Q** It says here location, seized and found.
14 What is the location of where it was seized or
15 found?

16 **A** St. Louis County Morgue.

17 **Q** And it gives the address 6059 North
18 Hanley, where presumably that's where the morgue is?

19 **A** I assume that's what it list.

20 **Q** What was the date that it was seized?

21 **A** On August 10th, 2014.

22 **Q** Who was the seizing officer?

23 **A** Detective .

24 **Q** Do you know ?

25 **A** No.

1 **Q** Don't know him?

2 **A** No.

3 **Q** So the remarks on the evidence receipt
4 says that the evidence was sent to Property Control?

5 **A** Yes.

6 **Q** And that's kind of the procedure that you
7 described, isn't it?

8 **A** Yes.

9 **Q** When a county officer seizes something and
10 packages it, it first goes to Property Control,
11 correct?

12 **A** Correct.

13 **Q** And then there will be signatures on the
14 chain of custody that show really whose hands this
15 item passes through, correct?

16 **A** Correct.

17 **Q** Do you know Officer ?

18 **A** Yes.

19 **Q** Is he an officer in Property Control?

20 **A** Yes, he is.

21 **Q** Okay. So his receipt that accompanied the
22 evidence shows that at some point it was dropped off
23 to the St. Louis County Crime Laboratory in their
24 vault, correct?

25 **A** It doesn't look that it ever hit the

1 vault, it looks like it went from Detective to
2 another person that works in property control and
3 then it went to another drug analysis it and that's
4 when I took it from the drug analyst.

5 Q From Detective in Property Control,
6 it then went to another officer in Property Control
7 and from there it went to another analyst, drug
8 analyst?

9 A Yes.

10 Q Who is that?

11 A .

12 Q Is the person you said, hey,
13 what are you working on?

14 A Yes.

15 Q So from him signing it the evidence
16 receipt, then it came to be in your possession,
17 correct?

18 A Yes.

19 Q When it came to be in your possession or
20 any time you get an evidence item submitted, do you
21 examine the packaging to determine if there is any
22 evidence that has been tampered with?

23 A Yes, if it looks like it has been
24 tampered, make note of it and make some
25 documentation.

1 **Q** So in this case had you suspected or had
2 you noticed on the packaging that there, for
3 example, that the evidence tape appeared to have
4 been cut open or that there was something odd about
5 the way the evidence was packaged that we might
6 suspect that it was tampered with, would you have
7 noted that in your report?

8 **A** I wouldn't note as if, like if there's a
9 piece of evidence from the officer and then maybe
10 they had to go back in and reopen somewhere else,
11 no, I don't note that.

12 If there was an opening to where it
13 looks like the evidence could get out of the
14 container somehow, or to where somebody could put
15 something in, yes, that would definitely be noted.

16 **Q** Okay. And did you note anything of that
17 nature in this case? Was there anything that
18 appeared to you that the actual evidence would have
19 been tampered with?

20 **A** No, no note of that.

21 **Q** All right. And so after you received
22 this, let me ask you this, what day did you receive
23 this evidence item?

24 **A** Um, on August 11th of 2014.

25 **Q** And so after you received it and you said

1 it was in a plastic container, a baggy in a plastic
2 container, I can't remember if you said that in here
3 or you said that out there when we were talking?

4 **A** In here. So in my report it says one
5 knotted clear plastic bag containing green
6 vegetation. I have a note here that says, specimen
7 Q1, full description above all contained inside
8 sealed plastic container.

9 **Q** Okay. And that's how it appeared to you
10 when you first got it; is that right?

11 **A** There would also be the outer container as
12 well, which would be the manila envelope that it was
13 in.

14 **Q** Once you open the envelope, that's what
15 you saw a sealed plastic container?

16 **A** Yes.

17 **Q** Is the sealed plastic container the kind
18 of container that crime scene detectives use to put
19 things in when they are packaging them?

20 **A** It is what it appeared to me.

21 **Q** Okay. And then did you test the substance
22 that was in that baggy?

23 **A** Yes, I did.

24 **Q** And did you make a report regarding your
25 findings?

1 **A** Yes, I did.

2 (Deposition Exhibit Number 37
3 marked for identification.)

4 **Q** (By Ms. Alizadeh) I'm going to hand you
5 what I've marked as Grand Jury Exhibit Number 37.
6 Is that a copy of report that you made in this case?

7 **A** Yes, it is.

8 **Q** Okay. I'm going to pass around copies of
9 Grand Jury Exhibit 37.

10 So, , you list a description on
11 your report, is that what you mentioned earlier, one
12 knotted clear plastic baggy containing green
13 vegetation?

14 **A** Yes.

15 **Q** Now, having been a chemist for over 11
16 years at this point, did that substance appear to be
17 familiar to you?

18 **A** Yes.

19 **Q** What did it look like?

20 **A** It looked like marijuana.

21 **Q** Was there anything odd about it that you
22 thought this was not your typical marijuana?

23 **A** No.

24 **Q** All right. And so what's the first thing
25 you do after you receive this knotted plastic baggy,

1 what do you do next?

2 **A** I weigh the substance.

3 **Q** Do you weigh it in the baggy or remove it
4 from the baggy?

5 **A** I remove it from the baggy.

6 **Q** And so when you weigh it, you weigh it on
7 a digital scale?

8 **A** Yes.

9 **Q** And are those scales calibrated on a
10 regular basis to insure their accuracy?

11 **A** They're calibrate once a year, they're
12 checked weekly.

13 **Q** Okay.

14 **A** They're checked with certified weights.

15 **Q** So when you weighed the substance that was
16 in the baggy, could you remove all the substance in
17 the baggy, every little leaf and every little --

18 **A** As much as I can get out of the bag.

19 **Q** And according to your report, you had a
20 weight of 1.589 grams?

21 **A** Correct.

22 **Q** Can you describe for me maybe using some
23 kind of familiar object, is this smaller than a
24 baseball?

25 **A** Yes, a little bit smaller than a baseball.

1 Not much, though.

2 **Q** After you weigh the amount of the
3 marijuana and I see down here in your remarks there
4 is a remark that you include about uncertainty of
5 measurement. Do you all see that in the, close to
6 the bottom? What does that mean, the established
7 uncertainty of measurement due to balance utilized,
8 what does that mean?

9 **A** We take into consideration any kind of
10 factor that could make the weight slightly different
11 than the 1.589. We take into consideration things
12 such as the readability of the scale, the linearity
13 of the scale, the stability of the scale, the
14 sensitivity.

15 And so what we do is over a course of
16 time we will analyze, we will take our weights that
17 we normally have with our certified weights. And we
18 will record, for example, you have a 1 gram weight
19 and our scale reads out to 1.000. If you get a one
20 point 1.001, and during your checking we write down
21 1.001, then that is documented.

22 Anything that's different than what
23 the actual weight is, that's considered, there is a
24 standard deviation involved. Calculating that and
25 then you find that we come up with this 1.008 for

1 this balance is the most that that scale would ever
2 be off.

3 So basically what we are saying here
4 with this K factor of three, we're saying that 997
5 times out of 1,000, this weight here of 1.589 will
6 be right at 1.589 997 times out of a thousand.

7 Three of those times it might be
8 1.589?

9 Q And it could be .0008?

10 A Correct.

11 Q And that's important especially in cases
12 with marijuana and other drugs when there might be a
13 criminal legal implication depending on the weight
14 of the substance?

15 A I would like to go back about that weight,
16 just to make sure that we're clear on that.

17 It's possible that those three out of
18 the thousand times could be outside the .008.

19 Q Okay.

20 A I think I did missay that. Basically
21 statistics are involved, and we're 95 percent
22 confident that 99.7 percent of this will be within
23 the .008 of that weight.

24 Q Okay. And in this case, I mean, you know,
25 maybe you don't know, I'll tell you the

1 circumstances of how much this substance weighed is
2 really not important or crucial, this isn't a
3 scenario where we need to have over 35 grams to
4 charge a certain level of offense.

5 So let me also ask you, when you
6 removed the green vegetation from the baggy, did it
7 appear that it was dry?

8 **A** Yes.

9 **Q** It wasn't wet or moist or sticky?

10 **A** Not that I recall.

11 **Q** And so then after you've waited, what do
12 you do next?

13 **A** Then I perform a microscopic examination
14 in that we look for characteristic hairs. I look
15 for cystolith and silicotic hairs.

16 **Q** Say that again, you look for what?

17 **A** Cystolith.

18 **Q** Can you spell that for the court reporter?

19 **A** C-Y-S-T-O-L-I-T-H, and silicotic hairs, I
20 believe that's S-I-L-I-C-O-T-I-C.

21 **Q** Okay. What are these things that you are
22 talking about?

23 **A** So cystolith hair, it looks like a bear
24 claw shape, tiny bear claw shape hair. It is
25 characteristics to marijuana plants.

1 **Q** Okay. And the other thing that you are
2 looking for, what is that?

3 **A** Silicotic, they are more slender like
4 hair. You may find that more on other substances,
5 but knowing that's also on a marijuana plant. It is
6 not as confirming as a cystolith hair.

7 **Q** So you are saying hair?

8 **A** Hair.

9 **Q** But it is not like animal hair or human
10 hair?

11 **A** It is a plant hair, it is a cell.

12 **Q** Okay?

13 **A** A cell, it comes out of the surface of the
14 plant. It is plant cellular material.

15 **Q** So this thing that you are looking at in a
16 microscope is, in fact, marijuana, you would expect
17 to see those things?

18 **A** Yes.

19 **Q** Did you see them in this case?

20 **A** Yes, I did.

21 **Q** Do you do any further testing?

22 **A** I do a modified Duquenois-Levine test.

23 **Q** Can you spell that for the court reporter?

24 **A** Modified?

25 **Q** Well, he can spell modified, what's the

1 other word?

2 **A** Duquenois, D-U-Q-U-O-N-I-S -- E-N-O-I-S,
3 I'm sorry. Levine, L-E-V-I-N-E.

4 **Q** What is that test?

5 **A** That's a chemical color test. That test
6 for cannabinoids and it will turn purple with the
7 presence of marijuana.

8 **Q** And did it turn purple when, is it like a
9 reagent that you apply to the plant material?

10 **A** Yes, and it did turn purple.

11 **Q** Is that a presumptive test?

12 **A** Yes.

13 **Q** And do you do any confirmative testing
14 after you've done that test?

15 **A** No, it confirms marijuana when you use the
16 two test together.

17 **Q** Okay. So the microscopic examination
18 which you saw the two hairs that you suspect
19 marijuana and then the color test being positive,
20 you conclude that this is marijuana; is that
21 correct?

22 **A** Yes.

23 **Q** Now, , what is THC.

24 **A** Tetrahydrocannabinol.

25 **Q** Is that the active ingredient in marijuana

1 that makes people, that it alters their, I don't
2 know, whatever it does to you?

3 **A** Euphoria.

4 **Q** Euphoria?

5 **A** Yes, psychoactive.

6 **Q** Okay, that's a good word, psychoactive.
7 So do you test when you have like what you suspect
8 to be marijuana, do you ever test it to determine
9 how much THC is in this marijuana that you are
10 looking at?

11 **A** No, I do not.

12 **Q** All right. Do different samples, to your
13 knowledge, different samples or different types of
14 marijuana have different levels of THC?

15 **A** I would expect. I've never done one on
16 marijuana.

17 **Q** You hear people talking about, oh,
18 marijuana now is so much more stronger than it was
19 back when we were teenagers or whatever. I don't
20 know because I'm not an expert on that, so you
21 believe that it is possible that different marijuana
22 has different THC levels?

23 **A** I believe it is.

24 **Q** Are you familiar with a process that's
25 done called waxing?

1 **A** Yes, waxing is the same as butane hunting
2 oil. Do you want me to describe that?

3 **Q** Yes.

4 **A** Okay. So what happens in this scenario is
5 someone takes the plant material and they will --

6 **Q** So when you say plant material, it is
7 marijuana?

8 **A** Marijuana.

9 **Q** You can't do this with your lawn
10 clippings?

11 **A** No.

12 **Q** I guess you could.

13 **A** You could, but you probably won't get THC.

14 **Q** All right. So we've got some marijuana.

15 **A** Yeah, you take marijuana. It is usually
16 in like a cylinder that has a hole in the top, a
17 hole in the bottom. They will take butane, which is
18 a liquid solvent.

19 **Q** Is this just common butane that you can
20 get like at the hardware store?

21 **A** Yes.

22 **Q** Stuff you put in your lighters, the old
23 fashion lighters that you had to put butane in?

24 **A** Yes.

25 **Q** Can you get the same butane out of like a

1 Bic disposable lighters?

2 **A** Yeah, I would assume so, yeah.

3 **Q** Okay, all right, go ahead.

4 **A** So basically as it goes over the plant,
5 gravity takes effect and it will absorb the resinous
6 material, which is concentrated with the THC that
7 will go out the exit hole and into a pan. So you
8 have a nice little surface area there and they let
9 that evaporate off and then you're left with a very
10 sticky substance, which that is high THC content.

11 MS. WHIRLEY: Which is what the last thing
12 you said about THC.

13 **A** Which has a high THC content.

14 **Q** (By Ms. Alizadeh) That's sticky substance,
15 is it a combination of the butane and the THC that's
16 been extracted from the marijuana?

17 **A** At first until butane evaporates off.

18 **Q** Will the butane evaporate off?

19 **A** Yes.

20 **Q** And so is what your left with almost pure
21 THC?

22 **A** I don't know for sure. I haven't done
23 like a quant on that.

24 **Q** But it is higher concentration than it
25 would be in the plant itself?

1 **A** Yes, definitely.

2 **Q** So if you're going to ingest, you know,
3 smoke a marijuana joint, if you consume the same
4 amount in that sticky substance, it would be way
5 more THC than what was in that joint?

6 **A** You have taken the volume of plant
7 material, let's say, the size of this paper and you
8 are condensing it down to, you are taking the
9 cannabinoids and you are condensing it down without
10 the plant material matrix and all those steps.

11 **Q** Okay. This process that you talked about,
12 is this something like anybody could do if they have
13 the marijuana and then the right materials?

14 **A** Sure.

15 **Q** And then why do people do this process?

16 **A** I'm not really sure.

17 **Q** Okay. If someone, do you know how they
18 then will consume or ingest the sticky substance
19 that they've gotten?

20 **A** This is pure assumption, but I assume it
21 is just like marijuana, marijuana is commonly smoked
22 and marijuana can be ingested. And there are also
23 those food items that contain marijuana that they
24 come from Colorado and so forth.

25 Maybe they're finding ways of using

1 the butane hunting oil to put it in those substances
2 so it doesn't look like there is plant material in
3 there.

4 I've also heard of lollipops that
5 have THC on them. I would assume it would have to
6 come from butane hunting oil, not marijuana. They
7 can't put the marijuana plant in lollipops.

8 Q So you've heard of people consuming or
9 ingesting this, you are calling it hunting oil?

10 A Butane hunting oil.

11 Q Butane hunting oil. You have heard of
12 people ingesting that, correct?

13 A Heard of it.

14 Q If one were to ingest that, you would be
15 consuming a higher level of THC than you would if
16 you were to have smoked or ingested the plant
17 material?

18 A Yes, you would.

19 MS. ALIZADEH: I don't have anything else.

20 MS. WHIRLEY: I don't have anything.

21 If
22 someone is containing the substance that you
23 examined, which was the marijuana, would there be
24 like some type of detection that you could tell that
25 they're on marijuana or using marijuana or would

1 there be like a scent or something like coming from
2 their body, within their skin. You know how you can
3 tell a person is smoking because it is in their skin
4 cells, but could you detect that?

5 **A** This is getting out of my expertise, but I
6 have heard that officers are trained to, they know
7 what the smell of marijuana, I've been around
8 marijuana. I know the smell of marijuana myself.

9 As far as what to look for on a
10 person, I mean, I've heard of like bloodshot eyes, I
11 haven't heard anything about the skin, there
12 probably is, there are probably some things out
13 there.

14 MS. ALIZADEH: And just so you all know,
15 obviously, we've talked about the fact that there is
16 going to be other witnesses testifying that will at
17 some point maybe have the expertise to explain this
18 to you. We're going to have a toxicologist who
19 testifies about his findings and he'll explain what
20 that means or what he can tell you about that.

21 And then there also could be some other
22 evidence that makes this make sense to you. It is
23 kind of hard, I can't give you an open statement and
24 tell you why I was asking these particular
25 questions, it might not mean anything to you right

1 now.

2 You

3 mentioned that the normal procedure that it comes to
4 an intake person and then goes to the vault and it
5 would go to you?

6 **A** Correct.

7 Or somebody in your
8 office, in this instance you said it did not go into
9 the vault?

10 **A** No, it did not.

11 Is that because the rush
12 was put on it, is that the only reason it didn't go
13 to the vault or you wouldn't call this miss
14 handling?

15 **A** No, no. Usually when this happens, I hear
16 this on the intercom that, hey, would somebody, a
17 drug chemist come up front. So that means the women
18 who are accepting the evidence up front, there is
19 being a rush requested and they are trying to assign
20 it to a drug chemist right then and there instead.

21 Instead of putting it in
22 the vault and when you have time to get to it, next
23 on the list. First come first served.

24 **A** Basically they want it done right then a
25 there.

1 And on the scale, I just
2 want some clarification, you said the most it could
3 be off was 0.008 grams and that's, but then you went
4 back and you said, that it could be outside of that
5 amount three times out of a thousand.

6 **A** Yes.

7 You do try to error on
8 the side of caution, but there is always three out
9 of a thousand could be incorrect?

10 **A** Consider the way this was calculated when
11 we determine that we were going to put a K factor of
12 three on it, there's common K factors of two and
13 three. And two is, would be 99 point, I think it is
14 maybe 97 percent. I'm not real sure on that but I
15 do know that K three is higher up, so it is 99.7.

16 So we're saying statistically we are
17 95 percent confident that 997 out of a thousand
18 times that if you were to weigh this substance that
19 many times it would be within .008 grams of that
20 actual number we have.

21 Of the weight that you
22 have listed here?

23 **A** Yes.

24 MS. ALIZADEH: Let me ask a question. I
25 don't know if I was thinking that maybe this is what

1 you were getting at, . I neglected to
2 ask you this, when you looked at this evidence item
3 that you were testing, can you test marijuana to see
4 if there's butane on it?

5 **A** I don't think that there's any good way of
6 testing that. My assumption, and this is just
7 purely assumption, since butane would be a liquid,
8 it would be wet, but I think it would be evaporated
9 off at that point.

10 MS. ALIZADEH: You don't test for it in
11 your lab?

12 **A** We don't normally test for it. Butane
13 could be tested on instrumentation. I don't have a
14 procedure, it's never been presented to me to test
15 for it.

16 MS. ALIZADEH: Okay. So in this case you
17 didn't test this substance to see if it had butane
18 on it?

19 **A** No, I did not.

20 MS. ALIZADEH: And it appeared to you both
21 in its texture and appearance it appeared to you to
22 be dried?

23 **A** Yes.

24 MS. ALIZADEH: And containing no other --

25 **A** And if it was wet, I would of made a note

1 of it.

2 I am going to
3 ask if it did have butane on it, there would either
4 be a sticky substance to the bag, it would be wet,
5 there would be some sort of sticky substance at the
6 bottom of the bag, but because it was dry and it was
7 not wet, you determined just from the appearance of
8 it that it would not be butane in it?

9 A That would be my assumption, yes.

10 MS. ALIZADEH: Without any real chemical
11 test, this is just your assumption, correct?

12 A Just my assumption.

13 MS. ALIZADEH: And it was not tested at
14 your laboratory to see if there was any butane on
15 it?

16 A No, there was not.

17 MS. ALIZADEH: All right. Anyone else?

18 Do you have any
19 sense for how long this process takes to make the
20 butane from start to finish?

21 A I wouldn't think it takes very long.

22 An hour to a day?

23 A I'm sorry.

24 An hour to a day?

25 A I'm not very familiar with how fast butane

1 would evaporate off. Sometimes, I believe I have
2 heard that there have been fires associated and
3 explosions because they may put out an ether odor to
4 it to make the process faster, and yes, you could
5 probably have that done well within an hour
6 depending on how much butane you have to evaporate
7 off.

8 It is hard for me to say exactly how
9 long that would a take.

10 MS. ALIZADEH: Anyone else? Sheila?

11 MS. WHIRLEY: No.

12 MS. ALIZADEH: This will conclude the
13 testimony of

14 (End of the testimony of .)

15 MS. WHIRLEY: October 7th, 2014. It is
16 2:38 p.m. We are resuming. I'm Sheila Whirley,
17 Kathi Alizadeh stepped out, but she will be
18 rejoining us. The grand jurors are here, also
19 and we have as our next witness, .
20 He'll spell his name for you in just a minute.

21

22

23

24

25

1

2 of lawful age, having been first duly sworn to

3 testify the truth, the whole truth, and

4 nothing but the truth in the case aforesaid,

5 deposes and says in reply to oral

6 interrogatories, propounded as follows, to-wit:

7

EXAMINATION

8

BY MS. WHIRLEY:

9

Q All right. , introduce yourself to the

10 grand jury and spell your name, please?

11

A My name is

12

13

Q All right. , what is your occupation?

14

A I am a latent examiner for the St. Louis

15

County Police Department.

16

Q What does latent mean?

17

A Latent is a term used for fingerprint.

18

Bottom line is a latent kind of refers to a print

19

that is when you touch a surface or object, your

20

print that is left behind is referred to as a latent

21

print.

22

Q What's a patent print?

23

A Patent print is a print left like in paint

24

or blood or dirt, if you have some something on your

25

hands or fingers and you touch a surface. For

1 instance, if you have paint on your fingers, you
2 touch the surface and you left your print behind in
3 paint, that's referred to as a patent print.

4 **Q** All right. Are you a police officer?

5 **A** No, I'm a civilian employee.

6 **Q** How long have you been with the St. Louis
7 County Police Department?

8 **A** It will be 25 years this coming March.

9 **Q** Did you start as a fingerprint examiner?

10 **A** No, I did not.

11 **Q** How did you start with the department?

12 **A** I started in security services as a
13 security officer.

14 **Q** And then you moved to fingerprints?

15 **A** Correct.

16 **Q** What is that department, just the
17 fingerprint section?

18 **A** It's a fingerprint unit.

19 **Q** Unit, okay. How many people are in the
20 unit?

21 **A** A total of ten.

22 **Q** What did you have to do to become a
23 fingerprint examiner, what type of training is
24 required?

25 **A** I have been through the St. Louis County

1 and the FBI fingerprint print classification. I've
2 been through the St. Louis County Latent Training
3 Program, I am a member of the Missouri and
4 International Association for Identification, which
5 are both associations that provide training
6 throughout, through conferences every year that I
7 attend for training for fingerprints.

8 I am also a certified latent examiner
9 through the International Association for
10 Identification and I'm also a certified AFIS user
11 through the Missouri State Highway Patrol. And AFIS
12 stands for Automated Fingerprint Identification
13 System.

14 **Q** What does AFIS do, I mean, tell us a
15 little bit about AFIS?

16 **A** Bottom line is, when a person is
17 fingerprinted, those prints are put into the AFIS
18 system. And then it would be my job to search those
19 prints to see if I can find a match through the AFIS
20 system.

21 **Q** Okay. What technical equipment, if any,
22 do you use in your job in doing your latent
23 fingerprint examination?

24 **A** With the AFIS, with the AFIS system
25 basically I use magnifying glasses.

1 **Q** So a lot of us we watch CSI and other
2 programs, and we believe that computers somehow
3 generate prints and tell us when there's a match and
4 you see all of these numbers. You've seen these
5 programs, is that the way it is really done?

6 **A** Partially yes, partially no.

7 **Q** Okay, tell us about it?

8 **A** Um, when I search a print, the AFIS system
9 searches the print itself and then it gives me a
10 candidate list. Of the candidate list, the computer
11 is saying, for instance, if it comes back with 20
12 candidates. The computer says this is the closest
13 thing that we have to what you just searched. And
14 it is up to me to go into each candidate and do a
15 one-to-one comparison to see if it is or is not a
16 match.

17 So the bottom line is, the computer
18 does not tell you it's a match, it just gives you a
19 candidate list. It is up to the individual person
20 to say this is a match or it is not a match.

21 **Q** How do you determine if it is a match?

22 **A** I check for the minutia points in each
23 fingerprint. Minutia points or bifurcation,
24 bifurcation, any ridges, ridge dots, ridge islands.
25 And arrangement of these minutia points and each

1 fingerprint is what makes the fingerprint unique to
2 each person.

3 **Q** And unlike DNA, which identical twins can
4 have the same DNA, correct? I mean, to your
5 knowledge?

6 **A** To my knowledge, yes.

7 **Q** Right, I mean, that's kind of common
8 knowledge, not that we know DNA here, but can two
9 people have the same fingerprint?

10 **A** No.

11 **Q** Okay. And when you talk about the minutia
12 points, are there a number of points you are looking
13 for in making an identification of a fingerprint?

14 **A** The St. Louis County Police Department, we
15 have a standard of eight or more points. So
16 basically what that means is, if I get a partial
17 fingerprint on whatever I'm looking at, if I can
18 only find seven or less of these points, we deem
19 that print insufficient. It has to have eight or
20 more for us to say it is good evidence and then we
21 go to the next step.

22 **Q** Okay. Any idea how many times you've made
23 a fingerprint identification? I know I didn't tell
24 you to look for that information, but do you have
25 ever a conservative number, have you ever thought

1 about it or looked at it?

2 **A** Uh --

3 **Q** More than 100?

4 **A** Probably hundreds of thousands for the
5 last 21 years, yes.

6 **Q** Do you do palm prints also?

7 **A** Yes.

8 **Q** And tell us a little bit about palm print
9 identification, how do you do that?

10 **A** Palm prints are the exact same thing as
11 fingers. Your palms are as unique as your fingers.
12 And actually, so also is the bottom of your toes and
13 the soles of your feet have the same friction ridges
14 and they're as unique as the your palms and your
15 fingers.

16 **Q** Is it possible, like for you, right there
17 to sit there and touch every surface of that little
18 table or desk like thing you are sitting at, and not
19 leave fingerprints?

20 **A** Yes, it is.

21 **Q** And how is that possible?

22 **A** There are several factors. The first
23 factor is the person himself. Some people secrete
24 their perspiration. What I mean by that, on your
25 friction ridges you have pores. And you secrete

1 your perspiration through your pores and it coats
2 your ridges. So when you touch something, you could
3 leave your print behind by that means.

4 Some people don't secrete that much,
5 so they don't have enough moisture on their fingers
6 or palms when they do touch something to leave
7 something behind.

8 The other factors are the surface
9 itself. Some surfaces are not good to get
10 fingerprints off of. Another factor would be the
11 weather. If I was processing these glasses and
12 they've been sitting outside for the last week or
13 two or three, any type of weather condition, rain,
14 snow, heat, cold could possibly destroy a print that
15 was left on there.

16 Q And so fingerprints are transferred from
17 the person to the item. It has to do with the
18 moisture in there, on their skin?

19 A Yes.

20 Q And some people, like who have very dry
21 skin may not leave a print?

22 A Yes, that's correct.

23 Q Okay. So tell us how you compare
24 fingerprints, a latent print with an ink print, how
25 does that work?

1 **A** I do a side-by-side with the aid of an
2 magnifying glass and I'm checking for the minutia
3 points, I'm checking for the quality of the minutia
4 points and I just find a specific area to start from
5 and just do my comparison from there.

6 **Q** And does someone overlook or oversee what
7 you've done and agree or disagree, or is it just
8 your determination, that's it?

9 **A** When I make an identification, yes, it is
10 checked through another latent examiner.

11 **Q** Another examiner. That's kind of the
12 standard procedure?

13 **A** Yes.

14 **Q** Okay. Now, you know why we're here, this
15 is the Michael Brown shooting that we're talking
16 about and you had occasion to check for latent
17 prints; is that correct?

18 **A** That is correct.

19 **Q** And what did you do in that case?

20 **A** I received five latent lifts.

21 **Q** At this time let me just pass out some
22 copies of things I have.

23 (Deposition Exhibit Number 38
24 marked for identification.)

25 **Q** (By Ms. Whirley) Why don't you take one

1 and pass it around. This is what you have before
2 you a copy of your envelope and then the lifts that
3 are inside the envelope?

4 **A** That is correct.

5 **Q** We will let them get a copy and then we
6 can talk a little bit about it. Are you the only
7 one that worked this case?

8 **A** Yes.

9 **Q** Okay. You were told specific things to
10 check for?

11 **A** Yes.

12 **Q** You checked to see if there were
13 fingerprints is what I mean?

14 **A** Yes.

15 **Q** Were you brought a latent print that
16 belonged to Michael Brown or did he have one in the
17 system or how did you get his prints?

18 **A** You mean a fingerprint card?

19 **Q** Fingerprint card, yes, I'm sorry.

20 **A** They were brought to me from his deceased
21 prints.

22 **Q** So tell us about that. Is this something
23 that you've done before is check someone when you've
24 got prints from a deceased individual?

25 **A** Yes, I've done that before.

1 **Q** In what cases, like what type of cases
2 would you be checking a deceased fingerprints?

3 **A** On deceased prints is usually, you know, a
4 homicide or suspicious death or a person that is
5 found dead, they do not know their identity and they
6 take their prints and then we check them through the
7 system to see if we can find who they are.

8 **Q** So someone at the morgue actually
9 fingerprints the deceased?

10 **A** It is usually one of the crime scene
11 detectives from St. Louis County.

12 **Q** Okay. Someone from the crime scene and
13 then they provide that to you?

14 **A** Correct.

15 **Q** For comparison purposes?

16 **A** Yes.

17 **Q** And in this case, now, everyone has a
18 copy, tell us, first of all, what things were you
19 told, or are you told what to check for, because you
20 don't know what to check for unless someone tells
21 you; is that right?

22 **A** That is correct.

23 **Q** You are not investigating the case or
24 anything?

25 **A** No.

1 **Q** So what were you told to check for prints
2 on?

3 **A** Well, when I received the envelope the
4 first thing I do is I check each latent lift, and as
5 I spoke of earlier, I check to see if each, if the
6 latent print, if there is any good latent prints on
7 the lift, if it is has eight or more points.

8 In the second, if I do find a print
9 that is good, then I will check if we have any
10 victim eliminations. I would see if it is the
11 victim's prints or not. If there is any suspects in
12 the case, if they have something listed as a
13 suspect. If we have him on file, then I'll pull his
14 prints and check them against the good print.

15 And I do that with each individual
16 lift that I receive.

17 **Q** Okay. And the lifts are provided to you
18 by crime scene detectives?

19 **A** Yes, that's correct.

20 **Q** So they visually, what they see visually
21 is what they consider might be a print and they'll
22 lift it; how does that work?

23 **A** That is correct.

24 **Q** Okay. All right. So they bring you, and
25 in this case they brought you how many lifts?

1 **A** Five.

2 **Q** Five. Were any of the lifts, did any of
3 the lifts have enough points, and you said you need
4 at least eight to even be sufficient enough to
5 determine if there could be some identification of
6 the print?

7 **A** That is correct.

8 **Q** Were any of them?

9 **A** Yes, three of the five were good enough to
10 make, had eight or more points.

11 **Q** That would be, tell us which ones that
12 would be, we have copies here?

13 **A** Lift A.

14 **Q** Uh-huh.

15 **A** Lift B and lift E.

16 **Q** So C and D were insufficient to even
17 determine an identification?

18 **A** Correct.

19 **Q** All right. So going back to what you were
20 told to look for prints on, tell us what that was,
21 what items were you looking for? It is probably on
22 the evidence sheet like, go ahead.

23 **A** Are you referring to the lifts or you
24 referring to the evidence sheet?

25 **Q** You tell me, let me ask the question. The

1 lifts, were they to, these lifts come from items
2 that's on the evidence sheet?

3 **A** No.

4 **Q** Tell us where the lifts came from?

5 **A** The lifts were delivered to our office by
6 Detective

7 **Q** Okay, all right. Were you supposed to be
8 seeing if they were fingerprints on any of these
9 items that are on the evidence receipt?

10 **A** On the evidence receipt, yes.

11 **Q** Tell us about that, that's what I'm trying
12 to get to.

13 **A** Okay, I'm sorry. The evidence receipt was
14 brought in to me by Detective .
15 And it was the gun belt of Officer Wilson, it had
16 handcuffs, your normal belt, the handcuffs, baton
17 holder, the walkie-talkie holder, there was no gun
18 in there, the holster, five keys, handcuff keys, two
19 magazines that, two fully loaded magazines.

20 **Q** And this was all on the gun belt?

21 **A** That is correct.

22 **Q** So the gun belt was brought in to you?

23 **A** Yes, it was.

24 **Q** Is there anything on here about, what's
25 the spray called, mace, is there anything, was there

1 any mace can or mace holder or anything on this gun
2 belt?

3 **A** No, huh-uh, not that I recall.

4 **Q** What's on the evidence receipt is supposed
5 to be everything that you looked at correct?

6 **A** Correct.

7 **Q** All right. So what were you supposed to
8 be doing with this gun belt?

9 **A** Uh, I use a chemical called Super Glue on
10 this. Basically what we do with Super Glue is I
11 take all the items, I put it into a Super Glue
12 chamber. Uh, put a little bit of Super Glue in the
13 bottom of a cup, turn on the Super Glue machine.
14 The fumes from the Super Glue will adhere to any
15 prints that are left behind on that surface. And
16 then once the cycle has run through, I will pull out
17 the items, and check to see if there is any latent
18 prints on there.

19 **Q** Okay. And you did that on all of the
20 items?

21 **A** Yes, I did.

22 **Q** And on the three that you had sufficient
23 enough points, a sufficient number of points, were
24 you able to make an identification?

25 **A** Can I clarify something?

1 **Q** Yes, please do.

2 **A** The evidence, the fingerprints that were
3 good enough to make ID were from the police car, not
4 the gun belt.

5 **Q** I see. Copy of this envelope, the five
6 lifts that Detective dusted and lifted,
7 that's where the good prints were.

8 **Q** Okay.

9 **A** Of the items brought to me that I
10 processed, were no identifiable prints.

11 **Q** Okay. And did you have, just to make sure
12 I'm clear, were you not supposed to check the
13 Michael Brown prints that were lifted, right? You
14 had a sample of his prints, correct?

15 **A** Yes, but when you say lifted, it is more
16 fingerprinted.

17 **Q** Fingerprinted, thank you.

18 **A** Uh-huh.

19 **Q** You were not asked to compare Michael
20 Brown's fingerprints with the officer's gun belt?

21 **A** I was if there was any good prints to
22 compare it to and there was none.

23 **Q** There were no good prints?

24 **A** On the gun belt.

25 **Q** Got it. I'm going to reiterate just to

1 make it clear. There were no fingerprints that were
2 of sufficient number, as you talked about, to make
3 any kind of comparison; is that correct?

4 **A** That is correct.

5 **Q** On the gun belt?

6 **A** That is correct.

7 **Q** You would call that negative prints?

8 **A** Yes.

9 **Q** That doesn't necessarily mean there were
10 no prints, it just means there wasn't enough for you
11 to make an identification?

12 **A** That is correct.

13 **Q** Okay. Now, for the car, which is what
14 this represents; is that right?

15 **A** That is correct.

16 **Q** Okay. So let's talk about the car. Where
17 prints were lifted, is that the exterior left front
18 door?

19 **A** Yes.

20 **Q** All right. And this is where there were
21 three prints that had sufficient number to make an
22 identification?

23 **A** That is correct.

24 **Q** Who did the prints come back to?

25 **A** On Lift A, I was able to identify Officer

1 Wilson's print. Lift B and E are good evidence, but
2 have not been identified to anyone as of today.

3 Q Okay.

4 A Lifts C and D are insufficient.

5 Q So on lift B and E, they did not come back
6 as identifying Michael Brown?

7 A That is correct.

8 Q Okay.

9 MS. WHIRLEY: Questions?

10 . So these
11 tests, you talked a little bit maybe about the life
12 expectancy of the print. If it is not identified as
13 Darren or Michael Brown, how long or how much
14 earlier do you think those would have lasted? Say
15 it would have happened that morning, would it be
16 something from a previous day or any thoughts if
17 those are not those two prints, when those might
18 have been put there, any idea?

19 A Really, no idea. On cars it is very
20 difficult because, and I don't know how the Ferguson
21 Police Department, how they, how their cars, how
22 many guys go in and out of their cars or if they
23 share their cars. It is kind of difficult to say.

24 : Thanks.

25 MS. WHIRLEY: Anyone else?

1 Did you

2 say what date you did your examine?

3 **A** On which one, ma'am?

4 The car.

5 **A** I received, I did my examination on August
6 11th.

7 11th?

8 **A** Yes, ma'am.

9 The prints were
10 lifted the day of, correct, or no?

11 **A** On the envelope he has August the 9th as
12 the date. I don't know if that's, sometimes that's
13 the date they do it, sometimes that's the date of
14 the occurrence. Detective is the one who
15 filled this out. August 9th is the date that he has
16 in the corner here. Like I said, it is either the
17 date of the occurrence of the offense or it is the
18 date that he actually processed the car.

19 So lifts
20 B and E were good prints, but they did not match but
21 you had prints of Michael Brown?

22 **A** That is correct.

23 . And they also
24 didn't match the police officer or you would have
25 put that on, right?

1 **A** That is correct.

2 Have you run those two
3 prints through AFIS to see if they match anybody
4 that would have been on the scene?

5 **A** Yes, I have.

6 And they didn't match
7 anybody that could have been there?

8 **A** No.

9 And I doubt we
10 have any reason to suspect, but as Dorian Johnson
11 was present, do we have the ability to test for his
12 prints to see if those are his? Maybe that's not a
13 question for you.

14 MS. WHIRLEY: Dorian Johnson, was he
15 tested against?

16 **A** I was not given that name to check.

17 Thank you.

18 MS. WHIRLEY: .

19 Would his prints be in
20 AFIS if he had been arrested at some point?

21 **A** Yes, they would. There is something on
22 the AFIS system, the AFIS system is not perfect. It
23 is only about a 65 percent hit rate. So, in other
24 words, I'm in the AFIS system. If I leave my print
25 behind and I search that print, 65 percent of time

1 it is going to hit and 35 percent it is not going to
2 hit. The factors that come into play, and the
3 biggest factor, the two biggest factors of that is
4 quality of the latent print.

5 If I touch something on my tip and I
6 leave enough minutia points of eight or more in
7 order for that to be a good print and I search that,
8 now when I got fingerprinted. They may not have
9 fingerprinted my tip. So that tip may not be in
10 there. So there's factors that do come into play.

11 The bottom line is, the system is not
12 perfect. Just because the person is in the system
13 and I search a print knowing, if I know that person
14 is in the system, it still may not hit.

15 The
16 only way to say whether or not these two that were
17 evidence, could be, that were real good prints, but
18 not Michael Brown's, to see if those were Dorian
19 Johnson's would be to fingerprint him?

20 **A** That is correct, to check his prints.

21 MS. WHIRLEY: Or if you had a card, you
22 would just need to look at it visually. You could
23 not count on AFIS?

24 **A** Correct.

25 MS. WHIRLEY: You could do a visual

Page 131

1 comparison?

2 **A** I would do a one-to-one comparison on it.

3 Do you

4 know what percentage of the population are

5 nonsecretors?

6 **A** I have no idea.

7 Did they

8 ever give you the gun to fingerprint the gun?

9 **A** No, ma'am.

10 Never.

11 MS. WHIRLEY: Do you know if anyone was
12 asked to fingerprint the gun, is this something you
13 would know?

14 **A** I don't know off the top of my head. I
15 would think that they would bring it to -- since
16 they brought the gun belt and everything down, I
17 think they would bring the gun to me, but I don't
18 know that.

19 Just to comment
20 on a question for you, but I do remember that they
21 specifically went the DNA route.

22 MS. WHIRLEY: Anyone else?

23 Kathi, since you don't know what we've
24 covered. I don't know if you have any additional
25 questions though.

1 MS. ALIZADEH: I do not.

2 MS. WHIRLEY: Okay. Anything else before
3 we let go? I thank you so much,

4 (End of testimony.)

5 MS. ALIZADEH: This October 7th at
6 3:21 p.m. I'm present, as well as Sheila Whirley,
7 and 12 grand jurors are present, as well as ,
8 the court reporter. And we've had a little break
9 and I just want to put on the record that during the
10 break there was some discussion, but it was
11 primarily about logistics and scheduling and
12 planning. There was really nothing discussed that
13 had to do with any substance of the case and the
14 evidence that has been presented.

15 Would you all agree with that, we didn't
16 talk about the evidence?

17 (All indicate yes.)

18 MS. ALIZADEH: So for now we are going to
19 resume this afternoon and we would first start off
20 by playing a statement by a witness named

21 I expect that she will be here a little
22 later this afternoon. And this is a statement that
23 made to County Police officers on August 13th,
24 and the statement is recorded and contained on Grand
25 Jury Exhibit Number 24.

1 MS. WHIRLEY: It says August 11th on here.

2 MS. ALIZADEH: Make sure you all have a
3 statement that has August 11th on it.

4 So everybody has their transcript? And at
5 this time, if you will pause the recording.
6 We will then begin playing the recorded statement.

7 (Playing the interview of
8)

9 MS. ALIZADEH: It is 3:51 p.m. on
10 October 7th. We just finished listening to the
11 recorded statement from Does
12 anybody need to hear that or a portion of it over
13 again? I really, as you all notice it was, I would
14 say poor quality recording. Difficult to hear at
15 times.

16 So if there is a time when you want to
17 review that again, you have difficulty hearing that,
18 just let me know, all right.

19 And now we're going to play another
20 recorded statement for you. And this is the
21 statement of . And this statement
22 was done on August 13th and it is about 21 minutes,
23 a little over 21 minutes long. And at this time I'm
24 going to hand out the transcripts for this
25 statement. So this statement is recorded and

1 contained in a file on the disc that is marked Grand
2 Jury Exhibit Number 24. At this time, , go
3 ahead and pause the audio recording while we listen
4 to the tape statement.

5 (Playing the audio recorded statement of
6)

7 MS. ALIZADEH: It is 4:15 p.m. and we just
8 finished playing a statement of . We
9 have another statement that we can start playing.
10 I'm not sure if the are here yet and we
11 also have another witness who might be here, but do
12 you all need to take a break?

13 (Recess)

14 MS. ALIZADEH: Next statement is about 23
15 minutes. It is the 7th of October. We just took a
16 brief break. This is Kathi Alizadeh, present is
17 Sheila Whirley and all 12 grand jurors and the
18 court reporter.

19 So I have learned during the break that
20 one of our witnesses who the cab was to pick her up
21 at 4:00 says that she, she missed the cab, so we
22 sent the cab back for her. I don't know if she's
23 gotten on the cab or not, but we're going to go
24 ahead and play a taped statement now. There's also
25 are supposed to be on there way.

1 She told me she was off work at 4:00. So
2 I said as soon as, you get off a little earlier
3 great, as soon as you get off, come here.

4 So hopefully this will be about 23
5 minutes. We will play this statement and I will
6 tell you that if nobody is here by then, that we'll
7 probably just recess. I can't say for sure these
8 people are even on their way.

9 So I'm going to pass out a transcript of
10 the statement of Witness 34, which was done on
11 September 3rd.

12 Everybody has the transcript. if
13 you will pause the audio recording.

14 In getting ready to listen to this
15 transcript, I mentioned that the witness name is
16 Witness 34. This is another witness that I
17 anticipate we will be referring to as a number
18 as is very fearful for his safety if his identity
19 is known.

20 So when you transcribe this, I will ask
21 you, , to use a number for the witness that we
22 will assign once I figure out what number
23 will be.

24 And then we will also have to have that
25 somehow edited out of the audio so that these

1 audiotapes, name is not used.

2 So we're not recording now, but in the
3 future I'll refer to as witness number blank,
4 which I've got to look at my list and see what
5 number would be. So at this time we'll go ahead
6 and play the recording. And this recording is on
7 Grand Jury Exhibit 24.

8 (Interview of Witness 34 is being played
9 at this time.)

10 MS. WHIRLEY: The recording of Witness 34
11 is completed and it is approximately 5:09 p.m., our
12 time on October the 7th, 2014. We're going to just
13 pause the recording. I'm going to see if there are
14 any witnesses that we have planned that have arrived
15 at this time.

16 (Recess)

17 MS. ALIZADEH: It is 5:18. This is Kathi
18 Alizadeh, Sheila Whirley is here, all 12 jurors and
19 , the court reporter, who is taking down
20 everything that is being said. And we have our next
21 witness here to testify.

22

23

24

25

BY MS. ALIZADEH:

11 **A** _____ , last name _____ ,
12 _____ .

15 **A** Thank you.

20 I'm going to direct you over here.
21 This is a map that we have and it is labeled Grand
22 Jury Exhibit Number 25. I don't know why this is
23 crooked, but it is. So do you recognize the roads
24 and the buildings that are on this map?

25 **A** Yes, ma'am.

1 **Q** Okay. So let's, we're going to use this
2 laser pointer as we're talking about things on the
3 map. And you can use that to point so that you
4 don't have to get up and move around and the grand
5 jurors can see what you are pointing at, okay?

6 **A** Yes, ma'am.

7 **Q** how old are you?

8 **A** years old.

9 **Q** And are you married or single?

10 **A** Single.

11 **Q** Are you do you have fiancée?

12 **A** Yes, I have a fiancée.

13 **Q** Who is that?

14 **A**

15 **Q** And do you live with ?

16 **A** Yes, ma'am.

17 **Q** And how long have you two been living
18 together?

19 **A** We have been staying together now for
20 about four years, three and a half, four years.

21 **Q** Do you and live in the Canfield
22 Green Apartment Complex?

23 **A** Yes, ma'am.

24 **Q** So you were both living there in August of
25 this year?

1 **A** Yes, ma'am.

2 **Q** Okay. Now, can you point on the laser
3 pointer the building that you and live in?

4 **A** (Indicating.)

5 **Q** You are directing it to Building Number ?

6 **A** Yes, ma'am.

7 **Q** This number, is that the number of your
8 apartment unit?

9 **A** Yes, ma'am.

10 **Q** So this would be on the south end of, the
11 south side of the building. If this way is south,
12 that's on the south side of the building, correct?

13 **A** Yes, ma'am.

14 **Q** What floor are you on?

15 **A** The second floor.

16 **Q** And is that, so you have one floor above
17 you?

18 **A** One floor above me, correct.

19 **Q** And we've heard testimony about the stairs
20 and the balconies and the staircase that's outside
21 of your apartment?

22 **A** Yes, ma'am.

23 **Q** All right. So let's take you back to the
24 morning of August 9th. Anything special or unusual
25 happen in the morning or was it just an ordinary

1 Saturday morning?

2 **A** It was an ordinary Saturday morning.

3 **Q** And were you home?

4 **A** Yes, ma'am.

5 **Q** And was home?

6 **A** Yes, ma'am.

7 **Q** Now, you have a child?

8 **A** I have boys.

9 **Q** Okay. Were they all home?

10 **A** Yes, ma'am.

11 **Q** Just give me the age range?

12 **A**

13 **Q** Okay. And so somewhere around noon of
14 that day, what were you doing?

15 **A** Around noon that day I was in the kitchen
16 on my cell phone and I was eating lunch.

17 **Q** All right. And so was home at
18 that time?

19 **A** Yes, was home.

20 **Q** And what, if anything, happened that
21 changed, you know, your attention?

22 **A** Because there was a knock on my front door
23 and being that I was woke, I went to open up the
24 door and saw it was friend at the door.
25 So I went in the bedroom to wake up to tell

1 him that he had a visitor at the door. He got up,
2 put on him some clothes and he was outside maybe
3 five minutes. Then he turned around and came back
4 in the house.

5 Q Okay. So did you stay inside the house
6 when he went outside?

7 A Yes, ma'am.

8 Q Were you in the kitchen, did you say?

9 A Yes, ma'am, I was in the kitchen.

10 Q Okay. So from the kitchen can you see
11 outside of your apartment?

12 A No, ma'am.

13 Q Okay. So when he went outside, he was out
14 there about five minutes and then he came back in?

15 A Yes, ma'am.

16 Q Did his friend come in with him?

17 A No, ma'am.

18 Q Who was the friend, do you know him?

19 A His name, yeah, he's been over to the
20 apartment a couple of times. All I know is his
21 first name is

22 Q Okay. And so after came back,
23 what happened?

24 A came back, he walked through the
25 living room and went into the bedroom. Now, I was

1 in the kitchen on the phone and I heard him scream
2 my name, but I wasn't paying him any attention
3 because I was in on the phone talking to my sister.
4 So then he screamed my name a second time, they're
5 outside shooting.

6 So by this time I run out my kitchen
7 to the living room to look out my patio door. And
8 as I looked out the patio door, I saw the officer
9 standing outside his vehicle with his gun in his
10 hand and I saw a black male running away from the
11 officer.

12 Q Okay. So let me stop you here.

13 A Okay.

14 Q When you heard say, they're
15 shooting.

16 A Uh-huh.

17 Q Did you hear any gunshots before he said
18 that?

19 A No, because I wasn't paying any attention
20 to what was going on outside. I was in the kitchen
21 on my phone, I was on the phone.

22 Q Now, this was August 9th?

23 A Correct.

24 Q And as I recall, it was a hot day that
25 day?

1 **A** Uh-huh.

2 **Q** Would you have your windows open or
3 closed?

4 **A** The window was closed because we had the
5 AC on.

6 **Q** Okay. And so was in the bedroom
7 you said?

8 **A** Correct.

9 **Q** They're shooting?

10 **A** Correct.

11 **Q** And then you get up and you go outside
12 onto the balcony?

13 **A** No, I get up when he said, they're
14 shooting, I go from the kitchen to the living room
15 and looked out my patio blinds.

16 **Q** Okay.

17 **A** Yeah.

18 **Q** And so we heard some testimony about how
19 these apartment units are sliding glass doors?

20 **A** Yes, ma'am.

21 **Q** And then it has vertical blinds?

22 **A** Correct.

23 **Q** So did you have to open the blinds to see
24 out?

25 **A** No, I just pulled them apart like this and

1 looked out through the blinds.

2 Q And so from where you were standing on
3 your second floor apartment.

4 A Uh-huh.

5 Q On the front of the building?

6 A Uh-huh.

7 Q Could you see down to this area on
8 Canfield?

9 A Yes, ma'am.

10 Q And did you see the police vehicle?

11 A Yes, ma'am.

12 Q What kind of car was it?

13 A It was an SUV truck.

14 Q Okay. And when you first looked, you said
15 the officer was already out of the car?

16 A Correct.

17 Q So you didn't hear or see anything that
18 happened before you saw that?

19 A Correct.

20 Q And you saw the officer, you said he had
21 his gun drawn?

22 A Correct.

23 Q And I don't know what that means, so can
24 you stand up and demonstrate for the jurors what you
25 mean when you say he had his gun drawn?

1 **A** When I looked out the patio window, the
2 officer had his gun like this, had his finger on the
3 trigger, he was holding it just like this.
4 (indicating)

5 **Q** Okay. So you can sit down. Where was the
6 officer when you saw him?

7 **A** He was standing right there on the
8 driver's side like right by his door, his door was
9 open. So he's standing like a little bit past his
10 door, the driver's side door.

11 **Q** Do you recall which direction his car was
12 facing on Canfield Drive?

13 **A** His vehicle was facing like going deeper
14 into the apartments.

15 **Q** So his vehicle was facing this direction?
16 (indicating)

17 **A** Correct.

18 **Q** So the front of his vehicle was here?
19 (indicating)

20 **A** Correct.

21 **Q** So you're saying that his driver's door
22 was open?

23 **A** Correct.

24 **Q** So, was it from your position then, you
25 can see the driver's side of that vehicle?

1 **A** Correct.

2 **Q** And he's standing outside the driver's
3 door?

4 **A** Correct.

5 **Q** And now you said you saw a young man
6 running away?

7 **A** Correct.

8 **Q** Did you recognize him?

9 **A** No.

10 **Q** Haven't seen him before that day?

11 **A** No, ma'am.

12 **Q** Did you see any other people in the area?

13 **A** Yes. I saw another shorter
14 African-American male. At this time the police
15 vehicle was facing, was facing this way and there
16 was a white Monte Carlo facing, they was going the
17 opposite way. The other black male was on the
18 passenger side of the white Monte Carlo and he was
19 down like this. (indicating)

20 He had dreads, I say like right here,
21 and as I'm looking, and then by then I come out my
22 apartment just to get a closer look. And I see the
23 black male that was behind the white vehicle. He
24 jumps inside the white car and the white Monte Carlo
25 goes up the street.

1 **Q** Okay. So the black male that you saw
2 running away.

3 **A** Correct.

4 **Q** Where was he in relation to the police car
5 when you first saw him?

6 **A** He was like, okay, the police vehicle is
7 like here. He was like a good little distance away
8 from the vehicle. (indicating)

9 **Q** Okay. So if the vehicle can you use the
10 pointer and show where the vehicle was, police
11 vehicle?

12 **A** The police vehicle was like right, like
13 right in here. (indicating)

14 **Q** Okay. Now, I'm going to put my finger
15 where you had the pointer?

16 **A** Uh-huh.

17 **Q** Show with the pointer where the boy that
18 was running, where was he when you first saw him?

19 **A** When I first saw him he was probably like
20 right here from where I could see him. (indicating)

21 **Q** And the officer was still at his driver's
22 door?

23 **A** Correct, he was, the officer had his
24 vehicle (sic) in his hand and he was taking large
25 steps towards the guy as he was running.

1 **Q** So you see the officer moving in the
2 direction that the guy was running?

3 **A** That the guy was running, yes, ma'am.

4 **Q** When you say the guy was running, is this
5 like a full-out run or is this a jog?

6 **A** Like a jog, yes, ma'am.

7 **Q** Okay. So what do you see next happen?

8 **A** So then as I see the guy get out, like he
9 disappeared. I didn't see him any more.

10 **Q** Which guy?

11 **A** The big one.

12 **Q** Okay. So we know that man's name now is
13 Michael Brown?

14 **A** Michael Brown, correct.

15 **Q** You didn't know it then?

16 **A** Correct.

17 **Q** So we'll go ahead and call him Michael
18 Brown since we know who he is now.

19 **A** Yes, ma'am.

20 **Q** So he disappears from your view?

21 **A** He disappears from my view. So by this
22 time I come out my front door and I'm now standing
23 on my patio.

24 **Q** Now, at this point have you heard any
25 gunshots?

1 **A** Yes.

2 **Q** When did you first hear gunshots?

3 **A** I started hearing the gunshots, when I
4 looked out the patio and I saw the officer walking,
5 taking big steps and shooting, that's when I open up
6 my front door and I came out onto my patio.

7 **Q** Okay. So you're saying as he was moving
8 towards Michael Brown.

9 **A** He was firing.

10 **Q** He was firing. How many gunshots did you
11 hear fired?

12 **A** I heard three shots. And that's what made
13 me come out on my patio. So as I come out on my
14 patio, I see that the victim, okay, I see that Mike
15 Brown can no longer be seen. As I come out on my
16 patio, I finally see Mike Brown walking like this
17 with his hands up. He's now walking towards the
18 officer.

19 **Q** You didn't see him turn around?

20 **A** No.

21 **Q** Okay. So from where you first saw him.

22 **A** Uh-huh.

23 **Q** With the laser pointer where you first saw
24 him when he had his hands up?

25 **A** He was maybe like right here where this

1 car is at. (indicating)

2 Q Okay. And so you said he was facing the
3 officer at that point?

4 A He's now facing the officer with his hands
5 up like this. (indicating)

6 Q Okay. Do your hand the way his hands
7 were?

8 A (Indicating)

9 Q So, for the record, you've got your upper
10 arms are somewhat parallel to the floor and you've
11 got your palms, out fingers are pointing skyward or
12 up to the ceiling and your hands are about the level
13 of the side of your head?

14 A Correct.

15 Q Okay. Go ahead and sit down.

16 And so did you see, what did you see
17 happen then?

18 A As Mike Brown is walking toward the
19 officer, he's started taking big steps toward him
20 and he opened shot, pulled the trigger.

21 Q You see Mike Brown walking towards the
22 officer?

23 A Correct.

24 Q How many steps did you watch him walk?

25 A Maybe a good four or five steps.

1 **Q** Okay. And how would you describe how he
2 was walking? Was he walking quickly was he casually
3 walking?

4 **A** He was casually walking as if he had got
5 shot and he started feeling the pain or something
6 like that, where like he couldn't, you know, pick up
7 his pace because of the shot.

8 **Q** Did you see that he had been shot?

9 **A** Yes.

10 **Q** How did you know he had been shot?

11 **A** Because as the officer is shooting, I
12 assumed that it was, he was being tased because I've
13 never witnessed anyone being shot. And I asked my
14 fiancee is that, I'm like, he's being tased, right,
15 why isn't he falling. That's not tased, that's
16 gunshot because I've never seen anyone get shot.

17 **Q** So are you saying that that conversation
18 was while this was going on?

19 **A** Right.

20 **Q** What makes you say that you saw that he
21 was shot?

22 **A** Because as, as the officer is shooting,
23 like you see, like I guess like little smoke or
24 whatever it was that as the bullets was hitting him,
25 you saw like the little smoke coming from his chest.

1 That's why I assumed he was being tased. Because I
2 guess looking at movies and seeing people get shot
3 and they automatically fall, that was my first time
4 ever seeing someone being shot like that close. So
5 I assumed that he was being tased.

6 Q So as you see him getting shot or you see
7 what you've described that you think that's the
8 bullets hitting him.

9 A Uh-huh.

10 Q He continues to walk toward the officer?

11 A At this time it is like his steps were
12 ceasing as, you know, he was about ready to fall
13 over.

14 Q And what was the officer doing, was he
15 standing still or was he moving?

16 A He was steady moving --

17 Q Steady movie in what direction?

18 A Towards Mike Brown.

19 Q How close did he get to Mike Brown?

20 A I say he was maybe a good, maybe 10 feet
21 away from him.

22 Q Okay.

23 A And then he shot. And then, you know Mike
24 Brown, he fell face down to the pavement.

25 Q All right. And you said you had come

1 outside at this point?

2 **A** Correct.

3 **Q** Did you hear anybody saying anything?

4 **A** No.

5 **Q** You couldn't hear, is it because you could
6 not hear because of your distance?

7 **A** I couldn't, right, I couldn't hear what
8 was being said as far as like if the officer was
9 saying anything to Mike Brown, I didn't hear any of
10 that.

11 **Q** After Mike Brown fell onto the pavement?

12 **A** Uh-huh.

13 **Q** Did you stay outside and continue to
14 watch?

15 **A** Yes, ma'am.

16 **Q** Did you see anybody move his body other
17 than when it eventually was removed?

18 **A** No.

19 **Q** Okay. How about the police car, did you
20 see anybody move the police cars?

21 **A** Yes.

22 **Q** When did that happen?

23 **A** That happened right after Mike Brown fell
24 and another officer, another Ferguson cop car pulled
25 up.

1 **Q** So what did the officer do after Mike
2 Brown fell?

3 **A** He walked over to him and he did this, and
4 he stepped back. (indicating)

5 **Q** Did you see him talking on his radio or
6 anything?

7 **A** No.

8 **Q** Did he go back to his car?

9 **A** No.

10 **Q** All right. Did you ever see him go back
11 to his car?

12 **A** No.

13 **Q** And then other officers came?

14 **A** Yes, ma'am.

15 **Q** And eventually his vehicle was towed away?

16 **A** Correct.

17 **Q** Did you see anybody move it before it was
18 towed away?

19 **A** No.

20 **Q** So it stayed in that same spot?

21 **A** Uh-huh.

22 **Q** Um, and so now just to clarify, you have,
23 you talked to the police --

24 **A** Correct.

25 **Q** -- first. On the day that this happened;

1 is that right, yes?

2 **A** I don't think it was the day that it
3 happened, I think it was a couple days later.

4 **Q** Okay. Do you remember the officers, when
5 you first talked to the officers, did they come to
6 your house?

7 **A** Yes.

8 **Q** Okay. Was this because you told them that
9 you had seen something or were they doing like
10 knocking on doors?

11 **A** They was knocking on doors.

12 **Q** Okay.

13 **A** To see who all was at home.

14 **Q** Okay. And so if, when they talk to you,
15 did they tape record your statement?

16 **A** Yes, ma'am.

17 **Q** If they said the date on the recording,
18 would you think that that's probably the date that
19 it happened?

20 **A** Correct.

21 **Q** So we're going to trust the recording as
22 to what date that was, okay?

23 **A** Yes, ma'am.

24 **Q** And so you spoke to the officers for just
25 a few minutes briefly on that day; is that right?

1 **A** Correct.

2 **Q** Was there anything that you left out when
3 you spoke to the officers?

4 **A** No, ma'am.

5 **Q** You don't recall?

6 **A** No, ma'am, I don't recall.

7 **Q** And so when you talked to the officers on
8 the day that this happened.

9 **A** Uh-huh.

10 **Q** Well, you know what I would have to, I
11 need a moment. Let me ask you to wrap up my
12 questions and then we'll see if anybody else has
13 questions.

14 **A** Yes, ma'am.

15 **Q** So after this happened, and you spoke to
16 the officers, since then, did you speak to other
17 investigators?

18 **A** I talked to the FBI.

19 **Q** Okay. And did you go to them or did they
20 come to you?

21 **A** They came to me.

22 **Q** To your house?

23 **A** Yes, ma'am.

24 **Q** And did they record your statement?

25 **A** Yes, ma'am.

1 **Q** Okay. How long did you talk to them?

2 **A** It was only, it was a couple of minutes.

3 **Q** Okay. And is what your telling today the
4 best of your recollection?

5 **A** Yes, ma'am.

6 **Q** Did you ever see anything in Michael
7 Brown's hands?

8 **A** No, ma'am.

9 **Q** Did you ever see him holding his side?

10 **A** Yes.

11 **Q** Okay. So then you haven't mentioned that?

12 **A** Yes. He had his hands up and as he, the
13 officer steady taking big steps shooting at him, his
14 hand goes like this and he holds his side as he has
15 been hit. The officer shot again and that's when he
16 collapsed and fell onto the ground. (indicating)

17 **Q** Okay. So when he was going down and
18 collapsing, his arms were not up any more?

19 **A** No, ma'am, they were now, he was holding
20 his side.

21 **Q** Okay. Do you know the other guy that ran
22 away and got in the car and left, do you know who
23 that is?

24 **A** No, ma'am.

25 **Q** Never seen him before?

1 **A** No, ma'am.

2 **Q** Have you and Michael talked about, after
3 it happened I imagine you guys talk about it?

4 **A** Uh-huh.

5 **Q** Oh, my God, can you believe what we just
6 saw?

7 **A** Uh-huh.

8 **Q** Have you talked about it in detail?

9 **A** No, ma'am.

10 **Q** Did he tell you what he saw?

11 **A** No, he didn't. He was affected by it and
12 then I was affected, and that my kids was affected.
13 And beings that my kids was so young, we try not to
14 discuss that in the household around the kids
15 because we want them to get that out of their mind
16 and be kids.

17 MS. ALIZADEH: Sure, okay. Sheila, do you
18 have any questions?

19 MS. WHIRLEY: Yeah.

20 **Q** (By Ms. Whirley) Before you saw him
21 running, did you hear any shots fired?

22 **A** No, ma'am.

23 **Q** Okay. So you first heard shots fired when
24 you saw him running?

25 **A** Yes, ma'am.

1 **Q** And the officer was pursuing him shooting
2 at his back?

3 **A** Yes, ma'am.

4 **Q** All right. And you did not see him turn
5 around; is that right?

6 **A** No.

7 **Q** So the next thing you saw was what?

8 **A** I did not see him turn around and then
9 when I finally open up my front door and go out onto
10 my patio, I saw him with his hands up and he's now
11 facing the officer and he's walking towards the
12 officer with his hands up.

13 **Q** So his hands were up above his head?

14 **A** No, it was more like this. (indicating)

15 **Q** Okay. Kind of parallel with his head?

16 **A** Correct.

17 **Q** Okay. Now, when you first talked to the
18 police back, August 9th is the date that we have.
19 It was a few hours after this had occurred.

20 **A** Okay.

21 **Q** There is no mention about his hands being
22 up. What do you think about that, why you didn't
23 tell the police on that day?

24 **A** I did tell the officers that his hands was
25 up.

1 **Q** Okay. The recording, and we have a copy
2 of the recorded statement there's a transcript,
3 there's nothing in there that talks about his hands
4 being up. You do recall telling him?

5 **A** Uh-huh.

6 **Q** You clearly remember that?

7 **A** Yes, ma'am.

8 **Q** And when he had his hands up, there wasn't
9 anything in his hands you said?

10 **A** No, ma'am.

11 **Q** And how far away was he from the officer
12 when he turned around and he had his hands up, how
13 far away?

14 **A** He was probably about 20, 15 feet away.

15 **Q** 15, 20 feet away?

16 **A** Uh-huh.

17 **Q** And he has his hands up and you said the
18 officer start shooting?

19 **A** The officer was constantly walking, taking
20 large steps towards him with his gun in his hand,
21 steady firing.

22 **Q** Okay. And when did you meet with the FBI?

23 **A** I want to say a couple days to a week
24 afterwards.

25 **Q** Okay. And that was recorded I heard you

1 say earlier?

2 **A** Yes.

3 **Q** And you told them about the hands up?

4 **A** Uh-huh.

5 **Q** So when he shot him, I guess first it was
6 20 feet away you say when it started?

7 **A** Uh-huh.

8 **Q** And then Mike Brown is walking towards him
9 after he shoots him?

10 **A** Uh-huh.

11 **Q** And he is doing what at that point when
12 he's walking towards him?

13 **A** He's walking towards him with his hands up
14 and then I guess as the officer is constantly
15 shooting him, one of the shots must have hit him in
16 the side and then he grabbed his side like this.
17 The officer steady shoot and then he just falls over
18 onto the pavement.

19 **Q** Okay. So you never saw him run towards
20 the officer?

21 **A** No, ma'am.

22 **Q** Or charge at the officer?

23 **A** No, ma'am.

24 **Q** Did he ever look like he was a threat in
25 your opinion to the officer?

1 **A** No, ma'am.

2 **Q** Did it appear to you that the officer
3 needed to keep shooting --

4 **A** No, ma'am.

5 **Q** In order to protect himself?

6 **A** No, ma'am.

7 **Q** You didn't see it that way?

8 **A** No, ma'am.

9 **Q** Okay. Questions.

10 MS. ALIZADEH: I just want to clear up one
11 more thing, When you spoke to the officer on
12 the day this happened.

13 **A** Uh-huh.

14 MS. ALIZADEH: And, again, the grand
15 jurors have the transcript and they will be able to
16 listen to the tapes again. If you did not mention
17 anything about his hands being up on that day, and
18 you don't mention anything about his hands going to
19 his side as if he were shot, do you think that it is
20 possible that now you believe that that's a memory
21 because you've heard people talk about that?

22 **A** No, ma'am.

23 **Q** At the end of your interview on that day,
24 the officer said is there anything you want to add
25 to this statement? And you said that when the guy,

1 once he tipped over, he hit the pavement, you saw
2 his body like flinching like he was trying to get
3 up. And after that he stopped moving and the
4 officer stepped back away from the body and that was
5 that?

6 **A** Yes.

7 **Q** That was it?

8 **A** Uh-huh.

9 **Q** So today you said the officer stepped
10 toward the body and looked over the body?

11 **A** Right, as he shot the last time and Mike
12 Brown fell to the ground, he did this and then he
13 stepped away. (indicating)

14 **Q** Okay.

15 MS. ALIZADEH: Anybody have questions?

16 Tell me again
17 when he was, when Michael Brown was shot the second
18 time, he had his hands up?

19 **A** Correct.

20 You assume that he might
21 have been wounded on the side?

22 **A** Uh-huh.

23 Did both hands go down to
24 the wound or just one?

25 **A** Yes, both.

1 So what I'm doing with
2 both hands here on my right side, is that
3 representative? (indicating)

4 **A** Yes, sir.

5 Thank you.

6 **A** You're welcome.

7 THE COURT: Anybody else?

8 Just to be
9 clear. The last shots that the police officer took.

10 **A** Uh-huh.

11 Michael Brown's hands
12 were not in here, they were down here. (indicating)

13 **A** Correct.

14 I'm looking at the
15 transcript that we have here. I just want to read a
16 little part of it. While standing there looking, I
17 assume, I figure that they had tased him, he was
18 going down, but then when I talked to my fiancée he
19 said it was actually gunshots, and like he shot him
20 two more times. That's when the guy tipped over.

21 **A** Uh-huh.

22 The officer walked up,
23 shot him three more times and the dude just tipped
24 over head first and his head smashed into the
25 pavement.

1 Are you telling us that, it sounds like
2 you are saying in this transcript that the guy
3 tipped over and after he shot him more when he was
4 tipped over.

5 **A** No.

6 No, that is not.

7 **A** No, ma'am.

8 Thank you.

9 **A** You're welcome.

10 MS. WHIRLEY: Just to make sure I'm clear
11 now.

12 So he shot, his hands were up, he shot, he
13 does this and he's tipping over and then he's being
14 shot again?

15 **A** No, his hands was up, he was shot, he did
16 this, and the officer shot again and then he just
17 fell, and his face hit the ground. (indicating)

18 MS. WHIRLEY: Do you know how many times
19 the officer shot total?

20 **A** No, ma'am.

21 MS. WHIRLEY: Do you know how many times
22 he shot on the last occasion before he tipped over?

23 **A** Maybe about three times.

24 MS. WHIRLEY: Okay.

25 You said

1 you saw Dorian duck down by the white Monte Carlo?

2 **A** Uh-huh.

3 MS. ALIZADEH: Just to clarify, she didn't
4 know his name?

5 **A** I don't know his name.

6 I'm sorry.

7 MS. ALIZADEH: I'm not saying she can't
8 know his name. The guy, we know his name is Dorian.

9 Oh, okay. And my question
10 is, when you saw him duck down, were you coming out
11 of your patio at the time when you did not see him
12 any more?

13 **A** No, I was standing on my patio, that's how
14 I know that he got inside the white Monte Carlo and
15 the Monte Carlo went up the street.

16 So you actually saw him
17 get into the car?

18 **A** I saw the driver door open and he did
19 this, got in it, the door closed and the car went up
20 the street.

21 You were outside on your
22 patio at the time?

23 **A** I was outside on my patio.

24 Okay.

25 MS. WHIRLEY: Now, we see that you wear

1 glasses?

2 **A** Yes, ma'am.

3 MS. WHIRLEY: Do you wear them for
4 distance or for near sight?

5 **A** Near sight.

6 MS. WHIRLEY: Is your vision corrected
7 with the glasses.

8 **A** Yes, ma'am.

9 MS. WHIRLEY: Were you wearing glasses
10 when you were looking at all this?

11 **A** Yes, ma'am.

12 MS. WHIRLEY: Was there anything to impair
13 your vision or impair you from seeing what you told
14 us here today?

15 **A** No, my kids were out, by this, when I open
16 up the door to go out onto the patio, my boys came
17 outside. So I'm kind of like trying to pull them
18 back away from the patio and pull them back into the
19 house just so they won't be seeing and hearing all
20 of this stuff that was going on.

21 MS. WHIRLEY: So you were distracted a
22 little bit with your boys?

23 **A** Correct.

24 MS. WHIRLEY: During what period of time
25 was this when you were working with your boys, what

1 was going on?

2 **A** This was as the officer is shooting and as
3 his hands, Mike Brown hands is up and the officer is
4 shooting, I'm trying to pull my boys back because
5 I've never been around anything with shooting, I
6 didn't know if the bullets would --

7 MS. WHIRLEY: We certainly understand
8 that. I just wanted to know did you miss anything
9 when you were pulling the boys back?

10 **A** That could possibly be true. Because I'm
11 trying to see what's going on in the streets, but at
12 the same time I'm trying to pull my kids away from
13 the patio and back in the house to keep them from
14 witnessing and seeing and hearing what is going on
15 as well.

16 MS. WHIRLEY: Is everything you told us
17 what you witnessed --

18 **A** Yes, ma'am.

19 MS. WHIRLEY: -- and not something you
20 heard. Is everything --

21 **A** Everything that I said to today is what I
22 witnessed, yes, ma'am.

23 One more
24 question. You didn't feel like he was moving in an
25 aggressive manner. Could you see Michael Brown's

1 face?

2 **A** No, I couldn't see his face.

3 You couldn't see his
4 face?

5 **A** No, ma'am.

6 Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Anything?

9 (End of the testimony of)

10

11 of lawful age, having been first duly sworn to

12 testify the truth, the whole truth, and

13 nothing but the truth in the case aforesaid,

14 deposes and says in reply to oral

15 interrogatories, propounded as follows, to-wit:

16 EXAMINATION

17 BY MS. WHIRLEY:

18 **Q** Would you please introduce yourself to the
19 grand jurors and spell your name, please?

20 **A** My name is

21

22 **Q** All right. now, do you live in
23 the Canfield Green Apartments?

24 **A** No.

25 **Q** Okay. Do you know anybody that lives

1 there?

2 **A** I know two people that live there.

3 Q Who is that?

4 **A** Um, one is that stays
5 like on the back end of it and one of
6 stay there.

7 **Q** You may notice we have a map here, does
8 that map kind of look like Canfield?

9 **A** Pretty much.

10 Q You can recognize places on this map and
11 here is a pen that you can use. You point that
12 button and the red light appears. So I'll ask you a
13 few questions about that in just a moment.

14 So you live, not in the Canfield
15 Green Apartments?

16 **A** No, ma'am.

17 Q Now you know why we are here today, we are
18 here about the shooting of Michael Brown, right?

19 **A** Uh-huh.

20 Q On August the 9th you were obviously at
21 the Canfield Green Apartments; is that right?

22 **A** Yeah.

23 Q What were you doing there?

24 **A** I was bringing one of

25

1 was bringing it back that day.

2 **Q** So your was with you. Who was
3 with you, were you in a car?

4 **A** I was in a van, it was me, my husband, two
5 of my daughters and my granddaughter.

6 **Q** Okay. So there is five people in the van?

7 **A** Yes.

8 **Q** And had yours husband

9 **A**

10 **Q** What color was your van?

11 **A** It's

12 **Q** So what route did you take going to
13 Canfield. This is West Florissant, right?

14 **A** Uh-huh.

15 **Q** So what was your route, show us with the
16 pen?

17 **A** I came through here and I stopped here.

18 **Q** When you stopped here, is this when you
19 saw whatever you saw?

20 **A** Pretty much. It was probably a little bit
21 further up.

22 **Q** Which way?

23 **A** It was probably about around here.

24 (indicating)

25 **Q** Okay. When you are at this location, what

1 did you see?

2 **A** Well, when I was coming around here, I
3 heard like about two or three gunshots.

4 **Q** Were you driving?

5 **A** Yes.

6 **Q** Okay.

7 **A** So at first I thought it was firecrackers,
8 but when we got around, I seen a police car, I can't
9 be sure, it was like about somewhere in between
10 here, I think the police car may have been.

11 **Q** What direction was the place car facing?

12 **A** It was facing towards me.

13 **Q** West Florissant?

14 **A** Yes, it was facing toward West Florissant.

15 **Q** Was it driving?

16 **A** It wasn't driving, it was sitting still.

17 **Q** And what position was the car in?

18 **A** It was like pulled off to the side a
19 little bit, it wasn't directly coming down the
20 street, it was like pulled off into the side by the
21 sidewalk.

22 **Q** Like was it blocking the road?

23 **A** No, it wasn't blocking the road.

24 **Q** So you could drive straight by without
25 having to go around it?

1 **A** Yes.

2 **Q** Okay. So is anybody in the car in the
3 police car?

4 **A** Well, at the time I wasn't really looking
5 in the car. I was looking at the person standing by
6 the car.

7 **Q** Who was the person standing by the car?

8 **A** I don't know who the person, I didn't know
9 who the person was, I just knew it was an
10 African-American male standing at the car.

11 **Q** What did you see while the male was
12 standing at the car?

13 **A** He looked like pretty much had his hands
14 directly pretty much in front of him standing at the
15 car looking like he was just talking. I couldn't
16 tell what was going on, he was standing at the car.

17 **Q** He was standing at the police car. Where
18 at the police car?

19 **A** He was standing at the driver's door.

20 **Q** At the driver's door. Was he inside, like
21 leaning inside?

22 **A** He was just like standing bent down
23 towards the door.

24 **Q** Okay. Did it appear the window was down?

25 **A** Yes.

1 **Q** Did it appear someone was in the car, you
2 said you couldn't tell?

3 **A** I kind of figured it was someone in the
4 car because he was standing there with the window
5 open looking down into the car.

6 **Q** Into the police car. Did that seem
7 strange to you?

8 **A** No.

9 **Q** Why not?

10 **A** Because I figure that he either was
11 talking to the officer or the officer was talking to
12 him.

13 **Q** Okay. So you didn't see anything that
14 looked aggressive like fighting or tussling or
15 anything like that?

16 **A** Well because of the gunshots I thought
17 that he was either shooting at the cop or something
18 was going on or something might have been going on
19 around in the area. So I just, when I first seen
20 the police car and after hearing the shots I was
21 like kind of leery about going any further.

22 **Q** So you say you saw the shots?

23 **A** No, I didn't see them, I heard them.

24 **Q** I'm sorry, you heard the shots, so thank
25 you for correcting me. And then you saw the black

1 male at the driver's side door of the police car?

2 **A** Yes.

3 **Q** But you couldn't see his hands?

4 **A** No.

5 **Q** But you didn't see any movement?

6 **A** No, he was just pretty much just standing
7 there and then he kind of, um, started backing away
8 from it and stuff at first. I thought he slung
9 something away, but I couldn't be sure if that's
10 what I saw right now.

11 **Q** Okay.

12 **A** Because I couldn't remember that.

13 **Q** When you heard the shot, was he still
14 standing at the police car in the driver's door?

15 **A** I'm not exactly sure because like I said,
16 we heard the shots. I heard the shots when we were
17 like about right, when we was coming around the bend
18 around that corner. I didn't hear anything when I
19 actually got a visual of what was going, you know,
20 people standing there.

21 **Q** And how many shots did you hear when you
22 were coming in this way?

23 **A** It was at least about two or three.

24 **Q** Two or three. Okay. So you heard the
25 shots and then when you got up and a little closer

1 and you saw the police car, you say you saw this
2 black male at the driver's side window?

3 **A** Yes.

4 **Q** So that was before you heard the, well,
5 you heard the shots and then after you heard the
6 shots, you saw the male at the window?

7 **A** Yes.

8 **Q** And then what did you see?

9 **A** Um, after that, like I say, he backed away
10 from the car and he, um, he was like standing there
11 for a minute and then he took off running.

12 **Q** Okay.

13 **A** He was running away from West Florissant.

14 **Q** Which way was he running, show me?

15 **A** He was, um, I don't know exactly where it
16 was at. He started running back this way.
17 (indicating)

18 **Q** Was he running in the street?

19 **A** Yes.

20 **Q** Okay. And what did, what else did you see
21 after you saw him running?

22 **A** After he took off running, I was watching
23 the police officer get out of the car. He got out
24 of the car and closed the door and then he started
25 running after that guy.

1 **Q** Did you see anything in the police
2 officer's hand?

3 **A** Yes, he had his gun drawn and it was down
4 to his side.

5 **Q** When you said drawn and down to his side,
6 can you explain that for me?

7 **A** It wasn't in the holster.

8 **Q** Okay.

9 **A** It was just in his --

10 **Q** You mind demonstrating how he had it
11 drawn?

12 **A** He was trying to get out of the car, he
13 looked like he was having a little bit of difficulty
14 getting out of the car at first and then he started
15 running. I can't remember if it was the left or
16 right, but I know he had it down to the side and his
17 other hand was up like this running. So he was
18 running towards the guy with the gun in his hand,
19 not in the holster.

20 **Q** Okay. Can you describe the guy that he
21 was running after?

22 **A** Um, he was kind of heavy set black guy.

23 **Q** Okay.

24 **A** He had on shorts, looked like he had on
25 socks with flip flops and a big shirt.

1 **Q** Okay. And you've heard, I'm sure the news
2 and this is Mike Brown that you're talking about.

3 **A** No, I don't watch the news.

4 **Q** Oh, that's right you said you don't want
5 television; is that right?

6 **A** I don't want television. I didn't know
7 his name until like I seen it on the internet.

8 **Q** Okay. But that's the same guy you
9 thinking?

10 **A** Uh-huh.

11 **Q** Okay. Where were you when you seen them
12 run?

13 **A** Same spot. I was in the car right around
14 here where the light pole is. I was like pretty
15 much, because I know there was a tree in front of us
16 and there was a girl standing next to us because I
17 remember when I got ready to leave, I turned into
18 the driveway.

19 **Q** Uh-huh. At the time you saw them, were
20 you facing the police car?

21 **A** Yes.

22 **Q** Because you were on your way inside?

23 **A** Yes.

24 **Q** To do something

25 **A** Uh-huh.

1 **Q** Okay. So when you see him running, is he
2 firing a weapon at that time, you say his gun is
3 out, the police officer, is he firing at the
4 individual running?

5 **A** No, he couldn't, if he was running with it
6 down by his side down.

7 **Q** Well, at any time did he change that
8 position and start firing?

9 **A** He didn't start, I didn't see him fire, I
10 didn't even hear the gunshots until later.

11 **Q** And what was happening when you heard the
12 gunshots?

13 **A** When I heard the gunshots and saw him
14 firing his weapon, he was, Michael had stopped, he
15 had stopped. He threw his hands up and then he put
16 his hands down, Michael turned around and then he
17 started running, he kind of shuffled back and forth
18 a little bit like he was confused or something. And
19 then he started running towards my car, he started
20 running back towards us.

21 The officer had ran, he was running
22 after him. He had stopped, I heard him say get down
23 about two or three times and he kind of veered off
24 to the side a little bit, but he still was aiming
25 his gun at the guy, at Michael. And he after, he

1 held his gun out at him, he was aiming the gun at
2 him, he was telling him to get down. And like I
3 said, Michael was shuffling back and forth like he
4 was confused and then he started running and that's
5 when I started hearing him shoot.

6 Q While he was running toward the officer?

7 A Kind of towards the officer. I couldn't
8 be sure if he was running exactly towards the
9 officer or just trying to run past him.

10 Q But he was running in the officer's
11 direction?

12 A He was running pretty much our direction.
13 The officer was pretty much between us and Michael.

14 Q And the officer was saying stop or get
15 down?

16 A Get down.

17 Q And could you hear Michael say anything?

18 A I didn't hear him say anything. He was
19 trying to run. He was running and he had his hands
20 down in like a running stance.

21 Q Look like he was charging at the officer?

22 A I couldn't be sure if he was trying to
23 charge the officer or run past him.

24 Q Okay. It was unclear to you. Did he look
25 like he was threatening the officer?

1 **A** Well, like I say, I couldn't be sure if he
2 was trying to threaten him, like I said.

3 **Q** I mean, a person, a reasonable person just
4 looking at it, would you think in your mind?

5 **A** I thought he was trying to charge him at
6 first because the only thing I kept saying was is he
7 crazy? Why don't he just stop instead of running
8 because if somebody is pulling a gun on you, first
9 thing I would think is to drop down on the ground
10 and not try to look like I'm going to attack 'em,
11 but that was my opinion.

12 **Q** So it looked to you like he could be
13 attacking him?

14 **A** He looked like, he looked like he could
15 have been attacking him or the officer could have
16 felt like he was attacking him.

17 **Q** I want you to tell me what your impression
18 was as you looked at it?

19 **A** I was looking at it, I could not be sure.
20 Like I said the officer, he was like off to the side
21 a little bit and Michael was probably, he was like
22 standing here shuffling back and forth, and he took,
23 he just started running. I don't know if he was
24 trying to come towards the officer or if he was just
25 trying to run past him.

1 **Q** Okay.

2 **A** I couldn't tell you.

3 **Q** All right. And one last thing and then
4 I'll turn it over. When you talked about him having
5 his hands up, at what point did he have his hands
6 up?

7 **A** He put his hands up when he stopped. He
8 kind of like threw his hands up, like I can't do
9 this no more. He just threw his hands up and he
10 turned around and he kind of put his hands down and
11 he was like shuffling. He didn't have his arms up
12 while he was shuffling, he was just shuffling back
13 and forth.

14 **Q** When you say shuffling, can you show me?
15 I'm sorry.

16 **A** He was like, he was like. Just doing like
17 this, shuffling back and forth like he didn't know
18 what else to do. He was just shuffling back and
19 forth. (indicating)

20 **Q** Where were his hands?

21 **A** He was like to the side, just doing, you
22 know, hand gestures. They wasn't up like this or
23 anything. They was just down like, you know.

24 **Q** Did he look like he was hit by any of the
25 bullets?

1 **A** I didn't see, I couldn't tell that.

2 **Q** You couldn't see any blood or anything?

3 **A** I didn't hear any of the gunshots until he
4 started running.

5 **Q** Okay. When he started running toward the
6 officer?

7 **A** Uh-huh.

8 **Q** So he was doing the shuffling before he
9 came toward the officer?

10 **A** Yes, right before he started returning, he
11 started shuffling back and forth.

12 **Q** Okay. And that's when you heard the
13 shots?

14 **A** I heard the gunshots. He told him, before
15 he shot him he told him to get down again, and
16 Michael had started running. And that's when I
17 started hearing the gunshots.

18 **Q** Okay. So how many shots do you think you
19 heard total?

20 **A** I know at least about three or four. I
21 remember hearing three or four shots.

22 **Q** Two initially, and you were driving in --

23 **A** Two or three.

24 **Q** Two or three, Michael is at the car with
25 the officer?

1 **A** Yeah.

2 **Q** And then Michael runs?

3 **A** Uh-huh.

4 **Q** And when he turns around and the officer
5 tells him to get down, that's when you hear more
6 shots, the three more shots?

7 **A** When he started running.

8 **Q** When he started running towards the
9 officer?

10 **A** Yes.

11 **Q** Did you hear any more shots?

12 **A** Um, I couldn't tell you how many shots I
13 heard, but I remember seeing a blood splatter coming
14 around by his face.

15 **Q** At what point did you see that?

16 **A** That was like right before he started
17 stumbling because he kept coming and the officer
18 kept shooting and I remember the blood splatter. I
19 seen the spray of blood come out of somewhere around
20 his face and then he started to stumble.

21 **Q** Was the officer still shooting then?

22 **A** Um, I couldn't tell you if he kept
23 shooting, but I know that when he hit the ground, he
24 wasn't still shooting.

25 **Q** Okay.

1 **A** I didn't see him shoot any more. I know
2 he kind of put his gun down. I could see him
3 radioing. I seen him grab like the radio on his
4 shoulder and then he, um, that's pretty much when I
5 decided it was time for me to turn around.

6 **Q** Okay. So you left at that point?

7 **A** I was trying to, but it was like two
8 police SUVs started coming past me after that. They
9 was coming down the street. I was looking to make
10 sure there wasn't anybody coming around me. So I
11 was trying, because I had my family in the car, I
12 didn't want to get hit by anything, so I was
13 watching. I looked in the side mirror to see if
14 anybody was coming and I seen the two police SUVs
15 coming, and I stopped. And after they passed by, I
16 watched a little longer and I went around.

17 I went up this driveway right here
18 and I went around this way because I didn't know,
19 this is the first time I had ever been over there.
20 So I didn't know that this came back out this way.
21 (indicating)

22 **Q** Okay.

23 **A** So at that point we didn't know what else
24 was going to happen. We stopped at
25 and came out and asked what was going on.

1 And I'm like, did you hear something? And we like,
2 we were like telling the police had just shot a
3 guy out there. After that we just got back in the
4 car and we came back. I didn't get out of the car,
5 we was just sitting there for a few minutes to see
6 what was going to happen. We pulled right back out
7 and started down the street.

8 Q And you left?

9 A Yes.

10 Q So you didn't talk to the police that day?

11 A Huh-uh.

12 Q How did the police know to contact you?

13 A I can't remember.

14 Q If you --

15 A I think I called them.

16 Q You called the police?

17 A I called the police and told them that I
18 had saw the shooting and.

19 Q And then you met with them at
20 or somewhere?

21 A Yeah, I met with them at

22 Q Okay, all right. Based on what you saw,
23 did it appear that the officer had to shoot him to
24 protect himself?

25 A I don't know.

1 **Q** You don't have an opinion about that?

2 **A** I don't have an opinion about that because
3 I couldn't tell whether or not the guy was charging.
4 I wasn't as close to him as the officer, I wasn't as
5 close to the scene as the officer and Mike was so, I
6 don't know what he could have been thinking. I
7 don't know if he was thinking that he was trying to
8 charge him or not.

9 **Q** And when you saw him shoot him, the last
10 shots to be fired when you saw the blood spray, how
11 far did it seem that the officer and Mike Brown were
12 apart from each other?

13 **A** About as far as me and you are.

14 **Q** Oh, okay. This close? (indicating)

15 **A** Uh-huh.

16 **Q** And we're like less tan 10 feet apart
17 okay.

18 **A** Yeah, because he was pretty much staying
19 back away from him. Mike was pretty much bigger, he
20 was a little bit bigger than the cop was.

21 MS. WHIRLEY: Okay, all right. Thank you.
22 That's all I have. Kathi?

23 MS. ALIZADEH: Just a couple. Ma'am, did
24 you ever watch, I know you don't watch TV, did you
25 ever hear or did anybody ever talk to you about the

1 autopsy report?

2 **A** I think I heard about it, but I'm not
3 really sure what it was about because I didn't try,
4 I probably felt like I was going to be asked
5 questions about it eventually, but since I didn't
6 really, that was like pretty much nothing that I
7 really witnessed, so I didn't really pay attention
8 to it.

9 **Q** So to this day, do you know where Michael
10 Brown was shot on his body?

11 **A** I heard that it was in his arm and in his
12 head.

13 **Q** Okay. And you heard that where?

14 **A** Everywhere.

15 **Q** Okay.

16 **A** Anywhere, and I did see a couple of things
17 on the internet.

18 **Q** Okay. From the time that Michael Brown
19 turned around and until the time he eventually
20 collapsed in the street.

21 **A** Uh-huh.

22 **Q** Can you give me an idea, I know how close
23 they ultimately got, but how far did he travel?

24 **A** I couldn't really tell you because it
25 looked like from where I was standing, where I was

1 sitting, I'm in the car, I'm trying to think. I'm
2 not even exactly sure. I think that where his body
3 landed was like right about here. (indicating)

4 Q Okay.

5 A This is so hard to tell, especially not
6 being there.

7 Q Do you know about where he was when he
8 turned around?

9 A It was almost to like the end, I'm not
10 sure if it was the end of this street or what, I
11 can't remember.

12 Q Okay. When you say this street, I didn't
13 see the pointer?

14 A He hadn't made it around. He hadn't made
15 it around this corner, I know that it had to be
16 within this same stretch right here. (indicating)

17 Q Okay.

18 A Because I could see him clearly.

19 Q If you are saying his body was here,
20 that's where he collapsed, so he was someplace west
21 of that and then he ran east?

22 A Uh-huh.

23 Q And you don't have any good idea of like
24 if I keep walking back if you're going to say stop
25 if you want to say how far he ran?

1 **A** I think he ran a pretty good distance.

2 **Q** Okay. Farther than I can walk back?

3 **A** Um, I can't think right now. I don't even
4 remember how far it was.

5 **Q** Okay.

6 **A** Only thing I can remember is hearing the
7 gunshot, seeing him being shot and it was just like,
8 it was surprising.

9 **Q** Okay.

10 MS. ALIZADEH: I don't have anything else.

11 MS. WHIRLEY: Anything else?

12 : You said he had his hands
13 up for a brief moment?

14 **A** He had his hands up when he stopped, when
15 he was running away from the officer. I don't know
16 if he got tired or what, but he threw his hands up.

17 Were they like this or
18 were they like this? (indicating)

19 **A** Up in the air just like that.

20 (indicating)

21 Okay. That's it.

22 . With it
23 being a hot, summer afternoon, were your windows,
24 did you have your air on were your windows up?

25 **A** No, I like my windows down because I have

1 people in the back seat and I think what happened
2 was, as a matter of fact I knew I didn't have them
3 up because, um, it wasn't that hot because it was
4 before noon when we left. It was around noon when
5 we got there and it wasn't that hot that time of
6 day.

7 And one more thing. Do
8 you remember if the sirens was on the police car?

9 **A** On which police car? The one that the
10 officer was in?

11 Yes.

12 **A** No, it was just sitting there.

13 MS. ALIZADEH: Anyone else?

14 MS. WHIRLEY: Was it a car or was it a
15 truck?

16 **A** Oh, it was a car that the officer was in.

17 MS. WHIRLEY: That you saw Michael Brown
18 standing next to?

19 **A** Yes, it was a car.

20 MS. WHIRLEY: When you say car, when I say
21 truck, I'm talking SUV or was it a car?

22 **A** It was a car.

23 MS. WHIRLEY: It was not an SUV?

24 **A** No, it was a car.

25 MS. WHIRLEY: Okay.

1 **A** Because I remember him getting up out of
2 it.

3 MS. WHIRLEY: Do you know what kind of car
4 it was?

5 **A** You mean make and model?

6 MS. WHIRLEY: Yeah.

7 **A** No.

8 MS. WHIRLEY: Okay. That's all right.

9 **A** It was a white police car with the blue
10 police sign.

11 MS. WHIRLEY: It was not like a SUV like a
12 Ford Explorer or --

13 **A** No, because that's what came past me when
14 I was sitting there.

15 MS. WHIRLEY: You know what a SUV is?

16 **A** Uh-huh.

17 MS. WHIRLEY: And it was not a SUV that
18 you saw Michael Brown standing next to?

19 **A** No.

20 MS. WHIRLEY: When he was talking at the
21 police car?

22 **A** No.

23 MS. WHIRLEY: Okay.

24 You said he had
25 trouble getting out of the car, the police officer,

Page 193

1 can you describe what you saw?

2 **A** He was just looking like he was, he had
3 opened the door and was trying to get out of the
4 car. I didn't know what was going on, I figure he
5 might have been disoriented. I don't know what was
6 going on, I couldn't tell you what was happening.
7 All I know is he looked like he was coming out of
8 the car and he got up and yeah, he did close the
9 door behind him and he took off running. All right.

10 Did you

11 ever see anybody else by the car?

12 **A** No. The only other people that I was
13 looking, I seen were pretty much just bystanders and
14 watching everything.

15 MS. WHIRLEY: That concludes the testimony
16 of

17 (End of the testimony of

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XI

12

13 10/7/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave., 2nd Floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XII

Date: October 13, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 13, 2014

VOLUME XII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 13th day of October, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XII

2

3 MS. ALIZADEH: Good morning.

4 (Everyone says good morning.)

5 MS. ALIZADEH: Let's see, Monday,

6 October 13th, at 8:38 a.m. This is Kathi Alizadeh
7 with the prosecutor's office, present is Sheila
8 Whirley, all 12 grand jurors are present, as is
9 , the court reporter. He's taking down what is
10 being said and recording, audio recording.

11 So for today, the first witness, let me
12 back up a little bit and talk about scheduling.
13 There was a question brought up, I think it might
14 have been during a break we had last week about
15 whether or not three days a week was helpful or if
16 it was not very productive. And so Sheila and I
17 have talked about it, as well as with some of our
18 investigators.

19 You know, as I mentioned to you that some
20 of these people are reluctant to come in and that
21 means going out and serving them subpoenas and even
22 then, that's not a guarantee they're going to show
23 up.

24 We have been lucky so far. We have been
25 able to get the people in, but, you know, every day

1 is going to be a challenge. We talked about it and
2 first of all we felt that it was, it was going to be
3 problematic for us to try to corral or wrangle up
4 enough people to fill three days of your time.

5 Neither Sheila nor I wants you sitting
6 here. I know you have taken out from your personal
7 lives and from your jobs and it is just really wrong
8 for us to waste your time for you to sit here for
9 two hours when we don't have anything scheduled for
10 you or anything to put on.

11 I think the two day a week is going to be
12 better, hopefully we will use that time
13 productively.

14 Another reason for it is because we have
15 doing the transcripts and we need those done
16 as quickly as possible, because there's another
17 investigation going on, that as you know, there's a
18 federal investigation that's kind of parallel to
19 ours. And doesn't just work when he's in the
20 room with us, he goes home and he works to try to
21 transcribe everything that is going on. And news to
22 me, he mentioned the other day one hour of testimony
23 may take him three hours to transcribe.

24 He's working diligently to try to get
25 these transcripts out. And when we have back to

1 back days, he's not able to work on the transcripts
2 and the three days a week, we're finding he's not
3 able to keep up with the transcripts the way we need
4 them.

5 Another reason is, you know, once this
6 case is concluded and given to you for your
7 deliberation, once, assuming you arrive at a
8 decision, we don't want to have to delay that
9 decision for two or three weeks while we're waiting
10 for the transcripts to be done.

11 So he's, , trying to do those as we
12 go so we can keep up on those. So we felt that that
13 was another reason why the two day a week would be
14 better for just our purposes and getting this done
15 efficiently and as quickly as possible.

16 So I think the word went out to you last
17 week after we canceled Thursday, that we also are
18 canceling tomorrow, but we do have witnesses lined
19 up for all day today, assuming they show up and then
20 we have witnesses lined up for all day Thursday.
21 Including, you know, we're going to hear statements
22 when we're not having witnesses boom, boom, boom
23 there will be times that you are listening to
24 statements of witnesses that we anticipate that are
25 going to be called.

1 So with that being said, thank you for,
2 did they already do the rest of October?

3 MS. WHIRLEY: How far, the 16th?

4 MS. ALIZADEH: Today, this week is today
5 and Thursday. I don't know if we have the next two
6 weeks actually written in stone. So if you guys,
7 I've got a calendar in my office, but is that
8 completed for the month.

9 No jury duty on the 30th.
10 We have it up through the 28th, that's three days.

11 : We need to talk about it.

12 We need to confirm it.

13 MS. ALIZADEH: Yeah, why don't you all
14 keep in mind two days a week is going to be the best
15 way to go during your lunch break, and something you
16 can kind of talk about your schedules and redo the
17 calendar as you have.

18 I will tell you that whatever days you
19 pick, like I said, we are going to work with those.
20 Doesn't matter to me, however, I do believe that it
21 can be helpful for us if at least one of those days
22 at least till 5:00. We've found that there are
23 witnesses who have said, you know, well, I can't be
24 here till 4:00 because my kids off the bus and blah,
25 blah, blah.

1 We understand that these people are
2 witnesses, you know. They happen to be, what they
3 may feel now is at the wrong place at the wrong
4 time. So, I'm trying my best, especially the ones
5 that are cooperative, to work with them if they
6 have, you know, work or child issues that, you know,
7 we'll get you here, when does your son get off the
8 bus. Okay. How about if we have the cab pick you
9 up at 3:00, get you here at 3:30 that way we can get
10 some of these people on.

11 So when you do your schedule, I know that
12 a lot of these days you have a 2:30 cutoff because
13 of work and that's fine, but if there is a day
14 during the week that you can go till 5:00, that
15 might be a good second day for us because then we
16 can maybe accommodate some witnesses that need to
17 work later.

18 Is there anything else that anybody had to
19 bring up or talk about before we get started?

20 All right. So today we are going to hear
21 first . We heard from his wife
22 last Tuesday. And he was here
23 with her, we didn't have time to get to him. You've
24 already heard his recorded statement so we will call
25 him as our first witness.

1 We also have , she has a
2 couple of statements that we will play before she
3 testifies. One of them is very brief, like three
4 minutes long, but the other one I have to tell you
5 we just got because it was the result of a federal
6 interview.

7 I can't remember if it was done by the FBI
8 or Department of Justice, but we have that, we have
9 the recording of that, but I don't have a transcript
10 of that. So we'll just listen to the recording of
11 that statement before she testifies.

12 And then we have a witness that's
13 scheduled to be here at 1:00 in the afternoon. His
14 name is . He's made a number of
15 statements as well.

16 So after testifies, we'll
17 go on with the statements, recording statement for
18 the next witness, all right.

19
20
21
22
23
24
25

THE WITNESS: I want to be sure that I understood what it was.

Q Would you state your name and spell it for the court reporter, please?

A It is one ,
please, in .

Q Mr. , good morning.

A Good morning.

Q We've met before. I'm Kathi Alizadeh and you know that I'm one of the prosecuting attorneys who is putting on the grand jury investigation with Sheila Whirley as well, right?

A Yes.

Q And I know you were here last week and you and your wife came in, and I apologize that we didn't have time to get to you, but you were good enough to come in today. So we will get you out of

1 here as soon as we can, okay?

2 **A** Sure.

3 **Q** The microphone that's in front of you,
4 does not amplify your voice. So just make sure you
5 keep your voice up so we can hear you all the way
6 back here.

7 **A** Okay. Most people tend to tell me to tone
8 it down because I project. So I don't think that
9 will be a problem.

10 **Q** Okay. You've got a nice voice there,
11 everybody will raise their hand and let you know if
12 they can't hear you or need you to repeat something.

13 Sir, how old are you?

14 **A** .

15 **Q** And are you married?

16 **A** Yes, I am.

17 **Q** Who are you married to?

18 **A** .

19 **Q** And do you and have any children
20 together?

21 **A** We have,

22 .

23 **Q** Okay. So what is your biological child?

24 **A** They're .

25 **Q** What is her name?

1 **A** There's

2 .

3 **Q** And those are your step or biological?

4 **A** Those are my biological.

5 is my stepdaughter.

6 **Q** Okay. So you --

7 **A**

8 **Q** You and , and who is the
9 other daughter?

10 **A** and she's our youngest and
11 is my stepdaughter.

12 **Q** And are , are they both
13 adults or are they minors?

14 **A** They are all adults. The youngest is
15 currently years old.

16 **Q** And are you familiar with the Canfield
17 Green Apartment Complex?

18 **A** Only that I've ridden out there a couple
19 of occasions with the family. has a friend who
20 lives there.

21 **Q** So you don't have live in the complex?

22 **A** No, I live in north St. Louis.

23 **Q** And none of your family lives in the
24 complex, correct?

25 **A** No, they do not.

1 Q Okay. And so do you recall the morning of
2 August 9th of this year?

3 **A** The day of the shooting?

4 ☐ Yes.

5 **A** Yes, I do.

6 Q Was there anything special or unusual
7 about that morning?

8 **A** We were taking

9 And
10 as we were driving down Canfield toward the complex,
11 we heard what first sounded like overly loud
12 fireworks. And we looked up, saw the flashing red
13 and blue lights.

14 At this point I noticed the officer
15 and a large black man, about my size, who appeared
16 to be pointing a gun. I believe they were having a
17 shootout at the time, I believe they were having a
18 shootout. And the young black man appeared to be
19 pointing in our direction and I was afraid for my
20 family at the time.

21 **Q** Okay. Let me stop you.

22 **A** Uh-huh.

23 Q And we're going to start --

24 **A** Sure.

25 Q -- at the very beginning. So you were

1 going into the complex, do you remember what time,
2 approximately, what time of day it was?

3 **A** It was bright and sunny, that's all I can
4 remember.

5 **Q** Do you remember this being a Saturday?

6 **A** Uh, at this point, no, I don't remember
7 what day of the week it was.

8 **Q** Okay. And so were you in a vehicle?

9 **A** My wife's .

10 **Q** And who was driving?

11 **A** My wife.

12 **Q** Where were you in the car?

13 **A** Front passenger.

14 **Q** Were there any other people in the van
15 with you?

16 **A** and I believe two of the
17 grandchildren, but I don't recall which two.

18 **Q** Are the grandchildren, are they minors?

19 **A** They are minors. The oldest one is
20 .

21 **Q** Okay. And so you said you were coming
22 into the complex, was driving into the
23 complex?

24 **A** Yes, she was. We were in traffic.

25 **Q** And do you remember, I'm going to direct

1 your attention to Grand Jury Exhibit Number 25,
2 which is an aerial view of the streets and buildings
3 that comprise the complex?

4 **A** Which way is Florissant?

5 **Q** So what I'm going to tell you is that this
6 is north, up is north?

7 **A** Okay.

8 **Q** And so if you were to see that this is
9 Canfield Drive that goes through the complex, if you
10 continue on here you are going to West Florissant?

11 **A** Okay, okay. We were coming from
12 Florissant down the drive.

13 **Q** Okay.

14 **A** Our destination was this parking area back
15 here behind one of these two houses. We always pull
16 up from the back, so I'm not sure which house it is,
17 but lives in one of these houses.
18 (indicating)

19 **Q** Here, let me have you, let me show you
20 here, this is a laser pointer. So instead of having
21 you stretch yourself, you can use that?

22 **A** Okay, sure.

23 **Q** So you were in the van and you were coming
24 east on Canfield?

25 **A** Yeah. This curve here is, we were coming,

1 we were on this curve when we heard the first shots,
2 which called our attention to it. And we began
3 scanning the distance down the hill here looking for
4 the source of the, looking for the source of the
5 sound.

6 Q Okay. Now, let me tell you and remind you
7 that I know that you had other people in your
8 vehicle.

9 A Yes.

10 Q And I know they all saw things as well.

11 A Uh-huh.

12 Q What is important is that you testify
13 about what you saw.

14 A Right.

15 Q And what you heard and observed as opposed
16 to if maybe you and your wife?

17 A Right.

18 Q Or your daughters talked about this later
19 and they talked about what they saw.

20 A I understand.

21 Q You're saying we did this and we were
22 scanning the area, what is important is what you
23 did.

24 A Right.

25 Q Okay. So as the vehicle comes to this

1 bend, which is at the northwest corner of the map,
2 right around Coppercreek Road, you said that having
3 heard what you believed to be fireworks?

4 **A** Right. They sounded a little too loud for
5 fireworks.

6 **Q** Okay.

7 **A** And looking down further down the street,
8 I saw the lights from the squad car.

9 **Q** Okay. So let me stop you. Get some
10 details before we get to that point.

11 **A** All right.

12 **Q** Were your van windows up or down or do you
13 recall?

14 **A** Um, a couple of inches. I like the fresh
15 air, but I don't like the wind blowing in my ear
16 when we drive. It is usually cracked two or
17 three inches.

18 **Q** Okay. Do you recall would you of had the
19 radio on or music playing?

20 **A** No radio, but I had four adults and two
21 children in the car

22 There was a lot of noise.

23 **Q** A lot of chatter?

24 **A** Yes.

25 **Q** Okay. So, and then how is your hearing,

1 Mr.

2 **A** My hearing is pretty good.

3 **Q** What about eyesight, do you wear glasses?

4 **A** I do not wearing glasses. I have trouble
5 reading, uh, I have trouble reading street signs
6 when we're driving.

7 **Q** Okay.

8 **A** But other than that, I don't have any
9 problem. I can read, uh, united we fall, divided we
10 -- united we stand, divided we fall is kind of fuzzy
11 on the seal.

12 **Q** Okay.

13 **A** I can see the MDCCXX, the roman numerals
14 at the bottom. I don't wear glasses.

15 **Q** Okay. So now, as you come around the bend
16 and you said that you looked down, kind of scan down
17 Canfield, which at that point as you are coming
18 around is kind of a straight shot, correct?

19 **A** Right.

20 **Q** And you see, you said you see a squad car?

21 **A** Now, I do not, I still don't know for
22 sure. I didn't recall when I gave my first
23 statement, whether it was a car or an SUV. I didn't
24 pay that much attention to the vehicle, but I saw
25 the lights.

1 **Q** Okay. So lights meaning like the light
2 bar on top of the car?

3 **A** Right, the red and blues.

4 **Q** You saw those were going off?

5 **A** Yes.

6 **Q** And what did you see as far as people at
7 and/or around the vehicle, please vehicle?

8 **A** Um, I saw people, residents and citizens
9 coming from various different directions. I saw the
10 officer out of his vehicle, I didn't see him exit
11 his vehicle. When I first seen the officer, he was
12 already, uh, several feet from his vehicle.

13 **Q** Okay. So can you use the pointer and
14 point to where you believe you first saw the
15 vehicle, not where you were, but where was the
16 police vehicle?

17 **A** There's an image of a vehicle on your map
18 here and it is near that one, it is near this side
19 road here in between this one and this side road
20 here. (indicating)

21 It was in this area here.

22 (indicating)

23 **Q** Okay. So was the vehicle when you first
24 observed it, was it moving or was it stationary?

25 **A** Stationary.

1 **Q** Okay. Did you ever see it move after
2 that?

3 **A** No, I didn't.

4 **Q** Okay. So when you came around, you said
5 you saw the officer and he was already out of the
6 vehicle?

7 **A** Yes, with his back to me.

8 **Q** And you said he was a ways away from the
9 car?

10 **A** Yes.

11 **Q** So in what directional was he away from
12 the car?

13 **A** He was down the street because he was
14 moving down the road away from his vehicle. The
15 officer was near the yellow line.

16 The vehicle was about 45 degrees from
17 the curb and the officer was out near the yellow
18 line moving down the road away from the vehicle.

19 **Q** Okay. So when you say the vehicle was
20 about 45 degrees away from the curb, do you mean
21 that the vehicle was angled or do you mean that it
22 was, I don't understand?

23 **A** It had been like it had been pulled in and
24 the right front wheel was at the curb and the
25 vehicle was about 45 degrees, like it had been

1 parked at an angle.

2 Q Okay. So it wasn't in the lane as if, you
3 know, if you were driving down that street, you
4 would be going straight down the lane?

5 A You will have to see people parked at an
6 angle on Sundays out in front of churches, it was at
7 an angle by the curb.

8 Q Was the officer's vehicle blocking the
9 road so that other vehicles could not go past?

10 A Uh --

11 Q Or do you know? Don't guess if you don't
12 know.

13 A I don't think it was blocking. I'm not
14 positive, but I don't believe it was blocking the
15 road. It was closer to the curb.

16 Q Okay. So you said when you first saw the
17 officer, he was, his back was toward you?

18 A Yes.

19 Q And he was moving away from you?

20 A He was moving away from us toward the guy
21 that he was shooting at. I first seen the officer,
22 the officer was between me and the guy he was
23 shooting at. The officer was facing the other guy
24 and guy that he was, I'm sorry, I don't know what to
25 call the other guy.

1 **Q** We now know that the person who died was
2 named Michael Brown.

3 **A** Okay.

4 **Q** So it is okay --

5 **A** Mr. Brown.

6 **Q** And just to be clear, so you didn't know
7 Mr. Brown before that day?

8 **A** No, I did not.

9 **Q** And is that the bigger black gentleman
10 that you described having seen?

11 **A** Yes, the one that was shot.

12 **Q** Okay. So let's back up for a second so
13 when you see the officer.

14 **A** Uh-huh.

15 **Q** You said he's a ways away from the car
16 with his back towards you and he's moving away from
17 you.

18 **A** Yes.

19 **Q** So are you good at distances?

20 **A** Not that good.

21 **Q** Okay. Can you give me an idea how many
22 feet or car lengths or a football field?

23 **A** A car length, maybe two, between them or
24 between us.

25 **Q** Between the officer's vehicle and where

1 you first saw the officer you said he was aways from
2 his car?

3 **A** Not more than a car length from his
4 vehicle.

5 **Q** Okay.

6 **A** A couple of strides.

7 **Q** And when you say he was moving away from
8 you, can you describe how he was moving? Was he
9 running, was he walking, was he walking quickly,
10 jogging?

11 **A** Uh, a trot, a brisk trot.

12 **Q** Did you see at that time if he had a gun
13 in his hand?

14 **A** I couldn't see what he had in his hands,
15 his back was to me.

16 **Q** Okay. And so, now as you look and you
17 said you saw the officer, did you also, when you
18 first looked, could you also see Michael Brown?

19 **A** Yes, my first, that was my first view of
20 Michael Brown. He was in direct line just past the
21 officer and he was pointing in our direction.

22 **Q** Okay. So he was facing in this direction?

23 **A** Yes, ma'am.

24 **Q** Okay. So the first time you saw him, you
25 saw his front?

1 **A** Yes.

2 **Q** Okay. You never saw the back of him?

3 **A** No, I did not.

4 **Q** Okay.

5 **A** He appeared to be pointing directly at the
6 vehicle we were in, he was pointing at the officer
7 in the officer's direction and because of our point
8 of view, he appeared to be pointing at us.

9 **Q** Okay. Did you see anything in his hands
10 or anything that he was doing with his hands?

11 **A** I believe I saw a flash of light off of
12 something.

13 **Q** Okay. And now you had mentioned earlier,
14 and I believe in your statement as well, you said at
15 first you thought he had a gun?

16 **A** Yes, that was my belief.

17 **Q** So that was an impression you got --

18 **A** Yeah, I was scared the bullets were going
19 to start coming through the windshield.

20 **Q** Now, let's back up just a bit. When you
21 were coming around that bend and you heard what you
22 now know are gunshots, how many shots do you think
23 you heard?

24 **A** Three or four.

25 **Q** Okay. And then when you saw, you first

1 saw the officer, did you see him after you heard the
2 gunshots?

3 **A** After.

4 **Q** After, okay. So when you saw the officer
5 and he's moving away from you, could you tell was he
6 firing a weapon as he was moving away from you?

7 **A** Uh, the next shot I heard was after
8 Michael Brown started running, the officer fired and
9 I saw Michael Brown stagger and fling his arms out.
10 At which point he turned around and came back toward
11 the officer.

12 **Q** Okay. Now, let's back up. When you first
13 see Michael Brown, he's facing the officer?

14 **A** Yes.

15 **Q** And you said it appeared that he was
16 pointing?

17 **A** He looked like he was pointing at us, yes.

18 **Q** Can you stand up and show the grand jurors
19 how you saw what it looked like he was doing?

20 **A** He's about my size, young black guy and he
21 looked like he was pointing. I can't tell one
22 finger or two, I can't tell what he had in his hand,
23 but I thought I saw a glint. I believe it was a
24 gun.

25 **Q** Okay. Now, when you saw him, when you

1 first saw him, was he moving or was he standing
2 still or standing in place?

3 **A** I'm not certain.

4 **Q** Okay. As you then come around the bend
5 and you see this, describe for me, you can sit down,
6 we'll go through this again step by step, but
7 describe for me what you see next happened?

8 **A** Well, after seeing him and the officer and
9 seeing him point and getting this impression that he
10 was going to start shooting in our direction, uh,
11 like that, Mr. Brown spun and started to run away
12 down the street going this direction.

13 **Q** Okay. So that would be east down
14 Canfield?

15 **A** Yes, down Canfield away from Florissant
16 and away from our vehicle. At which point the
17 officer fired one shot and I saw Mr. Brown stagger.

18 **Q** Okay. Let's back up now then. You had
19 said when you saw the officer he was, his back was
20 to you, he's moving ago way from --

21 **A** Moving away from us, moving toward
22 Mr. Brown.

23 **Q** And you said he was near the yellow line?

24 **A** Yes.

25 **Q** Where was Michael Brown standing when you

1 first saw him? Was he in the street, was he in the
2 grass?

3 **A** Out in the middle of the street.

4 **Q** Okay. And what was the distance when you
5 first saw them between Michael Brown and the
6 officer?

7 **A** Uh, perhaps the length of this courtroom.

8 **Q** Okay. So maybe --

9 **A** From me to the flag.

10 **Q** Okay.

11 **A** 15, 20 feet.

12 **Q** Okay. And so then you say you saw Michael
13 Brown, he was pointing when you first saw him?

14 **A** Right.

15 **Q** You saw him spin around?

16 **A** Spin and run.

17 **Q** And run where?

18 **A** Down the street.

19 **Q** So he stayed in the street?

20 **A** Um, he might have been angling toward this
21 side of the street, but he was running straight down
22 the center of the street that's turning, so, he was
23 running straight away from us.

24 **Q** Okay. When you saw him, did you notice
25 how he was dressed, and I mean, Michael Brown, did

1 you pay any attention?

2 **A** Blue jeans, white T-shirt, tennis shoes.

3 **Q** And so, and you said you thought you saw a
4 glint in his hand, but did you see anything once he
5 turned around and was running, did you notice
6 anything in his hands?

7 **A** I thought I saw him throw something or
8 lose something when the officer wounded him and he,
9 when he was wounded, he flung his arms out and spun
10 back around. And I thought something might have
11 flung from his hands. I wasn't certain at the time
12 I gave my original statement. This was an
13 impression that I got that I thought he may or may
14 not have lost what he had in his hand.

15 **Q** Okay. Could you tell when you first saw
16 Michael Brown, did he have a hat on?

17 **A** I don't remember a hat at all.

18 **Q** Okay. And so you say that he was running
19 away from the officer and the officer was, you said
20 a fast trot, I think?

21 **A** A trot or a jog.

22 **Q** A jog?

23 **A** He was trying to close the distance.

24 **Q** And when the officer was running, after
25 Michael Brown spun around and started to run east

1 down Canfield Drive, did the officer fire at him?

2 **A** Yes.

3 **Q** And then you said, you had said something
4 about Michael Brown being wounded.

5 **A** Yeah, when Mr. Brown was running away from
6 the officer, one shot was fired. Mr. Brown
7 staggered a little to the left and his arms went
8 out. It looked to me like he was shot in the left
9 leg or low on the left side and he spun around.

10 **Q** Did you see any blood coming from him?

11 **A** No, I wasn't close enough to see blood.

12 **Q** So it was just by the way he reacted that
13 you thought he was shot?

14 **A** The way his body jerked.

15 **Q** Okay. And so you say he spun around, so
16 when he spun around, was he facing the officer at
17 that point?

18 **A** He spun 180 degrees and came back toward
19 the officer.

20 **Q** All right. When you say he came back
21 toward the officer?

22 **A** Several steps back toward the officer.

23 **Q** Okay. Now, can you stand up again, sorry,
24 up down, up down.

25 **A** That's okay.

1 **Q** It is like church.

2 **A** It's all right.

3 **Q** So can you describe for me when you say he
4 spun around and he flung his hands out.

5 **A** Yeah.

6 **Q** Show the grand jurors what you mean by
7 that?

8 **A** Okay. Pardon me. His left leg kind of
9 jerked a little and his arms went out as he was
10 running. He kind of, and he came about.
11 (indicating)

12 **Q** Okay.

13 **A** He continued the turn.

14 **Q** Now, you're doing something with your
15 hands, is that what he was doing?

16 **A** His arms came down.

17 **Q** Okay.

18 **A** After he completed, after he completed his
19 turn and recovered his balance, his arms came down.

20 **Q** Okay.

21 **A** And he proceeded to take several steps
22 toward the officer with his arms down.

23 **Q** Okay. And did you, so at this point when
24 you say down, do you mean at his side?

25 **A** I mean hanging loosely at his sides.

1 **Q** And the steps that he took toward the
2 officer, can you describe how he was doing that,
3 walking, walking quickly, running?

4 **A** Walking.

5 **Q** Walking?

6 **A** Yeah.

7 **Q** And about how many steps did he take
8 toward the officer?

9 **A** He got three, maybe four steps.

10 **Q** From where he had turned around?

11 **A** Yes, he had gotten three, maybe four
12 steps.

13 **Q** Was the officer still going toward him?

14 **A** Yes, they were still closing the distance.

15 **Q** Okay. Did you hear anybody saying
16 anything at all during this time?

17 **A** At this point lots of bystanders had
18 started screaming, but I couldn't make out what they
19 were saying.

20 **Q** Okay. Could you tell if there was any,
21 whether the officer or Michael Brown was saying
22 anything?

23 **A** I couldn't hear them.

24 **Q** Okay. Could you tell if they were saying
25 anything, like did you see?

10 **A** Uh, I was sitting as low as my seat belt
11 would allow me to. I wasn't, I was in a bucket seat
12 of a with the seat
13 belt on. I couldn't go, I couldn't move very far.

18 **A** I was intent on the shootout or what I
19 believe, what I believed to be a shootout in front
20 of me because I was worried about stray bullets
21 coming through the windshield.

25 **A** Down at his sides.

1 **Q** And he's taking a few steps toward the
2 officer?

3 **A** Yes.

4 **Q** What happens then?

5 **A** The officer unloaded on him.

6 **Q** And what do you mean by that?

7 **A** I mean, he fired four or five shots in
8 rapid succession. He gunned him down.

9 **Q** And what did you, did you see, what did
10 you see Michael Brown doing as the officer was
11 firing his weapon?

12 **A** Fall.

13 **Q** In what direction did he fall?

14 **A** Uh, he crumpled, he crumpled in, well, on
15 the map he would have crumpled to the north, but
16 basically he crumpled to his right going this way
17 and fell and collapsed.

18 **Q** Was he in the street or in the grass or on
19 the sidewalk?

20 **A** He was still in the street.

21 **Q** In the street. Did he fall forward or on
22 his side?

23 **A** He crumpled to the right and I believe he
24 landed on his back, but he appeared, it looked like
25 his right leg gave out. He crumpled to the right

1 and fell away from the officer who at this point was
2 a little more to one side of him.

3 Q Okay. Now, let me ask something I haven't
4 clarified yet.

5 When you were coming around the bend
6 and driving, correct?

7 A Uh-huh.

8 Q Did you all, did she continue to drive as
9 this was going on?

10 A No, no.

11 Q Did she stop the ?

12 A No, we saw, we saw the police and the
13 crowd and we turned onto, excuse me, we turned onto
14 this side road here and drove around the back to
15 house. I still can't remember which one of
16 these two houses it is, but we drove around to avoid
17 the scene.

18 Q Okay. So you took a left onto Coppercreek
19 Road?

20 A Right.

21 Q You drove around Coppercreek Road, all the
22 way to Stonefield Road?

23 A Uh-huh.

24 Q All right. So fair to say then that you
25 never got farther east than this intersection?

1 **A** Right. And was never more than, was never
2 any closer than two blocks from the shooting.

3 **Q** Okay.

4 **A** Like I said, I wasn't close enough to see
5 any blood or to hear any verbal exchange between.

6 **Q** Okay. So after you saw Michael Brown
7 collapse you said and he landed in the street.

8 **A** Uh-huh.

9 **Q** At that point, were you already on
10 Coppercreek Court or --

11 **A** That's the point where we were looking for
12 somewhere to turn off because we were like, we got
13 to get out of here. Traffic had held us up at this
14 bend.

15 **Q** So there were other cars?

16 **A** The street was blocked all the way down to
17 this point here. The whole street was lined with
18 traffic.

19 **Q** So there were other cars in front of your
20 van?

21 **A** Yes, we were caught in traffic.

22 **Q** And so I'm guessing, or I shouldn't guess,
23 so when you were driving down here, did you
24 immediately turn or was there a time where you were
25 stuck in traffic or stopped in the road?

1 **A** We turned, we turned a few seconds after
2 Mr. Brown hit the street, after he collapsed because
3 as soon as he collapsed, we started looking for an
4 exit.

5 **Q** Okay. As you went left onto Coppercreek
6 Road and traveled in this direction north and then
7 east, could you see any more what was going on over
8 there on Canfield Drive?

9 **A** Uh, I didn't have any feel, I didn't have
10 any clear line of sight. We saw people running and
11 walking to and from, and we saw police cars coming
12 from every different direction, but I couldn't see
13 anything beyond that.

14 **Q** From the time you came around this bend
15 and you said you saw the officer's car?

16 **A** Uh-huh.

17 **Q** I know you said police came later, but was
18 that the only police car that you saw when you came
19 around the bend?

20 **A** That is the only car that I observed.

21 **Q** Okay. And then you said you saw an
22 officer, was he in uniform?

23 **A** Yes.

24 **Q** And do you know any Ferguson police
25 officers?

1 **A** No, I don't.

2 **Q** So did you see any other uniformed
3 officers at that time when you first looked down the
4 street? Were there other officers with him?

5 **A** I don't remember.

6 **Q** Okay.

7 **A** I don't recall. My attention was focused
8 on where the shots were coming from.

9 **Q** And so when you say you saw Michael Brown
10 turn around or now, you see him turn actually twice,
11 correct? You first see him, he's looking toward the
12 officer?

13 **A** Right, he turned to run and he spun back
14 around when he was wounded or like, I still think he
15 was, I still think he was wounded when he was
16 running.

17 **Q** How, from the time he first turned around
18 and ran away from the officer until he stopped and
19 spun around.

20 **A** Uh-huh.

21 **Q** How much distance did he cover in that
22 time?

23 **A** 50 feet maybe.

24 **Q** Okay.

25 **A** Give or take a little bit. I'm two blocks

1 up the street. I'd say about 50 feet.

2 Q Now, you have demonstrated for us that
3 when he was, when Michael Brown was running away,
4 and you said he kind of?

5 A Staggered.

6 Q Staggered and his arms flung up and you
7 demonstrated that.

8 A Uh-huh.

9 Q Can you just stand up and put your arms in
10 that position so I can describe it?

11 A Sure.

12 Q Let me turn around.

13 A Okay.

14 Q Put your arms up the way he had them?

15 A Okay. The way the flung out, yes.

16 Q So your left arm is extended away from
17 your body at about a 45 degree angle?

18 A Down and out.

19 Q Down and out?

20 A Yes, and the right arm was higher,
21 shoulder level as he spun.

22 Q Okay. And, okay, thank you. And then
23 when he spun around, what did his hand do?

24 A As he came about to face us again, his
25 arms came down to his sides and hung loosely at his

1 sides.

2 **Q** All right. Did you ever see Michael Brown
3 clutching his torso or have his hands anywhere in
4 his mid section after he turned around and faced the
5 officer?

6 **A** Not that I recall.

7 **Q** Did you ever see Michael Brown put his
8 hands up?

9 **A** No, I never saw his arms up.

10 **Q** Never saw his hands up like that?

11 **A** Never saw his hands up.

12 **Q** Other than the way you have demonstrated?

13 **A** Only when he flung them out in spinning
14 around. I never saw him put his hand up.

15 **Q** Okay.

16 MS. ALIZADEH: Sheila, do you have any
17 questions? I'm out of questions, thanks.

18 MS. WHIRLEY: Okay.

19 **Q** (By Ms. Whirley) So you first saw the
20 officer when he was out of his vehicle, correct?

21 **A** Yes.

22 **Q** So you did not see any tussling or
23 altercation at the police car with Michael Brown?

24 **A** No.

25 **Q** All right. Um, can you describe the

1 officer's demeanor when you first saw him and by
2 that I mean, can you show us what he was doing? You
3 know, like did he have a gun pointed, was he, what
4 was he looking like when you first saw him?

5 **A** When I first saw him, I was looking at his
6 back as he was walking away from me or trotting,
7 toward Mr. Brown.

8 **Q** Okay. And from behind, that's what you
9 could see, could you see his hands from behind, from
10 his behind, I mean, his behind was facing --

11 **A** They looked like they were up. He
12 probably had his, probably had his gun in his hands.

13 **Q** It appeared --

14 **A** I couldn't see the gun. They looked like
15 they were up.

16 **Q** As if he was holding a gun and pointing a
17 gun?

18 **A** Yes.

19 **Q** And just to be clear, the officer was
20 shooting at Michael Brown when he was running away
21 from the officer?

22 **A** One shot.

23 **Q** One shot. And you think that shot
24 actually struck him?

25 **A** The way he staggered, I do believe it

1 struck him.

2 Q But you couldn't tell where?

3 A No.

4 Q Okay. And as Michael Brown was running
5 away, it appeared he had a gun in his hand as he was
6 running away, because you said?

7 A I saw, I saw what I thought was something
8 fly from his hand when he spun, but it was an
9 impression I got and since my original statement to
10 the police, I said that I wasn't certain because of
11 the distance, but I got the impression that
12 something flew out of his hand when he was struck
13 and spun around.

14 Q Okay. So while he's running away, is he
15 facing you or not?

16 A His back, because he was running almost
17 directly away from us down the road.

18 Q Okay. So both the officers back and his
19 back was to you as they were running away?

20 A Yes.

21 Q And the officer was closest to you?

22 A Right.

23 Q But it looked like to you that from the
24 back, Michael Brown had a weapon?

25 A Um, I didn't see anything in his hands

1 when he was running.

2 Q Okay.

3 A I saw what I thought was something fly
4 from his hand when he spun.

5 Q Okay.

6 A And I saw a glint off of something in his
7 hand when I first saw him because the first time I
8 laid eyes on Mr. Brown, he was pointing at us. And
9 I thought I saw a glint off of something in his
10 hand.

11 Q Okay. All right. So as he ran and the
12 officer fired a shot, he thought he was hit, he
13 staggered?

14 A Yes.

15 Q He turned around, as you demonstrated for
16 us how he turned around.

17 A Yes.

18 Q So once he turned around and he was
19 walking towards the officer, you said a few steps,
20 was he staggering still?

21 A He did not seem to be staggering. He was
22 walking fairly well.

23 Q Okay. He no longer seemed to be
24 staggering?

25 A He wasn't moving very rapidly, he was

1 walking slow. At a much more normal walk.

2 Q Can you kind of show us what you mean,
3 please?

4 A After he spun around and walked back
5 toward the officer, it cars more of a, it was more
6 of just, you know, walking across the room. It was
7 just walking like, you know, I'm walking back toward
8 the officer. (indicating)

9 Q Not like he was injured or anything?

10 A It was a fairly normal walk.

11 Q Okay.

12 A It did not appear that he was --

13 Q Okay. As he's walking, that is when the
14 officer said what?

15 A Open fire.

16 Q Open fire. And that's when Michael Brown
17 went down?

18 A Yes.

19 Q Okay. Did it appear to you that Michael
20 Brown was charging the officer?

21 A I didn't get the impression of a charge
22 because it wasn't fast enough to be a charge.

23 Q Okay. Did it appear to you that the
24 officer had to shoot Michael Brown in order to
25 protect himself?

1 **A** I wouldn't say had to. At the time I was
2 relieved because I believed at the time, I still
3 stand by my original statement, but my impression at
4 the time was that it was a shootout between the
5 officer and Mr. Brown in a residential neighborhood
6 surrounded by bystanders who were all stupidly
7 running toward a gun fight.

8 **Q** But you never saw Michael Brown fire a
9 gun?

10 **A** I never saw him fire anything.

11 **Q** So it was just your assumption that it was
12 a gunfight?

13 **A** Right.

14 **Q** Okay. So my question is, when the officer
15 opened fire, did it appear that he had to do that to
16 protect himself in your opinion?

17 **A** Um, I couldn't see Mr. Brown's hands and I
18 wasn't sure if he lost the weapon, if there was a
19 weapon.

20 I felt, at the time I felt the
21 officer did what he had to do.

22 **Q** Is that what you think here today?

23 **A** I still feel that the officer did what he
24 believed was the right thing.

25 **Q** Okay. And I noticed in your statement

1 that you gave to the police back on August 13th of
2 2014, you said you did ?

3 **A** Yes.

4 **Q** Tell us about that, what was that for?

5 **A** I'm a . I'm a
6 convicted felon and I don't have any love for the
7 police.

8 **Q** Okay.

9 **A** My wife and I felt that we should do our
10 civic duty and come forward and tell everybody what
11 we saw. I'm not comfortable being here, but I'm
12 trying to do the right thing.

13 **Q** Okay. Questions?

14 MS. ALIZADEH: Let me ask a couple just to
15 clarify, and I didn't ask you about this earlier,
16 Did you see another black younger
17 male that was smaller than Mr. Brown at, near,
18 around the vehicle or running in that area?

19 **A** I have no idea who you might be speaking
20 of. The neighborhood was filled with young black
21 people. They were all over the place. It is a
22 neighborhood full of them.

23 MS. ALIZADEH: So you don't recall seeing
24 anybody near, or besides Mike Brown, and you've
25 already described where you saw him, did you ever

1 see another black gentleman at or near the police
2 vehicle?

3 **A** No, my attention was on the officer and
4 Mr. Brown. I did not.

5 **Q** Okay. And, you know, from what you've
6 stated, you didn't see anything that occurred prior
7 to you coming around that bend, correct?

8 **A** Correct.

9 **Q** So if there was anything that happened
10 prior to you coming around the bend, whether it was
11 between the officer and Mike Brown or anyone else
12 that was there, you didn't witness that?

13 **A** Correct.

14 **Q** And let me ask you because Sheila Whirley
15 had asked you about whether or not you felt the
16 officer had to fire, if there was something that
17 occurred prior to the officer running after Michael
18 Brown, you have no idea what that was?

19 **A** No, I do not.

20 MS. WHIRLEY: Just one last follow-up. As
21 Michael Brown is running away from the officer and
22 he fired at him.

23 **A** Uh-huh.

24 MS. WHIRLEY: Did it appear that Michael
25 Brown was a threat at that time in your opinion?

9 What
0 were you doing when you entered the complex? You
1 said your wife was driving and you were in the
2 passenger seat, what were you doing at that time,
3 were you looking around, were you talking?

18 **A** And we heard shots.

23 **A** Right.

24 And where on the map was
25 Michael Brown when he turn around or spun around as

1 you said to face the police officer?

2 **A** He had started around here and was running
3 this way.

4 Okay.

5 **A** And had gotten perhaps 50 or 60 feet.

6 : Okay. And then he
7 started walking back and where was he at when he
8 fell, did you see where he fell?

9 **A** Somewhere in this area. (indicating)

10 Okay. And you said
11 throughout everything that Michael Brown spun
12 around, do you feel that he spun around on his own
13 accord or do you feel it was due to the impact of
14 being shot.

15 **A** The bullet, the impact of being shot, uh,
16 certainly appeared to have started him turning. And
17 whether he continued of his own volition or not, I'm
18 not certain. It looked like the impact started to
19 spin him around and when he completed the turn, he
20 was facing us again and came back toward the
21 officer.

22 : Okay. So you feel that
23 maybe if he hadn't been shot, he might have
24 continued to run that way?

25 **A** Right.

1 Were you able to see
2 Michael Brown's face after he spun around?

3 **A** From that distance, it was just a large
4 black guy.

5 Okay. This question is
6 going to be uncomfortable for you to answer, but
7 Michael Brown you said was your size?

8 **A** That was the impression I had.

9 How tall are you?

10 **A** I'm 6'1".

```
11             Okay.  How much do you
12 weigh?
```

13 **A** 210.

14 Thank you, I'm done.

15 You

16 mentioned that you are a big guy and we know Michael

17 Brown was a big guy, and do you think that anything

18 to do with the threat towards the police officer

19 because he was a big guy?

20 **A** It's possible, it's possible. I don't
21 believe the officer was as tall. My impression was
22 that the officer was perhaps 3 or 4 inches shorter
23 than Mr. Brown. I'm not certain how tall either one
24 of them are, but I got the impression that he was
25 about half a head shorter.

1 Okay. With him having a
2 gun that you perceived he had?

3 **A** And physical size.

4 And physical size.

5 MS. ALIZADEH: Anyone else have a
6 question? Okay. This will conclude the testimony
7 of Mr.

8 (End of the testimony of)

9
10 of lawful age, having been first duly sworn to
11 testify the truth, the whole truth, and
12 nothing but the truth in the case aforesaid,
13 deposes and says in reply to oral
14 interrogatories, propounded as follows, to-wit:

15 EXAMINATION

16 BY MS. ALIZADEH:

17 **Q** Could you state your name, please?

18 **A**

19 **Q** And how are you employed, sir?

20 **A** I'm a special agent with the FBI assigned
21 to the St. Louis field office.

22 **Q** How long have you been an agent with the
23 FBI?

24 **A** Almost 24 years.

25 **Q** And have you always been assigned to the

1 St. Louis office?

2 **A** Yes, I have.

3 **Q** And so were you assigned as a special
4 agent with the FBI St. Louis office back in the
5 month of August of this year?

6 **A** Yes, I was.

7 **Q** Have you had occasion to assist in the
8 investigation into the shooting of Michael Brown?

9 **A** Yes, I have.

10 **Q** And have you as part of that
11 investigation, have you interviewed some witnesses?

12 **A** Yes, I have.

13 **Q** Did you interview a witness named
14 ?

15 **A** Yes, I did.

16 **Q** And did you do that by your yourself or
17 with another agent?

18 **A** There was another agent assigned with me
19 to do that interview.

20 **Q** Where did that interview take place?

21 **A** At residence at the Canfield
22 Green Apartment Complex.

23 **Q** How is it, how is it that you knew to
24 contact , do you recall?

25 **A** We were assigned, every team of agents was

1 assigned a specific building and a specific venue.

2 And that particular apartment was in our venue.

3 Q And so was this then as a part of an area
4 canvas?

5 A Yes, it was.

6 Q And just to be clear, so a canvas is
7 basically you're going door to door and knocking on
8 doors and stopping people when they pull into the
9 parking lot, get out of their cars, asking them if
10 they saw anything or know anything; is that right?

11 A That's correct.

12 Q And so when you went to see ,
13 this wasn't as a specific purpose to interview

14

15 A That's correct.

16 Q So when you went to '
17 apartment, was someone home?

18 A Yes.

19 Q Who was there?

20 A We knocked on the door and
21 answered the door.

22 Q Do you recall what day this was?

23 A It was on a Saturday following the
24 shooting, I believe it was on the 18th.

25 Q So this is a week after the shooting, the

1 shooting happened on the 9th, which was a Saturday,
2 so this would have been the following Saturday?

3 **A** Correct.

4 **Q** And so when answered the
5 door, were you dressed similarly as to how you are
6 now?

7 **A** Yes.

8 **Q** Did you identify yourself as an FBI agent?

9 **A** Both of us did.

10 **Q** Did he invite you into his apartment?

11 **A** Yes, he did.

12 **Q** Was anyone else in the apartment?

13 **A** His fiancée was there and her younger
14 brother was also there.

15 **Q** Do you recall the fiancée, is it
16 ?

17 **A** Yes.

18 **Q** And her younger brother, was he a child,
19 was he teenager, was he a young adult?

20 **A** He was a teenager who did not live there,
21 he was just there for the weekend.

22 **Q** Okay. And so did you talk to
23 about whether he was home on August 9th and
24 heard or witnessed anything involving the shooting?

25 **A** Yes, he did.

1 **Q** He told you he witnessed a part of it; is
2 that right?

3 **A** That's correct.

4 **Q** And specifically, well, let me ask you
5 this, did you record your interview with
6 ?

7 **A** Yes.

8 **Q** All right. And did you later listen to
9 that recording?

10 **A** Yes.

11 **Q** And did that, your recorder accurately
12 record the interview that you had with

13

14 **A** No.

15 **Q** So your recorder malfunctioned or didn't
16 work for some reason?

17 **A** It was either a mechanical malfunction or
18 operator error.

19 **Q** So you don't have a recording of the
20 interview you had with ?

21 **A** That's correct.

22 **Q** Shortly after your interview with him, did
23 you, let me ask you this. Did you make notes as you
24 were interviewing him?

25 **A** Yes, we did.

1 **Q** And shortly after that, did you go and use
2 your notes and your recollection to prepare a report
3 about that interview?

4 **A** Yes, we did.

5 **Q** And did you do that within a couple of
6 days after the interview?

7 **A** Yes.

8 **Q** So when you made your report, that
9 interview was fresh in your mind?

10 **A** Absolutely.

11 **Q** Okay. And so, and did you also have your
12 partner on that day review your report after you
13 completed it in order for him to see if he recalled
14 the same thing that you had recalled?

15 **A** Yes.

16 **Q** Okay. And so how long were you talking to
17 in his apartment, approximately?

18 **A** We were probably there for 35 minutes.

19 **Q** And was he cooperative with you?

20 **A** Yes, he was.

21 **Q** And so he told you that he saw, he was in
22 his apartment when he heard some shots, correct?

23 **A** Correct.

24 **Q** And what did he say he did after he heard
25 the shots?

1 **A** He initially heard the shots, he was
2 sitting on the couch when he got up, he heard the
3 shots, he went up and looked out his window and he
4 had a partial view of Canfield Drive from his
5 apartment window.

6 **Q** All right. And what did he tell you who,
7 if anybody, did he say he saw when he looked out the
8 window?

9 **A** He saw who he now knows to be Michael
10 Brown in the street walking away from the apartment
11 building, kind of walking going down the street.

12 **Q** Okay. There is a laser pointer in front
13 of you, you were gesturing with your hands toward
14 the map, which is Grand Jury Exhibit Number 25. Do
15 you recall, does this look familiar, these
16 buildings?

17 **A** Yes.

18 **Q** Do you know what buildings he was in?

19 **A** , which is right here. (indicating)

20 **Q** Okay. And so you had gestured that he saw
21 Michael Brown walking and you went like that?
22 (indicating)

23 **A** Correct.

24 **Q** What direction did he see Michael Brown
25 walking?

1 **A** His apartment window would have been right
2 here. He would have seen Mr. Brown walking this
3 direction. (indicating)

4 **Q** So he would have been facing west on
5 Canfield Drive walking in a westerly direction if
6 this is west?

7 **A** That's correct.

8 **Q** Okay. And did he see any police officers
9 from that vantage point?

10 **A** Initially, no.

11 **Q** And what did he say he saw Michael Brown
12 do?

13 **A** He heard the first couple of shots, three
14 shots, went to his window, looked out and saw
15 Mr. Brown walking westward down Canfield Drive. He
16 heard approximately six more shots, saw Mr. Brown
17 grab his torso with one hand and had another hand
18 up, drop to his knee and fall to the ground.

19 **Q** And so when you interviewed
20 let me ask you this. Had he just like gotten up out
21 of bed or was he intoxicated or under the influence
22 of something that you thought might make it, might
23 affect his ability to recall what he told you?

24 **A** No, he answered the door, he was alert and
25 willing to answer any questions.

1 **Q** Okay. And so he told you that he saw
2 Michael Brown walking away from him. In other
3 words, away from where he was in his apartment. And
4 then in the direction where he would have been
5 walking west on Canfield Drive?

6 **A** Correct.

7 **Q** Okay. Did you ever go back and actually
8 clarify that with him as far as whether or not he
9 saw Michael Brown moving in the direction, moving in
10 that direction or whether or not Michael Brown was
11 standing still?

12 **A** We clarified that with him at least three
13 times during the interview just to make sure that we
14 understood what he was saying, and the other agent
15 made sure what he was saying.

16 He was very clear that he saw
17 Mr. Brown, he now knows it's Mr. Brown, at the time
18 he did not know who it was, walking, walking west on
19 Canfield.

20 **Q** And this was after he had heard a series
21 of gunshots, correct?

22 **A** Correct.

23 **Q** And then he observed him, he heard another
24 series of gunshots, did he tell you if he could see
25 who was firing the weapon?

1 **A** He could not see who was firing the
2 weapon.

3 **Q** And then did he say he saw Michael Brown,
4 you said, clutching his torso or holding his torso
5 and then one hand up. I can't recall which hand,
6 you demonstrated. I think you demonstrated your
7 right hand up?

8 **A** That's how he demonstrated it.

9 **Q** Okay. And then he went down to one knee
10 and collapsed in the street?

11 **A** Yes.

12 **Q** Did he tell you then he saw a police
13 officer after that?

14 **A** After Michael Brown had fallen to the
15 ground, he saw an officer approach Michael Brown
16 from the west and approach Michael Brown.

17 **Q** And so the officer was coming from the
18 west, was he walking east on Canfield then?

19 **A** Correct.

20 **Q** Did he approach the body of Michael Brown?

21 **A** Yes.

22 **Q** And so from vantage point, he
23 could see where Michael Brown came to rest in the
24 street?

25 **A** Correct.

1 **Q** And after Michael Brown collapsed, he saw
2 the officer walk up towards him?

3 **A** Correct.

4 **Q** Did you clarify with him that the
5 direction that Michael Brown was traveling, walking,
6 was in the direction from where the officer
7 eventually came?

8 **A** Yes.

9 MS. ALIZADEH: I don't have anything else.

10 MS. WHIRLEY: The only thing I have, I
11 don't think it was addressed,

12 **A** Yes.

13 MS. ALIZADEH: I didn't ask that, good
14 call.

15 MS. WHIRLEY: was there at the time,
16 correct?

17 **A** Yes.

18 MS. WHIRLEY: And did you have occasion to
19 speak with her?

20 **A** Yes.

21 MS. WHIRLEY: What was the nature of that
22 conversation?

23 **A** As part of the canvas, we were asking
24 anybody if they saw anything and, um, talking to
25 , he said that he had called her into the

1 living room during the encounter, during the shots.
2 So we asked her specifically, she was in the
3 kitchen, we asked her specifically if she saw
4 anything. She said no. We asked her why, she said
5 well, by the time she had gotten into the living
6 room by the window, it was over.

7 She was in the bedroom at the time,
8 he had summoned her into the living room and at that
9 point it was over, she didn't see what happened.

10 MS. WHIRLEY: You gave her an opportunity
11 to tell you whether or not she saw something and
12 she, in fact, told you she did not?

13 A Correct.

14 MS. WHIRLEY: That's all I have. Anybody
15 else have questions?

16 I just
17 want to verify the date. This was, this took place
18 on 8/16?

19 A It was a Saturday, our interview was the
20 Saturday after the incident took place.

21 MS. WHIRLEY: The same Saturday that the
22 incident took place?

23 A A week later.

24 MS. ALIZADEH: My math is terrible, but 9
25 plus 7 was 16. I had to do it in the sky.

1 Any other questions for the agent?

2 Did you look out
3 the window that they looked out of, did you see the
4 area where Michael Brown was, was he able to see
5 what he reported seeing?

6 **A** Yes. That street was not completely
7 visible from his apartment. You could only see
8 parts of it. So as far as what he was telling us,
9 what he could see, I would believe would be
10 accurate.

11 Okay, thank you.

12 **A** You couldn't see the whole thing.

13 MS. WHIRLEY: Anyone else?

14 You said
15 he could only see part of the road there in
16 Canfield. What exactly was blocking his view?

17 **A** I can't recall if it was the building or a
18 tree there, but all I can recall is the view of
19 Canfield was very limited from his apartment window.

20 MS. ALIZADEH: Anyone else? All right.

21 This will be the end of the testimony of Special
22 Agent .

23 (End of testimony of .)

24 MS. ALIZADEH: This is Kathi Alizadeh,
25 October 13th, 10:11 a.m. All 12 grand jurors are

1 present, myself, Sheila Whirley and the court
2 reporter , and we just had a small break after
3 a witness testimony. And I want to make sure we put
4 on the record that there was some questions that
5 were asked after the witness testified about some
6 dates and when certain witnesses were interviewed.
7 And I think what we discussed and kind of clarified
8 is that according to what you've heard so far,
9 who is the fiancée of , was
10 interviewed by the County Police on August 9th, the
11 day that Michael Brown was killed.

12 And that then Agent and his partner
13 went to their apartment and as a part of an area
14 canvas with no specific purpose of looking for
15 anyone in particular other than any witness that saw
16 this.

17 And that he then interviewed
18 on the 16th of August. He also said that
19 was present in the apartment at the time and
20 said she didn't see anything.

21 And then you all have also heard from a
22 statement that was interviewed by the
23 FBI, like on September 30th or something, and that
24 during that interview she described what she says on
25 the 30th she saw.

1 So there was some question about whether
2 or not the FBI knew that the FBI, meaning Agent
3 and Agent , whether they knew that
4 had been talked to by agent and his
5 partner, and/or whether or not agent was
6 aware that had been interviewed by the
7 County Police prior to their interview of her.

8 And what I explained to you is, to the
9 best of my knowledge and guess would be that they
10 did not know of the other interviews that had taken
11 place, however, I will tell you that's only until
12 the best guess on my part based upon my
13 understanding of how the investigation was going at
14 that time.

15 The FBI was working independently of the
16 County Police at that time. And the County Police
17 were not involved in that canvas that took place on
18 the 16th.

19 Originally, there was talk that was, they
20 were going to do the canvas together, the County
21 Police and the FBI. And then the FBI said, no, we
22 are going to do the canvas just on our own. So the
23 County Police are not a part of that canvas.

24 And so I can clarify this with Detective
25 and, of course, Detective will

1 probably testify again before your investigation is
2 completed, but you certainly can ask him that.

3 It is my belief and thought is that
4 probably agent was not aware that

5 had been interviewed by County Police when
6 he went to go see, he knocked on their door on the
7 16th. And then also I would have to verify with
8 Agent and , it is my guess that they
9 were not aware that Agent had seen
10 and had spoken to her on the 16th because
11 Agent did not put that in his report because
12 he, according to him, and I discussed this with him,
13 since said she didn't see anything, he didn't
14 include that. It is like he just didn't.

15 Whether he should or not is not for me to
16 say, but he just didn't. So I don't think that
17 Agent and Agent were aware that he
18 had talked to when they interviewed
19 on the 30th.

20 I will certainly try to clear that up for
21 you, but that's only my thought and opinion at this
22 point. All right.

23 So now, yes.

24 To so
25 clarify, on August 9th, Miss was interviewed

1 by Detective not Detective

2 MS. ALIZADEH: Correct, yes.

3 . When I said , what I was thinking of
4 for him to testify about the lack of information
5 flowing back and forth at that time because he was
6 from the get-go, Detective has been in charge
7 of the investigation, but of course, he's only in
8 charge of the county officers. But as the primary
9 detective, he was talking to the FBI, but again, he
10 could clarify this for you, but I believe that at
11 that time on the 16th, there wasn't a lot of back
12 and forth going on. Sharing of information so to
13 speak between the County and the FBI about who had
14 been talked to and what they said and the FBI did
15 this area canvas on their own.

16 It was their desire that the County not be
17 involved. They wanted to have their own independent
18 investigation so they said we're going to do this,
19 we don't want County coming with us or being
20 involved in that for whatever reason.

21 So you're right, it was that
22 did the interview with

23 Okay, at this time we're going to --

24 So when
25 two different departments are doing these

1 interviews, so how do they determine like, I mean,
2 it is freshly on their mind on the 9th or three days
3 after, but then when you come behind like weeks
4 later, how beneficial is that?

5 MS. ALIZADEH: Well, that's going to be up
6 for you all to talk about when you begin your
7 deliberations. If there's a difference in a
8 statement that's given closer to the time and then
9 there's a statement that was done after that, how
10 long after that, what are the circumstances of the
11 statement, what about, you know, these are all
12 things for you to consider. If there are
13 differences, why are there differences, you know.

14 Could it be that the first statement was
15 done because it is brief and then as you know, the
16 FBI has come along and Department of Justice have
17 done subsequent interviews that seem to be longer in
18 duration. Are they being more detailed? These are
19 all things that you are going to have to decide for
20 yourself. If there are differences, what do you
21 make of those differences.

22 So now we're going to listen to a recorded
23 statement of , and if you will recall
24 we've heard from a who testified that
25 he was in a white Monte Carlo that was driven by

1 her. It was at the scene on Canfield Drive on that
2 day. is here, she will testify when we
3 listen to her statement. The first statement is
4 about three minutes long and was done by St. Louis
5 County police officers, or detectives.

6 At this time we'll have cease the
7 recording and I will pass out a transcript of this
8 interview. And so, , you do not need to take
9 down the statement as it is being played and I will
10 give you a copy of the transcript.

11 (The interview of is being
12 played at this time.)

13 MS. ALIZADEH: We just needed to mention
14 that statement that we heard was actually about
15 eight minutes long and it was contained on a disc
16 that is marked Grand Jury Exhibit Number 17, and it
17 is a file folder on that disc labeled

18 .

19 The next statement we are going to hear is
20 also a recorded statement on a disc that's marked
21 Grand Jury Number 36.

22 (Grand Jury Exhibit Number 36
23 marked for identification.)

24 MS. ALIZADEH: It is also a recorded
25 statement of

1 I do not have a transcript of this
2 statement. And so at this time I can have , I
3 will have you pause the recording, but if you can
4 transcribe what you are hearing and we can make a
5 record of that then.

6 MS. : It is 6:26 p.m. on
7 October 13th. This is special agent
8 at FBI building at 2222 Market Street. I am with
9 DOJ trial attorney , and USA
10 here to interview. Will you state your name.

11 MS. :

12 MS. : And , will you spell
13 your name?

14 MS. : last name,
15

16 MS. : You just listened to your
17 recorded statement and is the birthday and social
18 security number correct that you gave the detective?

19 MS. : Yes.

20 MS. : Okay.

21 , before we get into some
22 additional questions that we have, I just wanted to
23 just go over some preliminary stuff with you.

24 When we ask you a question, if for some
25 reason you don't understand the question or you are

1 confused by our asking it, feel free to stop us
2 because we are going to assume that you understood
3 when you answer it. And sometimes we trip over our
4 words and don't make sense anyway, so don't think
5 that you are insulting us by correcting us.

6 MS. : Okay.

7 : And all your answers need to be
8 out loud because it is being recorded. There may be
9 a transcript made. So if you nod your head, I may
10 ask is that a yes or is that a no.

11 MS. : Yes.

12 : So it is totally normal to do
13 that. If I do that, I'm not doing that to you to be
14 rude, okay?

15 And just referenced that you just
16 listened to your statement is about 8 and a half
17 minutes long. We have a transcript that you are
18 following along with. Do you remember hearing that
19 statement and is it fair as much as you remember
20 with what you said?

21 MS. : Yes.

22 : Okay. And so we don't want to
23 really make you rehash everything, we just wanted to
24 ask you some follow-up questions from it. You know,
25 everybody has a piece of the puzzle so to speak. We

1 know you only saw, you know, the beginning and the
2 end, we don't want you to think that we're looking
3 for anything and everything possible, just what you,
4 yourself, know, okay.

5 So, therefore, we just have some follow-up
6 things for you. And one of the reasons we wanted
7 you to listen to your statement is because it has
8 been seven and a half weeks and as you know, this
9 has been on the news and people talk a lot about it,
10 but our goal is to find out what you, yourself,
11 know, not what you may have heard on the news.

12 So a lot of times it helps to refresh your
13 memory and kind of separate out what you said at the
14 time and what you, yourself, versus what you may
15 have heard based upon the news or the police report,
16 does that make sense?

17 MS. : Yes.

18 Okay. Also, we know it is
19 late, you came here from work. At any point you
20 think I've had enough, even though you're in the
21 FBI, feel free to say I've had enough, I don't want
22 to talk any more being, okay?

23 MS. : Okay.

24 This is entirely voluntary. We
25 certainly don't want to force you to be here.

1 Basically we are just looking for what happened and
2 the truth.

3 So we have to tell you as I tell everybody
4 that, it's a crime to make false statements to
5 federal agents. So we always say people are very
6 honest people. If you're going to exaggerate or
7 lie, you are better off not saying anything at all
8 then like a lie, okay?

9 MS. Okay.

10 : And so basically, like I said
11 we just want to know what happened. If you assume
12 something or you're guessing at something, or you're
13 talking about what other people heard, that's fine
14 as long as you let us know that you are assuming,
15 okay?

16 MS. : Okay.

17 : We just really want to know
18 what you know and what you remember. If you don't
19 remember something, it is fine to say you don't
20 remember it. If you don't know the answer, I don't
21 know is a perfectly acceptable answer if you truly
22 do not know.

23 MS. Okay.

24 : All right. So I just want to,
25 uh, so I have some follow-up questions based upon

1 the original statement that you gave. You had said
2 that initially you saw kind of the beginning of the
3 action, correct?

4 MS. : Yes, ma'am.

5 : And then looking in your rear
6 view mirror you ultimately saw the end where Michael
7 Brown ultimately fell and died; is that correct?

8 MS. : Yes, ma'am.

9 : At the time did you know
10 Michael Brown?

11 MS. : No, ma'am.

12 : You have since learned the
13 individual who died is that victim, is that fair to
14 say?

15 MS. : Yes, ma'am.

16 : Have you since given your
17 statement, you described the thing, the guy that was
18 with him with the dreads, that is how you described
19 him, do you know his name or do you --

20 MS. No, ma'am, I actually, I have
21 heard of his name, but I forgot.

22 : That is fine. We will just
23 keep referring to him as the guy with the dreads.

24 MS. : Okay.

25 : We will refer to Michael Brown

1 by his name, is that fair?

2 MS. : Yes, ma'am.

3 : If I do that, will you
4 understand who we are referring to?

5 MS. : Yes.

6 : So, you had said in your
7 initial statement that you were driving behind the
8 police car SUV; is that correct?

9 MS. : Yes.

10 Who else was in the car with
11 you.

12 MS. : One of our friends.
13 And who is that?

14 MS. : His name is , I don't
15 know the last name.

16 : Okay. And was there anybody
17 else in the car with you?

18 MS. : No, ma'am.

19 : And when you were driving, do
20 you remember if your windows were up or down?

21 MS. : They were down.

22 : And you had mentioned that, um,
23 that the SUV stopped on the side of the two
24 individuals of Michael Brown and the individual with
25 the dreads; is that correct?

1 MS. : Yes.

2 : Okay. And you said, once, uh,
3 once the vehicle was stopped, can you describe, do
4 you remember, um, you described that tussle, do you
5 remember how it started?

6 MS. : Um, actually, like I said, as
7 I was behind the police officer, I noticed that he
8 did stop because I was directly behind him, so I had
9 to slow down also.

10 : Okay.

11 MS. : In the process of up to two
12 young men walking, Michael Brown and the friend with
13 the dreads walking down the street, he did stop.

14 : Okay.

15 MS. : Like I said, I don't know
16 what was said, I didn't hear anything, my radio was
17 down and my windows was down.

18 : Your windows was down, was your
19 radio on?

20 MS. : At the time, yes, ma'am, but
21 once we stopped, I wanted to know what was going on
22 so I did turn my radio all the way down.

23 Okay.

24 MS. : It was completely down.

25 : Now, you mention that you don't

1 know what was said, is there anything that gives you
2 the indication, anything that you saw that you
3 thought something was said?

4 MS. : Actually, just by the car
5 just rocking back and forth.

6 : Okay.

7 MS. : And that was it. But no,
8 ma'am, I didn't hear anything.

9 : Before the car started rocking
10 back and forth, did you see any sort of interaction
11 between the guy with the dreads, Michael Brown and
12 the police officer?

13 MS. : Actually, I did not because
14 how my car sits and how tall the truck was, so I
15 didn't see directly what was going on inside.

16 : So from your vantage point as
17 soon as you stopped, what's the first thing that you
18 remember seeing?

19 MS. Um, I just remember the car
20 just stopping.

21 : Okay.

22 MS. : And the two, the two young
23 men, just, I didn't see them. So they was kind of
24 out of my vision at the time.

25 Okay. At the time that's when

1 you said you looked under and you saw feet moving,
2 kind of tapping?

3 MS. : Yes, ma'am.

4 : Okay. And you also said that
5 the guy with the dreads looked like he didn't know
6 what was going on, what do you mean by that?

7 MS. : Actually, what I mean by that
8 is because had he like proceeded to go, he came back
9 out.

10 : So the recording can't pick
11 that up, you are kind of saying, you said he
12 proceeded to go, you we are taking about the guy
13 with the dreads?

14 MS. Yes, ma'am.

15 : He proceeded to go, he was
16 going toward the police car?

17 MS. : He was actually, it looks
18 like he wanted some help.

19 : Okay.

20 MS. : But then, I don't want help.
21 It was like back and forth. It happened so fast.

22 : He moved forward really quickly
23 and moved backward.

24 MS. : He moved back and his eyes
25 kind of got a little big, a little big.

1 : Okay. And that's what he
2 looked like, the guy with the dreads didn't know
3 what was going on?

4 MS. : Yes, ma'am. Like probably
5 knew what was going on, but you know, probably
6 didn't, you know, something like that.

7 : So looks like he was going
8 forward and then stops, like changing his mind now?

9 MS. : Yes, ma'am, like he's
10 shocked.

11 : While this is going on, were
12 you able to see Michael Brown?

13 MS. : No, ma'am, I still wasn't
14 able to see him.

15 : But you saw his feet at that
16 point; is that correct?

17 MS. Yes, ma'am, I saw a pair of
18 feet just like tapping.

19 : Okay. Do you know whose feet
20 it was?

21 MS. : Actually, to be honest, no,
22 ma'am, but I can say the young man with the dreads
23 was towards the back, he was towards the back once I
24 saw come in and out, I just figured that he was
25 towards the back of the truck and wasn't so close to

1 the driver's side of the door.

2 : Okay. So the only two people
3 on the street you saw Michael Brown and the guy with
4 the dreads?

5 MS. : Yes, ma'am.

6 : And so since you're describing
7 the other guy with the dreads, the only other
8 person's feet that could have been was Michael
9 Brown?

10 MS. : Yes, ma'am.

11 : Okay. So you describe what you
12 saw these feet they were like moving and tapping,
13 and you said some kind of confrontation?

14 MS. : Yes, ma'am.

15 : Why do you say confrontation?

16 MS. : Just because of how feet was
17 moving, how the truck was rocking walking.

18 : Okay.

19 MS. The vehicle was rocking.

20 What about how it was rocking?

21 MS. : It was just like side by
22 side.

23 : And this is while the police
24 officer is still in the driver's side?

25 MS. : Yes, ma'am.

1 : Okay. And then you said that
2 the guy with the dreads is looking to see what was
3 going on. What do did you mean by that?

4 MS. : Actually, what I mean by that
5 because, like I said, he was kind of, like he wanted
6 to go, but he don't.

7 : Like he wanted to go towards
8 the vehicle?

9 MS. : Towards, probably try to
10 help, you know.

11 : Did you actually see what he
12 was doing?

13 MS. : Uh, yes, ma'am, like back and
14 forth.

15 : Okay. And then while you are
16 describing all of this, this tussling is still going
17 on between Michael Brown and the police officer as
18 far as you can tell?

19 MS. : Yes, ma'am.

20 That's when you heard the
21 gunshot go off?

22 MS. : Yes, ma'am.

23 : And then you said that the
24 suspect got shot back up, you talking about Michael
25 Brown when you said that?

1 MS. : Yes, ma'am.

2 : You said the suspect got shot,
3 what about, what made you say that he got shot?

4 MS. : Actually, I just heard the
5 gunshots. It was just like when I heard the gun go
6 off, he kind of like came off of the truck.

7 : Okay.

8 MS. : So that's what made me think
9 at the time that he probably was hit at the time.

10 : And then, how were you able to
11 see when Michael Brown backed up, were you able to
12 see him?

13 MS. : Yes, ma'am.

14 : And why were you able to see
15 him, what move allowed from your vantage point to
16 see him?

17 MS. : Actually, at this time the
18 truck had kind of came back a little bit more, came
19 back on like hit on the brakes a little bit more. I
20 don't know if he was trying to run or not because
21 actually I couldn't see over that way.

22 : Can you point out for me a
23 little bit, so Michael Brown, you were able to see
24 him?

25 MS. Yes, ma'am.

1 : Right after the shot because he
2 backed up?

3 MS. : Yes, ma'am.

4 : And that was because the truck
5 moved a little bit?

6 MS. : Actually, when he backed up,
7 he kind of backed, at this time he backed all the
8 way up from a distance to where I can just see his
9 body.

10 : Okay.

11 MS. : Like back up.

12 : Okay.

13 MS. You know.

14 : You talking about him
15 backing away from the side of the police car?

16 MS. : Yes, sir.

17 : The police vehicle?

18 MS. : Yes, sir.

19 : Okay. Then you said he looked
20 amazed?

21 MS. : Like he was shocked, yes
22 ma'am.

23 : And then you said, um, that
24 they both, the guy with the dreads and Michael Brown
25 then ran towards to find out what was happening.

1 MS. : Yes, ma'am.

2 : At this point is when you start
3 ducking; is that right?

4 MS. : Right. After I heard the
5 first shot and I see Michael Brown jump out of the
6 car, yes, ma'am, I was terrified. When they start
7 running because actually, they ran past my car, so I
8 didn't know what was going on.

9 : And that makes sense. They are
10 running past your car and you just heard gunshots
11 and you were terrified?

12 MS. : Yes, ma'am.

13 : You started to duck, correct?

14 MS. : Yes, ma'am.

15 You said you were able to see
16 that the police officer ran past as well, correct?

17 MS. : Yes, ma'am.

18 : And was there a pause between
19 the time that the boys started running past you and
20 the police officer?

21 MS. : There actually was. Just
22 because we was trying to get out of the truck at the
23 time. So once we took off running, once Michael
24 Brown and the guy with the dreads took off running,
25 that's when I noticed the police comes out.

1 Okay. So there was a little
2 bit of a break?

3 MS. Yes, ma'am, just enough time
4 to open up the car door.

5 For you to open up the car
6 door?

7 MS. No, no, for the police
8 officer to open the car door and get out.

9 : Did you actually see him open
10 up the car door?

11 MS. : I could not see from the
12 other side of the car.

13 : Okay.

14 MS. : But once he came from away
15 from the car in my view where I can actually see
16 him.

17 : You already were down inside
18 the vehicle?

19 MS. Yes, ma'am, at that time I
20 was down.

21 : At any point did you open your
22 car door?

23 MS. : Oh, no, ma'am, I did not open
24 up my driver's side of the car.

25 : How about , did he open

1 his door?

2 MS. : Yes, ma'am, he did.

3 : Do you know why?

4 MS. : Actually to get down. We
5 were scared, terrified. I mean, I can't tell why he
6 did it, but I know he was hanging outside of the car
7 trying to get, you know, shelter or whatnot.

8 : Okay. And so you said that
9 once you saw the police officer kind of go past you,
10 you said you instantly ducked. (inaudible)

11 MS. : Yes, ma'am, I was down, my
12 whole head was in the passenger seat. So I'm almost
13 on lap.

14 : Okay. Obviously, you are
15 terrified.

16 MS. : Yes, ma'am, my hand is on the
17 steering wheel, my feet is on the brake, I couldn't
18 even put my car in park, that's how quick it
19 happened and I just ducked down.

20 : Okay. So you are not looking
21 out the window at this point?

22 MS. : No, ma'am, no, ma'am, I
23 blacked out just a little bit. And then, yeah, just
24 -- I blacked out just a little bit. I mean, I don't
25 know why, but I did.

1 And you don't how long you
2 blacked out for?

3 MS. Actually, it was for a short
4 period of time because once I proceeded to sit up
5 and I looked out my rear view mirror, that's when I
6 saw the end, when actually him running, his back was
7 turned and he turned around.

8 : I'm going to ask you, that part
9 that you blacked out, you don't know what went on
10 from the time --

11 MS. : No, ma'am, because I'm down.
12 Right.

13 MS. Because I'm down.
14 As you describe it as blacked
15 out.

16 MS. : Right.

17 : Okay. And so you don't know
18 what went on prior to the time where Michael Brown
19 turned around?

20 MS. Actually, I was up at that
21 time, yes, ma'am.

22 : While he was on the ground?

23 MS. : Yes, ma'am.

24 MS. : Okay. But leading up to
25 that?

1 MS. Leading up to that, no, he's
2 running from him with his back from him, with his
3 back from him.

4 : All right.

5 MS. : I do know that.

6 : But you didn't see any of this
7 go on because you were ducking?

8 MS. I was ducking as the police
9 officer came towards my car, I got down, yes, ma'am.

10 : Okay. And you heard that
11 initial shot from the SUV, correct?

12 MS. : Yes, ma'am.

13 : And then you heard, as you
14 describe, those three shots at the end?

15 MS. : Yes, ma'am.

16 : Okay. And you describe that
17 the guy with the dreads came over to the passenger
18 side of your car trying to get in?

19 MS. : Yes, ma'am.

20 : And now where in what you just
21 described in the ducking and the blacking out and
22 the looking back up, at what point did the guy with
23 the dreads come over to the car?

24 MS. : Actually, when I did go out
25 for a little bit, like I said, I just blanked out a

1 little bit, but when I was down, I did open up my
2 eyes. I was still down, and that's when I saw the
3 young man with the dreads, where had the door
4 open, he had it slung open. He was on the curb, but
5 he had -- he crawled. You could tell that he
6 crawled. He was in the car and he just basically
7 asked me could I get him away from here because it
8 is crazy.

9 : Is that what he said?

10 MS. Yes, ma'am.

11 : Get me away from here, it's
12 crazy?

13 MS. : Yes, ma'am.

14 : Do you have a two-door car?

15 MS. : Yes, ma'am.

16 : So when passenger door
17 is kind of opened?

18 MS. : It's opened wide.

19 : Okay.

20 MS. Uh-huh.

21 : So the guy with the dreads kind
22 of crawled over?

23 MS. : Yes, ma'am.

24 What was your response to him?

25 MS. : Actually, I told him to get

1 down. That's all I had, I mean, that was the only
2 thing that came to my mind, just get down.

3 : Okay. And then --

4 : Obviously, you didn't let
5 the guy with the dreads in your car?

6 MS. : No, sir, I did not.

7 : Why was it that you wouldn't
8 let him in your car?

9 MS. : Actually, I didn't know what
10 was going on for one and I was actually, didn't have
11 a clue if he had or who had it, I just didn't know.
12 It wasn't something that I was willing to do.

13 : If he had what?

14 MS. : Actually, I didn't know if he
15 had a gun, I didn't know what was going on.

16 : You didn't know what was
17 going on?

18 MS. : Actually, I didn't know what
19 was going.

20 : And so for that reason you
21 didn't allow the guys with the dreads in the car
22 with you?

23 MS. : Yes, sir.

24 MS. Do you know if he stayed
25 there or he went elsewhere?

1 MS. : Actually, just for a few
2 minutes, just for a few minutes, like I said, after
3 I told him no, he disappeared.

4 Now, I don't know where he went, I wasn't
5 focusing on him. I was trying to see what was going
6 on.

7 : So I was trying to ask you
8 this, when he said to you get me out of here, it is
9 crazy, and you said, get down. Did he say anything
10 else?

11 MS. : No, ma'am, he did not.

12 : Did you guys say you can't get
13 in the car?

14 MS. : No, ma'am, I did not, get
15 down, that was it.

16 : Okay. Did you know that he
17 wanted to get in the car?

18 MS. : Actually, just by what he
19 said, the statement that he made to me.

20 : I guess what I'm trying to
21 figure out is, how did you let him know that you
22 weren't letting him in the car?

23 MS. Actually, for one, I wasn't
24 moving it at the time.

25 : Okay.

1 MS. : So he wasn't going to go
2 anywhere anyway.

3 : Did say anything to him?

4 MS. : No, just get down. We both
5 just hollered the same thing, get down.

6 : Okay. All right. At some
7 point you looked up and you were looking in your
8 rear view mirror?

9 MS. : Yes, ma'am.

10 : So everything that you observed
11 after that was with regard to Michael Brown and the
12 police officer was through your rear view mirror?

13 MS. : Yes, ma'am.

14 : And your review mirror is for
15 reverse, correct?

16 MS. : Is it reverse?

17 : I don't want to misstate it.

18 (inaudible)

19 MS. : Oh, yeah, oh, yeah.

20 : (Inaudible) So when you are
21 looking in your review mirror, you said you saw the
22 male turn around and basically stop, this is Michael
23 Brown, correct.

24 MS. Yes, ma'am.

25 : That's when you heard two or

1 three more gunshots, and Michael Brown went down to
2 the ground.

3 MS. : Yes, ma'am.

4 : And then after that you, you
5 drive away?

6 MS. : Yes, ma'am.

7 : You describe yourself at that
8 point, were you still terrified?

9 MS. : My leg was shaking.

10 : Okay. And so how did you
11 manage to driveway then?

12 MS. With , just calm me
13 down, my legs were moving.

14 Okay.

15 MS. : And I just cried because,
16 like I said, I've never seen nothing like that in my
17 life.

18 : Okay. And so you describe and
19 you drove away, um, and there was another truck, do
20 you mean a police SUV.

21 MS. : Yes, ma'am. In the process
22 of me, after the incident had happened, probably
23 about two or three cars pulled up and they came
24 towards my car. So I had to basically yell, like
25 somebody is in here, you know, because he was real,

1 real close.

2 : So just so I can understand.

3 So you started to drive away and as you were

4 driving --

5 MS. : No, actually at this time, I

6 didn't even get a chance to even move at this time.

7 They were coming towards the way, towards me.

8 : You were stopped in the middle

9 of street because you had to stop?

10 MS. : Yes, ma'am, right at the

11 curb, yes, ma'am.

12 : Okay.

13 MS. : Right by the complex.

14 : And then you drove away?

15 MS. : Yes, ma'am, I did.

16 : All right. How did it come to

17 you that you then met with the St. Louis County

18 Police Detective?

19 MS. : Actually, I stay in that area

20 at the time and my mom basically, basically got the

21 news. So she came to see was her daughter okay. So

22 in the process of seeing was her daughter okay, I

23 was up in the house, the house is right before you

24 get to Canfield Green.

25 Okay.

1 MS. : And one of the young men,
2 like I said, I don't know nobody over there or
3 whatnot, but he the one that brought the police to
4 me. The FBI, like I said, I don't know but they
5 were the ones in the car, I guess. Somebody was out
6 there and probably remember my car or something
7 because he came directly to me.

8 : The police did?

9 MS. The FBI,

10 : Okay. He's St. Louis County.

11 MS. Okay, okay, the detective.

12 : So he came to you?

13 MS. : Yes, ma'am. I was on the
14 front of the neighbors. I don't even know the
15 people, but they stayed in the house right there.

16 : Okay. You said something about
17 brought him to you?

18 MS. : Actually, a young man, I
19 mean, like I said, I don't know anybody that stays
20 in Canfield Green. I didn't know him exactly.

21 : What do you mean exactly?

22 MS. : I've probably seen him like
23 around in the complex, but I don't know him. As
24 talking to him on like a daily basis.

25 : Okay. Is it fair to say that

1 what you know that happened that day is limited to
2 that initial, you describe the confrontation or
3 tussle at the car, correct?

4 MS. : Yes, ma'am.

5 And then you saw through your
6 rear view mirror at the end when Michael Brown was
7 facing the police officer, you heard the shots and
8 he went down to the ground?

9 MS. Yes, ma'am.

10 : Okay.

11 : Just to be clear, you heard
12 that first shot when the tussle was going on at the
13 side of the police SUV?

14 MS. : Yes, sir.

15 : And you saw those final two
16 or three shots?

17 MS. : Yes, sir.

18 There wasn't any other shots
19 in between?

20 MS. : Not to my knowledge. I'm
21 just going to be honest, that's probably when I was
22 blacked out.

23 : Okay.

24 MS. : Once, I raised up --

25 : And you mentioned, I know

1 that that you were ducked down, and you basically
2 was trying to get down as low as you could, is that
3 fair.

4 MS. : Yes, sir.

5 : But you mention that you
6 were able to see the police officer run by your car?

7 MS. : Yes, sir.

8 : And could you tell at that
9 time where his gun was or could you see any of that?

10 MS. : Actually, when he ran by it
11 was drawn.

12 : Okay. Did he have it at his
13 side?

14 MS. : No, he had it drawn up
15 toward, I'm going to say aimed.

16 : Okay. But at that time you
17 didn't hear any other shots?

18 MS. : Not to my knowledge.

19 : You want to take a break?

20 : We can we take a break.

21 MS. : Yeah, I have a couple of
22 questions.

23 : If we with can, we will take a
24 break for just a second.

25 MS. : Sure. I am going to leave

1 this on because it makes it easier, okay?

2 MS. : Okay.

3 : You mentioned early on you
4 turned the radio down to see if you could hear
5 anything?

6 MS. : Yes.

7 : Anything, you hear anything
8 from Michael Brown or the officer or the guy with
9 the dreads, other than what you've described?

10 MS. : No, ma'am.

11 : Okay. And right after that
12 first shot when you said Michael Brown stepped back
13 and what did he do right after that?

14 MS. : He took off running.

15 : Okay. Did he go back to his
16 car, did you see him briefly going toward the car or
17 did he immediately run away?

18 MS. : He immediately took off
19 running down the street.

20 : Was there anything else,
21 ?

22 MS. : Sorry.

23 : The guy with the dreads?

24 MS. : You say you saw Michael
25 Brown, you saw the guy with the dreads just when

1 took a step back, you saw him look?

2 MS. : Yes, ma'am.

3 MS. : When he came back, what, did
4 he just stay there, did he move?

5 MS. : No, actually, when he went
6 forward, then he came back, he actually took off.

7 MS. : Okay.

8 MS. : He starts to take off to get
9 away.

10 MS. : But your focus is still on
11 that car?

12 MS. : Yes, ma'am.

13 MS. : Now, when he took off to get
14 away, was it before or after the gunshot?

15 MS. : It was after, it was right
16 after.

17 MS. : Okay.

18 MS. : It was right after the first
19 shot.

20 MS. : You see the guy with the
21 dreads?

22 MS. : Okay.

23 MS. : Go in like, and then come
24 back?

25 MS. : Uh-huh.

1 MS. : Gunshot, or does he come
2 back? At what point was the gunshot?

3 MS. : Actually, it was the shot and
4 then it was like back, once he came forward, it was
5 like back.

6 MS. : You saw both of them at the
7 same time?

8 MS. : No, ma'am. I saw the one
9 with the dreads come back. Now, that's when, when
10 he came back and he kind of like hesitant, that's
11 when I saw Michael Brown.

12 MS. : Okay.

13 MS. At the car and then that's
14 when they proceed to take off.

15 MS. : Together.

16 MS. Actually, the one with the
17 dreads kind of got away just a little bit extra.

18 MS. : Okay.

19 : Okay.

20 : When is next time you see
21 the guy with the dreads then?

22 MS. : After I saw him on the side
23 of the car, on the news.

24 : Okay.

25 MS. : On the news.

1 : We don't have any more
2 questions for you. I just want to ask you, is there
3 anything that you want to add that we think we
4 should know that we haven't asked you or they didn't
5 ask you that day?

6 MS. : No, ma'am.

7 : You feel like you have given us
8 all the information that you know?

9 MS. : Yes, ma'am.

10 : Anything you think is
11 important that we've missed at all?

12 MS. : Uh, not to my knowledge. I
13 gave you all I have.

14 : Okay. Do you think we have
15 treated you fairly?

16 MS. : Yes, ma'am.

17 : Did we force you to say
18 anything that you didn't want to say?

19 MS. : No.

20 : We didn't make you any promises
21 about anything?

22 MS. No.

23 : Okay. So you feel comfortable?

24 MS. Yes.

25 : Well, thank you so much for

1 your time, we appreciate it.

2 MS. : We will end the interview.

3 (That was the end of the interview.)

4 MS. ALIZADEH: This is Kathi Alizadeh, it
5 is about 11:03. We just took a pause for the
6 recording while we listened to the statement of the
7 Department of Justice and FBI and U.S. attorneys did
8 with and then I just had a brief
9 question about your lunch break and that's why we
10 paused again. So now we are ready to hear from
11 .

12 ,
13 of lawful age, having been first duly sworn to
14 testify the truth, the whole truth, and
15 nothing but the truth in the case aforesaid,
16 deposes and says in reply to oral
17 interrogatories, propounded as follows, to-wit:

18 EXAMINATION

19 BY MS. WHIRLEY:

20 Q Sheila Whirley, Kathi Alizadeh, all grand
21 jurors, , and would you introduce yourself to
22 the grand jurors for us, please?

23 A I am .

24 Q Okay. , you know why we're
25 here?

1 **A** Yes, ma'am.

2 **Q** This is about the Michael Brown shooting.
3 Where do you live?

4 **A** Actually, I say in Northwinds Apartments.

5 **Q** All right. Is that where you lived on
6 August 9th 2014?

7 **A** Yes, ma'am.

8 **Q** I don't believe Northwinds is on this map.
9 You see this map, Grand Jury Exhibit Number 25, does
10 it look familiar as far as the Canfield Green
11 Apartments are concerned?

12 **A** Yes, ma'am.

13 **Q** Okay. Which way would Northwinds
14 Apartments be based on this map, if you could tell
15 us? If you can't, that's fine.

16 **A** Um, um.

17 **Q** You can't really tell on this map?

18 **A** Huh-uh.

19 **Q** I'm going to ask you some more things
20 about the map, so I want to show you how this works.
21 This is a pen light, I guess, and you push that
22 button and you can direct it wherever you it to go,
23 okay. Can you push the button? Yeah, all right.
24 So you live in Northwinds which is,
25 is that east of the Canfield Green Apartments?

1 **A** Um, yes, it is towards the back by Glen
2 Owen.

3 **Q** This would be east and this would be west.

4 **A** I'm closer to Glen Owen.

5 **Q** Glen Owen. I don't think that's on the
6 map either. So tell us what you were doing on
7 August the 9th, what did you do that morning when
8 you first woke up?

9 **A** Actually, got up for the day.

10 **Q** What did you have planned?

11 **A** Actually, just going to ride around and
12 just enjoy the day on a Saturday.

13 **Q** Okay. You and who, who were you with?

14 **A** I was with .

15 **Q** Just ?

16 **A** Yes, ma'am.

17 **Q** ?

18 **A** Yes, ma'am.

19 **Q** And nobody else was in the car?

20 **A** No, ma'am.

21 **Q** And you were driving that day?

22 **A** Yes.

23 **Q** What type of automobile were you in?

24 **A** Um, I had a '99 Monte Carlo.

25 **Q** What color?

1 **A** It is white.

2 **Q** It is white, okay. Is it a two-door?

3 **A** It is a two-door.

4 **Q** I think most Monte Carlos are two doors.

5 I guess it was a two-door white Monte Carlo?

6 **A** Yes.

7 **Q** When did you first see the police officer
8 in this case?

9 **A** Actually, I saw the police officer as I
10 was coming across the bridge coming towards the end
11 of Northwinds going towards Canfield Drive.

12 **Q** You don't know what street that would have
13 been?

14 **A** Actually, that would have been Glen Owen.

15 **Q** That's Glen Owen?

16 **A** Yes, ma'am.

17 **Q** Which, I don't think we see on this map.

18 So you saw him, he was driving coming from the
19 Northwinds area also?

20 **A** Um, yes, ma'am, just like right, just
21 actually right past the little bridge thing.

22 **Q** Okay. Was he driving, I don't want to
23 talk at the same time you talk, so forgive me if I
24 did.

25 Was he driving fast when you saw him?

1 **A** No, ma'am.

2 **Q** Just normal?

3 **A** Yes, ma'am.

4 **Q** He didn't have red lights and sirens?

5 **A** No, ma'am.

6 **Q** As if he was answering a police call or
7 anything like that?

8 **A** No, ma'am.

9 **Q** Okay. So did he appear to be alone?

10 **A** Yes, ma'am.

11 **Q** And what made you notice the police car?

12 **A** Um, actually, when I was coming, like I
13 said, across the bridge, I saw him coming out of the
14 street. One of the side streets, I really don't
15 know what the side street right there, but he was
16 coming, proceeding to turn to come the same
17 direction that I was going.

18 **Q** What direction were you going?

19 **A** Actually, I was going toward, this time I
20 am going towards Canfield, like going towards West
21 Florissant.

22 **Q** Okay. So this is Canfield Drive, does
23 that look familiar?

24 **A** Yes, ma'am.

25 **Q** Which way were you traveling?

1 **A** Um, actually --

2 **Q** Show us with the light.

3 **A** I was coming approximately, like I said, I
4 believe, I can't tell which way is West Florissant.

5 **Q** This is West Florissant?

6 **A** That's West Florissant. Actually, I was
7 coming from this direction, going wards West
8 Florissant.

9 **Q** Can you tell us, is it on this map at the
10 time that you noticed the officer pulling out? If
11 it's not, just tell us.

12 **A** Actually, I really cannot tell.

13 **Q** Was the officer in front of you though?

14 **A** Yes, ma'am, he was.

15 **Q** So at some point the officer's car
16 stopped, correct?

17 **A** Yes, ma'am.

18 **Q** Were you behind the officer when the
19 officer's car stop?

20 **A** Yes, ma'am, I sure was.

21 **Q** Where about was that on the map?

22 **A** Probably like right in between the
23 apartment complex. Just like right actually he fell
24 out is actually where I stopped, probably right up
25 in here closer to the apartment complex.

1 **Q** Okay. But you're not absolutely certain
2 looking at this map?

3 **A** No, ma'am.

4 **Q** So when you first saw the officer stop,
5 what did you observe?

6 **A** Actually, I just observed there are two
7 gentlemen walking down the street.

8 **Q** Which way were they walking?

9 **A** They was walking my direction, going back
10 towards Northwinds.

11 **Q** So if this is West Florissant, which way
12 were they walking?

13 **A** They was walking this way.

14 **Q** That way?

15 **A** Yes, ma'am.

16 **Q** East. And they were in the middle of the
17 street?

18 **A** Yes, ma'am.

19 **Q** Can you describe the two gentleman you saw
20 walking in the middle of the street?

21 **A** Can I get up?

22 **Q** Sure.

23 **A** Actually, right behind the police officer,
24 they was just walking.

25 **Q** Okay.

1 **A** Directly down the middle lane.

2 **Q** Just kind of casually walking?

3 **A** Yes, ma'am, not running.

4 **Q** Tell us what they looked like?

5 **A** Actually, one guy was a pretty big
6 gentleman, tall in size, the other one was kind of
7 probably my height, probably a little bit shorter, I
8 don't know, with dreads and basically that was it.

9 **Q** Okay. And the guy that was taller, was he
10 a lot taller than you?

11 **A** Oh, yes, ma'am.

12 **Q** Was he bigger?

13 **A** Yes, ma'am, bigger and a lot taller.

14 **Q** Do you recall what he was wearing?

15 **A** Actually, I can remember khaki shorts, um,
16 I know he had on a baseball cap.

17 **Q** What color?

18 **A** Uh, the baseball cap was dark in color.

19 **Q** Did he have it on when he started walking?

20 **A** Yes, ma'am it was like a dark, dark hat,
21 like a baseball cap.

22 **Q** Okay. And you know that person to be Mike
23 Brown as we stand here today talking about it?

24 **A** Yes, ma'am.

25 **Q** Okay. And so we'll refer to him as Mike

1 Brown?

2 **A** All right.

3 **Q** So Mike Brown and the other guy Dorian
4 Johnson, walking down the middle of street and what
5 happens?

6 **A** Actually, as they was walking down the
7 middle of the street, that's when the officer
8 stopped in front of me and stopped behind him. In
9 the process of them walking down the middle of the
10 street, that's when I saw the officer actually stop
11 the vehicle. It wasn't a jerk stop, it was a slow
12 stop at the time.

13 **Q** Was he driving --

14 MS. ALIZADEH: , can I get you just
15 in case, you are soft spoken because the microphone
16 is recording is at the desk, so unless Sheila needs
17 you to stand up and demonstrate something, would you
18 be good enough to sit?

19 **A** Yes, ma'am.

20 MS. ALIZADEH: That way we are getting
21 your voice picked up because you are kind of soft,
22 sorry.

23 MS. WHIRLEY: No problem.

24 **Q** (By Ms. Whirley) When you saw him walking,
25 the two walking and the officer stopped, what kind

1 of car was the officer in?

2 **A** Like a SUV.

3 **Q** What color?

4 **A** It was white.

5 **Q** A white SUV with police?

6 **A** Ferguson.

7 **Q** It was like a marked police car?

8 **A** Yes, ma'am.

9 **Q** When you saw that car stopped, was the car
10 stopped just driving in the natural, you know, down
11 the lane stopping or did it stop some other way?

12 **A** Oh, no, it was straight down the lane.

13 **Q** Straight down the lane. And what happened
14 at that time when you saw the car stop, I mean, did
15 he appear to be talking to anybody?

16 **A** Um, yes, ma'am, but I didn't hear
17 anything.

18 **Q** Okay.

19 **A** I didn't hear anything.

20 **Q** Okay. And then what happened next?

21 **A** After he, after the actual stop, um, quick
22 seconds, it wasn't really a long period of time and
23 that's when, um, I saw the truck or the SUV slightly
24 go like in reverse. I saw the reverse lights on and
25 it came to like the, the two guys are right here and

1 they like, like jump back. He put it in reverse,
2 but it went back.

3 **Q** Okay.

4 **A** And that's when it went to an actual stop
5 just like that, and the truck shook just a little
6 bit, but you could tell that somebody pressed down
7 on the brake really hard.

8 **Q** So at first when the car stopped, it was
9 just driving the normal lane, you were behind the
10 car and there looked to be some conversation between
11 the officer and the two people walking down the
12 middle --

13 **A** Yes, ma'am.

14 **Q** -- of the street. Then the car drives
15 away and goes in reverse?

16 **A** No, it never drove away. I guess as the
17 two suspects start to actually keep proceeding
18 walking.

19 **Q** Okay.

20 **A** That's when it looks like he's trying to
21 stop them from walking away from the truck.

22 **Q** I see. And they're walking away, so he
23 has to go in reverse to get up to them?

24 **A** Yes, ma'am.

25 **Q** Did he hit them, hit either one of them?

1 **A** Actually, I couldn't tell if he hit them
2 or not. I just know that the truck actually stopped
3 at, like a hard stop at that time.

4 **Q** Was the car straight as if it was going
5 toward West Florissant or some other way?

6 **A** Actually, when it went back to stop them
7 again, it was like in a catty-corner.

8 **Q** Like an angle?

9 **A** Yes, ma'am, like an angle.

10 **Q** And then what happened?

11 **A** And then after that, that's when I notice
12 that the truck got to rocking back and forth.

13 **Q** Was anybody at the truck from the outside?

14 **A** Oh, yes, ma'am.

15 **Q** Who was at the truck?

16 **A** Um, it was Michael Brown at the time.

17 **Q** You know his name as Michael Brown?

18 **A** Yes, ma'am.

19 **Q** What did you see, actually observe?

20 **A** Actually, I didn't see anything for, just
21 feet, a set of feet just moving up under the truck.

22 **Q** Your car is still behind?

23 **A** Yes, ma'am, still stuck behind.

24 **Q** Okay. And when the officer drove back at
25 the diagonal and hit the brake real hard, was he

1 close to hitting you, your car?

2 **A** Actually, he was close enough, but he was
3 like right there to where I couldn't even move. So
4 I thought, you know, as it was coming, you know, I
5 was kind of shocked if he would have hit my car, but
6 he didn't.

7 **Q** Were you concerned that he was going to
8 hit it the way he came back?

9 **A** Yes, ma'am, I had to swerve over.

10 **Q** You swerved over?

11 **A** No, ma'am, I was there.

12 **Q** You stopped?

13 **A** Yes, ma'am.

14 **Q** So you see feet and what else?

15 **A** Actually, I just see the feet like
16 tapping, like tapping type of.

17 **Q** Did the car move?

18 **A** Actually, it was rocking back and forth,
19 like side to side. I'm not going to say back and
20 forth, I'm going to say side to side.

21 **Q** Were you are windows down?

22 **A** Yes, ma'am.

23 **Q** Could you hear anything?

24 **A** No, ma'am, at that time, no, ma'am.

25 **Q** You didn't hear the officer or the person

1 outside the window say anything?

2 **A** No, ma'am.

3 **Q** And Mike Brown was right at the officer's
4 driver down window?

5 **A** Yes, ma'am.

6 **Q** Did that windowed seem to be down?

7 **A** Oh yes, it was down.

8 **Q** Could see his hands or see just his feet?

9 **A** I just saw feet.

10 **Q** You couldn't see the top of his head or
11 anything?

12 **A** No, ma'am.

13 **Q** And then what?

14 **A** And then after that, that's when I, short
15 period of time, of like some seconds went past, I
16 heard the first gunshot.

17 **Q** Okay. Did you just hear one shot?

18 **A** At that time, yes, ma'am.

19 **Q** And where was Michael Brown and the
20 officer when you heard the shot?

21 **A** He was still at the window.

22 **Q** The officer was inside the car?

23 **A** Yes, ma'am.

24 **Q** And Mike Brown was at the window when you
25 heard the shot?

1 **A** Yes, ma'am.

2 **Q** What happened then?

3 **A** After that, that's when I saw a young man
4 with the dreads, I really can't get his name, but
5 that's when I saw him like hesitant, like going,
6 coming back and that's when I actually saw him step
7 behind the truck at this time.

8 **Q** The guy, his name is Dorian Johnson?

9 **A** Dorian Johnson.

10 **Q** When the shot went off, you saw him go
11 behind?

12 **A** No, he was like hesitant, you try to go
13 help somebody, but you jump back like he was
14 surprised or something.

15 **Q** Okay. All right. Where did you go, where
16 did you see him go?

17 **A** Actually, after that I saw him like take
18 off. That's when he took off. He kind of like
19 ducked down, he was out of sight, I didn't see him
20 any more until he proceeded on the side.

21 **Q** On the side of what?

22 **A** My car.

23 **Q** What side of your car?

24 **A** The passenger side.

25 **Q** Of the front passenger side?

1 **A** Yes, ma'am.

2 **Q** Who was at the front passenger side of
3 your car?

4 **A** Actually .

5 **Q** Because he was riding in the passenger
6 seat in the front?

7 **A** Yes, ma'am.

8 **Q** Okay. All right. So let's go back to
9 Michael Brown, you hear the shot, what did Michael
10 Brown do?

11 **A** Actually, when I heard the first shot, I
12 didn't even see Michael Brown at the time because I
13 was so focused on the other gentleman, but once
14 after that, after Dorian had came over to the side
15 of the car, that's when I saw Michael Brown kind of
16 back up off of the SUV. I could see him at this
17 time. He had got back enough so where I could see
18 his body.

19 **Q** Did it look like he was injured?

20 **A** It happened so fast, no, ma'am, I couldn't
21 even tell if he was shot at that time.

22 **Q** You didn't see blood or anything?

23 **A** No, ma'am, I did not.

24 **Q** So when you heard the shot at the car, you
25 said Michael Brown backs off the car. Does it

1 appear to you that the shot is coming from inside
2 the police car?

3 **A** Yes, ma'am.

4 **Q** Okay. And when he backs off the car, what
5 happens then?

6 **A** Um, when he backs up off the car, that's
7 when Michael Brown actually just took off running.

8 **Q** Which way did he run? Show us with the
9 penlight or whatever?

10 **A** This is West Florissant.

11 **Q** This is West Florissant?

12 **A** He started to come this way. (indicating)

13 **Q** He's running east?

14 **A** Yes, ma'am.

15 **Q** And what did you do?

16 **A** Um, actually, when he started running,
17 that's when, when he started running, I ducked.
18 When I ducked down, um, actually, I got all the way
19 towards the ground like in the car.

20 **Q** Okay. That was my question.

21 **A** When I was inside the car, I actually
22 ducked down, me and ducked. And in the
23 process of us ducking, that's when I heard like a
24 second gunshot. And after this, that's when Michael
25 Brown had already ran past the car.

1 **Q** Let me ask you a question. When you heard
2 that second gunshot, could you see what was going
3 on?

4 **A** Actually, when I heard the second gunshot,
5 to be honest, no, ma'am, my head was down.

6 **Q** That's what we want is honesty, that's all
7 we went.

8 **A** I understand.

9 **Q** You are ducking down inside the car?

10 **A** Just like this. (indicating)

11 **Q** When you hear the second gunshot?

12 **A** Yes, ma'am.

13 **Q** You don't know what's really happening at
14 that point?

15 **A** No, ma'am.

16 **Q** Did you see the officer exit his car?

17 **A** Actually, once I proceeded to get up and
18 look, that's when I saw the officer running directly
19 down the street after him.

20 **Q** Was that after you heard the second
21 gunshot?

22 **A** Yes, ma'am. Straight down the street.

23 **Q** All right. So you saw the officer get out
24 of his car?

25 **A** Actually, I couldn't see him get out of

1 his car, I couldn't see him get out.

2 Q Okay. When you, after you ducked down,
3 you heard a second gunshot, once you get back up,
4 you see the officer chasing or running after Michael
5 Brown; is that right?

6 A Yes, ma'am.

7 Q And then what do you see?

8 A And that's when I proceeded to look out my
9 rear view mirror, he was running, shots was fired, I
10 saw Mike Brown turn around facing the officer at
11 this time. Hands was up probably about like this,
12 they weren't all the way up, but they was probably
13 just like this. And that's when I looked at the
14 review mirror, heard about two or three more
15 gunshots, Michael Brown fell to the ground.
16 (indicating)

17 Q When you say your rear view mirror, are
18 you talking about the mirror that's in the center of
19 your window?

20 A Yes, ma'am.

21 Q You are not talking about the windows on
22 the outside?

23 A No, the window.

24 Q So you are looking behind you at this
25 point?

1 **A** Yes, ma'am.

2 **Q** You're parked facing west looking through
3 your rear view window or mirror as they're running
4 this way?

5 **A** Yes, ma'am.

6 **Q** Could you tell how far you were, your car
7 was at that point when you saw Michael Brown turn
8 around, how far you were from them?

9 **A** Uh, actually, no, ma'am.

10 **Q** Okay. All right. So now we want to get
11 more specific about when you saw him turn around.
12 So you heard the second shot, you don't know what
13 was going on, then Michael Brown turns around, can
14 you hear the officer say anything?

15 **A** No, ma'am.

16 **Q** Can you hear Michael Brown say anything?

17 **A** No, ma'am.

18 **Q** Do you know where Dorian is at this point?

19 **A** Dorian was actually on the side and at
20 that time, no, ma'am, I didn't even look no more, I
21 didn't look, you know, down.

22 **Q** You're watching?

23 **A** I'm watching.

24 **Q** Okay. And show us exactly, stand up for
25 us again, please, and show us about how the hands

1 were, show us when he turned around?

2 **A** Actually, he just turned around like this.
3 I heard the other three gunshots and then when I saw
4 him boom, hit the ground. (indicating)

5 **Q** So when he turned around, he wasn't
6 staggering or anything?

7 **A** Not to my knowledge, no, ma'am.

8 **Q** Was he coming toward the officer?

9 **A** No, ma'am.

10 **Q** He wasn't walking towards the officer?

11 **A** No, ma'am.

12 **Q** He wasn't charging the officer?

13 **A** No, ma'am.

14 **Q** All right. And his hands were up?

15 **A** Just like, like he's trying to throw them
16 up. They wasn't all the way up like this, they was
17 just turned around like this. (indicating)

18 **Q** In your mind, did it appear he was injured
19 or staggering or something?

20 **A** Actually, at that time, no, ma'am. The
21 only way I could see is once he just hit, hit the
22 ground.

23 **Q** Okay. But at the time that the officer
24 fired those successive shots, he had his hands up,
25 was his palms facing, you know, the officer?

1 **A** Yes.

2 **Q** And the officer shot?

3 **A** (Shakes head.)

4 **Q** And when you saw the officer get out of
5 the car, what was the officer's demeanor, or how was
6 he standing or walking?

7 **A** Actually, he was running.

8 **Q** Did he have his gun out?

9 **A** Drawn, he was running with the gun drawn
10 past the car, just drawn. I heard the three shots
11 and that's when I saw, and he just fell to the
12 ground.

13 **Q** Okay, all right. Now, at some point,
14 well, two things. One, at some point I think you
15 told the FBI agent, you remember interviewing with
16 them?

17 **A** Yes, ma'am.

18 **Q** And the police officer too, I think you
19 interviewed with that day; is that right?

20 **A** Just a detective.

21 **Q** Detective?

22 **A** Yes, ma'am.

23 **Q** That you blacked out, at what point did
24 you black out?

25 **A** Actually, when I went down for a short

1 period of time, when I hit and I went down, that was
2 it. And then I instantly got up and I got to
3 looking.

4 **Q** Okay. Describe for us what you mean when
5 you say blacked out because that can mean different
6 things.

7 **A** Actually, I just went, basically, just
8 went blank like. I mean, I can't describe it. It
9 was just like, just like a blank like, I could still
10 hear, but everything just went blank. I can't even
11 explain it. I was in just shock. I probably could
12 just say I was more shocked than anything.

13 **Q** When you said blacked out, you mean
14 shocked?

15 **A** Just -- just -- blanked out a little bit.
16 I really can't explain it, but I just lost focus, if
17 you could just say that, I was just like down a
18 little bit.

19 **Q** Were you aware of what was going on during
20 this period that you blacked out as you describe it?

21 **A** For a short period of time, no, no, ma'am.

22 **Q** Okay. How short a period of time?

23 **A** It was real short, it was short enough to
24 where that I could see everything else. It was
25 short, it wasn't like I was down there for a long

1 period of time. Probably after the first shot, I
2 mean, after the second shot.

3 Q Okay. After the second shot you blacked
4 out for a short period of time?

5 A Yeah, a short period.

6 Q Less than five seconds?

7 A It was short, it was just like a, like a
8 shocking type of thing.

9 Q Seconds we're talking?

10 A Yes, ma'am, seconds.

11 Q And then you get back up, you are looking
12 out the rear view and you see Mike Brown turn around
13 with his hands up and the officer fires several
14 shots at him?

15 A Yes, ma'am.

16 Q What happened then when Mike Brown fell
17 down?

18 A Actually, he fell to the ground. I saw
19 that and basically that's was it, that was it.

20 Q What did you do?

21 A Actually, I took off.

22 Q So when you saw him fall to the ground,
23 which way did he fall, how did he fall rather?

24 A Just face first.

25 Q Face first.

1 **A** Just down, flat down to the ground.

2 **Q** So when you saw that, you drove off?

3 **A** Not instantly drove off, but yes, I was
4 driving off. That was when the other officers was
5 coming towards my way.

6 **Q** Were you able to drive with the other
7 officers coming your way?

8 **A** Yes, ma'am, just up the curb a little bit,
9 I did go up on the sidewalk, up on the curb just a
10 little bit, up on the grass.

11 **Q** Can you show us on this map?

12 **A** It was probably like just up on the curb.
13 I know I was close to an apartment building, but
14 just up on a curb like the grass.

15 **Q** Like around the police car?

16 **A** Yeah, like around, yes, ma'am because I
17 was blocked in there. So I had to just slide my car
18 just up a little bit and then just take off down the
19 street.

20 **Q** Okay. So you didn't see the officer
21 shooting at Brown as he was running away?

22 **A** Um, I know the gun was drawn. That was
23 when the second shot was fired.

24 **Q** Is that no?

25 **A** Yes, ma'am.

1 **Q** Okay. Tell us what Dorian was doing at
2 your car and when, at some point he tried to get a
3 ride from you; is that right?

4 **A** Yes, ma'am.

5 **Q** Tell us about that?

6 **A** At the time the confrontation is going on.

7 **Q** What part of the confrontation?

8 **A** When they first started at the SUV. When
9 the first gunshot, that is when Dorian ran. I guess
10 he ducked down, I didn't even know where he come
11 from. I just know when had the door open,
12 because he had my passenger door wide open so he can
13 get down and that's when I seen Dorian like right
14 there like on the sidewalk. Like he crawled on the
15 side and that's when he was telling me, get me away
16 from here, it's crazy.

17 **Q** That's what he said?

18 **A** Yes, ma'am, to me.

19 **Q** Had Michael Brown been shot dead at that
20 time?

21 **A** No, ma'am, he wasn't shot dead.

22 **Q** Did you give Dorian a ride?

23 **A** No, ma'am, I sure didn't.

24 **Q** Why not?

25 **A** Actually, I didn't know what was going on.

1 I just told him to get down, that was my concern.

2 Q Okay. Did you ever see Michael Brown with
3 a weapon?

4 A No, ma'am.

5 Q Did he ever appear to be going for a
6 weapon like, you know, grabbing at his body like he
7 was getting ready to get a gun or something?

8 A No.

9 Q Did you ever see Dorian with a weapon?

10 A No.

11 Q Did it appear to you that the officer was
12 threatening, that his life was threatened by Michael
13 Brown at any time that you could see?

14 A No, ma'am.

15 Q But you don't know exactly what was going
16 on at the car?

17 A At the SUV at that time.

18 Q You don't know what exactly because you
19 could just see feet?

20 A Yes, ma'am.

21 Q When Michael Brown was running away going
22 east on Canfield Drive, did the officer seem to be
23 threatened by Michael Brown?

24 A Um, no, ma'am, not to what I can see.

25 Q When Michael Brown turned around with his

1 hands up, did the officer seem threatened by him to
2 you?

3 **A** No, ma'am.

4 **Q** And you said you did not see Michael Brown
5 charge at the officer?

6 **A** No, ma'am, I did not.

7 **Q** Or attempt to pull a weapon from
8 somewhere?

9 **A** No.

10 **Q** He appeared unarmed to you?

11 **A** Yes.

12 **Q** Have you ever blacked out before?

13 **A** Um, actually no, I mean, no. Because I
14 have never been around nothing like that before in
15 my life, so, no, I can't say.

16 **Q** When you blacked out, you mean in shock
17 you said?

18 **A** Just basically like in shock. Just don't
19 know what's going on, like I said, I can't explain
20 it.

21 **Q** Do you think, I don't want to talk at the
22 same time, I'm sorry,

23 Do you think you lost consciousness,
24 you know what I mean?

25 **A** Like I said, I don't know. I mean, I

1 can't explain.

2 Q And, again, how long do you think it was
3 that you were blacked out?

4 A Like seconds.

5 Q How many seconds?

6 A Um, probably about two, one or two
7 seconds.

8 Q Okay.

9 MS. WHIRLEY: I don't have anything else.

10 MS. ALIZADEH: I just have a couple of
11 questions.

12 Q (By Ms. Alizadeh) Miss hi, this
13 is Kathi Alizadeh. On the day that this happened,
14 I'm going to move over here so you don't have to
15 keep looking around. On the day that this happened,
16 which was a Saturday on August 9th, it was around
17 the noon hour when this happened, do you recall
18 that?

19 A Yes.

20 Q Like middle of the day?

21 A Yes.

22 Q And you left, you got out of there before
23 the police could question you; is that right?

24 A Yes.

25 Q And where did you go immediately after

1 that?

2 **A** Actually, that's when I dropped off.
3 I took home.

4 **Q** So you took him home first?

5 **A** Yes, ma'am.

6 **Q** And then you mentioned, and I can't
7 remember if it was today or if it was in your
8 interview with the FBI, but that you were somewhere
9 around the area because your parents, or your mom
10 was, kind of had come to see if you were okay?

11 **A** Yes, ma'am.

12 **Q** Where were you when the police talked to
13 you that day?

14 **A** Actually, I was right where the, well, I
15 was on Glen Owen. I was like right at this house.
16 It was right there where Canfield begins coming off
17 of West Florissant, I was just at that house right
18 there.

19 **Q** Okay. So you know Canfield Drive goes
20 through like a residential area?

21 **A** Yes, ma'am.

22 **Q** Before it hits West Florissant?

23 **A** Yes, ma'am.

24 **Q** You were somewhere at a house up near West
25 Florissant at the intersection of Canfield Drive?

1 **A** Yes.

2 **Q** And so were you in your car?

3 **A** No, ma'am.

4 **Q** You were on a friend's porch, I think you
5 said?

6 **A** I don't even know the people, but they did
7 allow me to stay there.

8 **Q** And so do you remember when the officer
9 talked to you, it was around after 6:00 in the
10 evening?

11 **A** Yes, ma'am.

12 **Q** Okay. So a few hours had passed; is that
13 right?

14 **A** Yes.

15 **Q** I know you were probably very scare and
16 frightened when this happened, correct?

17 **A** Yes.

18 **Q** Between the time you saw it and the time
19 that the county officer talked to you, did you talk
20 to anybody else about what you had seen?

21 **A** Um, actually, I discussed it with the
22 people that were standing outside.

23 **Q** How about , did you and , before
24 you talked to the County Police, did you and
25 talk to each other about what he had seen and what

1 you had seen?

2 **A** Oh, no, ma'am, we was just shocked at the
3 time and we did discuss that, what we seen that day,
4 we did talk about that.

5 **Q** Okay. Before you talked to the officers?

6 **A** Yes, ma'am.

7 **Q** Okay. And so he had told you about what
8 he had seen?

9 **A** Actually, like I say, we just discussed
10 the situation that we were just in together.

11 **Q** Okay. In general terms then?

12 **A** Yes, ma'am.

13 **Q** Not like the details we've been going
14 over?

15 **A** No, ma'am, just talking in general.

16 **Q** Now, you know today, don't you, that there
17 are, there is an issue about whether Michael Brown
18 had his hands up, such as in a surrendering pose,
19 versus whether his hands were in some other
20 position, you know that today, right?

21 **A** Yes.

22 **Q** You watch the news?

23 **A** (Nods head.)

24 **Q** Do you take part in any of the activities,
25 whether it is protesting or anything else or with

1 any of the groups that have a position one way or
2 another on this, you know what I mean? The
3 protestors, I don't want to lump them altogether. I
4 know there is a bunch of different factions let's
5 say. Do you take a part in any of that?

6 **A** Actually, no, ma'am.

7 **Q** Okay. But you know from watching the news
8 that hands up has kind of been a mantra of the
9 people protesting, right?

10 **A** Yes.

11 **Q** When you gave your statement to Detective
12 , just about six hours after this happened, you
13 didn't say anything to him about Michael Brown
14 having his hands up. Do you recall that?

15 **A** Um, no, ma'am.

16 **Q** Okay.

17 **A** I'm not sure.

18 **Q** Do you remember you were at the FBI and
19 before they talked to you, did they let you listen
20 to your statement?

21 **A** Yes.

22 **Q** Okay. And did you see a transcript of
23 your statement at all?

24 **A** Yes.

25 **Q** Okay. And when you listened to your

1 statement and followed along on the transcript, did
2 you think the transcript was accurately recording
3 your statement?

4 **A** Yes.

5 **Q** So I'm going to show you, this is a copy
6 of the transcript of when you talked to Detective
7 . Up here it says August 9th, about 6:40 p.m.
8 and it starts out him saying this is Detective
9 . It says he's at 9300 West
10 Florissant. Does this look like the transcript that
11 you saw when you listened to your statement?

12 **A** Yes, ma'am.

13 **Q** Okay. Now, I'm going to direct your
14 attention to page seven, and you can look through
15 this all you want. I'm just getting to a point
16 where you start talking about, oh about halfway, a
17 little more than halfway down. You are talking
18 about having seen him get shot at the car and then
19 you said after he did that, I looked up and now by
20 this time, I'm looking up because I'm terrified.

21 Now, I'm looking up in my rear view
22 mirror, that's when I see the young man. Well, he
23 already ran past and then a police officer ran past.
24 So when I looked up, I saw the young man turn, he
25 was facing the police officer, he was towards the

1 police officer.

2 Did I read that accurately?

3 **A** Uh-huh.

4 **Q** And then the detective says, Okay. So you
5 saw the young man's face?

6 And you say, yes, sir.

7 And he said, but you saw the police
8 officer's back.

9 And you say, in my rear view mirror?

10 And he says, the officer says okay.

11 And then you saw, and I saw I heard
12 just three more gunshots, I don't know if it was two
13 or three, I know it dot dot dot, and I think you are
14 making the sound of gunshot, right? Dot dot dot.

15 And then I saw when the young man just hit the
16 ground. When he hit the ground, I just got terror,
17 I mean, I was just stunned. And I never seen
18 nothing like that in my life. So I just end up
19 proceeding to get away.

20 In the process of me getting away,
21 another truck came to me and almost hit me head-on.

22 Did I go over that accurately?

23 **A** Uh-huh.

24 **Q** Okay. So, and I know this was very, very,
25 when I say exciting, I don't mean happy exciting, it

1 was an exciting thing that you saw. And your
2 emotions were high, wouldn't you say?

3 **A** (Nods head.)

4 **Q** So you didn't mention to Detective
5 when he talked to you that Michael Brown had his
6 hands up?

7 **A** Okay.

8 **Q** And he asked you at the end of your
9 statement is there anything else that you can think
10 of that, you know, that you saw that's important.
11 And you said, no, you didn't think of anything else?

12 **A** Uh-huh.

13 **Q** Wouldn't it have been important to tell
14 Detective Brown that he had his hands up?

15 **A** Um, yes.

16 **Q** Okay. Let me ask you this. Do you think,
17 I think everybody agrees that our memories change
18 over time. Something that I saw, if I go to see a
19 movie, I remember the movie better right after I see
20 it than a year later. I might not remember who
21 starred in it or all the details about it, and I
22 know we're not talking about a year later, but do
23 you understand what I'm talking about, memories
24 changing?

25 **A** Yes, ma'am.

1 **Q** Do you think that you didn't tell
2 Detective about Michael Brown's hand because
3 you didn't see them that day and now in your head
4 you remember it that way because you have heard
5 people talking about that or did you just not tell
6 him that because it was just too much for you and
7 you were overly excited or what have you?

8 **A** Actually, I'm not going to say that I was
9 overexcited. In my mind, my mind was gone, like I
10 said, I have never seen nothing like that in my
11 life. So, therefore, that was probably something
12 that I didn't mention at the time. But I saw what I
13 saw in the rear view mirror and that's basically all
14 that I can say.

15 **Q** Okay. And, you know, you and I talked
16 about before you testified, and didn't I tell you
17 all we are trying to do is piece together what
18 everybody saw so we can, so the grand jurors can
19 eventually try to figure out what really happened as
20 best as we can without actually having been there
21 ourselves.

22 And so you understand, you believe me
23 when I say I just want you to tell me what you
24 remember and tell the truth. I'm not trying to get
25 you to change what you have to say, or change your

1 recollection in anyway, but you would agree with me
2 that you didn't mention to Detective about
3 Michael Brown's hands being up?

4 **A** Yes.

5 **Q** But today as you sit here today, in your
6 mind you remember Michael Brown's hands being up?

7 **A** Yes.

8 **Q** Okay. Do you recall, I'm sorry, I stepped
9 out of the room for a time when your statement to
10 the FBI was playing, when you made your statement to
11 the FBI, did you tell them everything that you could
12 remember?

13 **A** Um, to my knowledge.

14 **Q** Okay.

15 **A** To the best of my knowledge I did.

16 **Q** Okay.

17 MS. ALIZADEH: I don't have anything else.

18 I guess

19 we're at the point you were behind the police
20 officer and you said he puts his car in reverse. At
21 that point did he ever put his siren on?

22 **A** No, sir.

23 Or lights?

24 **A** Nothing.

25 After Michael Brown is in

1 the street, the other police cars you saw are
2 coming, did they have sirens on?

3 **A** Yes, they did.

4 Okay.

5 When the
6 officer put his car in reverse to kind of, I think
7 you said kind of cut off the two men, did he spin
8 his tires, did you hear the tires squealing at that
9 point?

10 **A** It just went to like a halt, just like a
11 stop, just a sudden stop.

12 It wasn't real aggressive
13 backwards then where the tires were spinning?

14 **A** Actually, when he went back to reverse, it
15 was pretty quick. It was a fast reverse, like you
16 hit your accelerator and hit the brakes, just
17 quickly.

18 Okay. And in your rear
19 view mirror, were there other vehicles lined up
20 behind you at that point after the officer ran past
21 you and you saw the shooting, were there other cars
22 immediately behind you that might be partially
23 blocking your view or anything?

24 **A** To my knowledge, no, no, sir.

25 Okay. Thank you.

Page 141

1 When Dorian came
2 up on the passenger side of your car and he said
3 something, get me out of here or something along
4 those lines, do you remember exactly what he said?

5 **A** Actually it was, uh, can you get me up out
6 of here, it is pretty crazy around here.

7 You think the scene being
8 crazy or a certain person being crazy?

9 **A** Actually, the scene.

10 Okay.

11 On page seven it also
12 says that the police officer, when I the saw young
13 man turn, he was facing the police officer, he was
14 towards the police officer. And Detective
15 asked you, so you saw the young man's face. You
16 said, yes, sir. What did you -- what did you see
17 his expression, did he look scared or angry? I know
18 you said he didn't walk toward him, but what kind of
19 facial expression did you see?

20 **A** Actually, it was just a shock like.

21 He didn't look
22 aggressive?

23 **A** It was just like, just shock like.

24 Thank you.

25 How

1 far, how many feet from where you were to Michael
2 Brown, how many feet were they or how far, maybe two
3 cars, three cars?

4 **A** I probably will say it was probably about
5 three, three to four cars distance.

6 Three or four cars?

7 **A** Yes.

8 From three to four cars,
9 maybe double the size of this room, maybe double
10 this room.

11 **A** Right, to where, probably about, like I
12 say, probably about three.

13 You can see his face
14 completely in the rear view mirror?

15 **A** In the rear view mirror, yes, ma'am. It
16 was far that I could see his face.

17 Um, a
18 couple of questions. The first question is when
19 Dorian stooped down at your car and asked to get in,
20 did you see anything in his hands?

21 **A** At that time, no, ma'am.

22 : Second question is, when
23 the officer came back at a fast speed and he stopped
24 instantly, um, how long can you say the seconds was
25 when you thought there was a confrontation going on.

1 Did it start immediately or?

2 **A** It was immediately.

3 **Q** Immediately?

4 **A** Immediately after that, after the car did
5 that, made the complete stop.

6 : Okay. That's it.

7 . From your
8 perspective, would you say the officer used, I'll
9 let you use the description, what amount of force
10 would you say the officer used in this situation?

11 **A** Um, excessive force.

12 : Okay.

13 . When you
14 sat down with Detective , is it safe to say he
15 never asked you where Michael Brown's hands were?

16 **A** Correct, that's correct. He never really
17 asked me that question.

18 . In
19 answer, dovetailing off question,
20 if I heard you correctly, you said that the officer
21 did use excessive force; is that correct?

22 **A** Yes, ma'am.

23 : Can you tell me why you
24 feel that way.

25 **A** Actually, I think he used excessive force

1 because it was after he chased him down, that's
2 where my actions come in, when he chased after him,
3 that's what I mean by excessive force because he was
4 running away from him.

5 Okay. So after he ran
6 away from him and then the second shots, or the
7 second series of shots, okay. And are you saying
8 after that there shouldn't have been any more shots?

9 **A** Actually, I'm saying once he ran away and
10 got a nice little distance, there shouldn't have
11 been any more shots.

12 : Okay.

13 . Just to clarify
14 one question, when gave his statement to the
15 County, they asked him about after Wilson had moved
16 past the car and brought up that there were
17 two or three, up to four cars behind you. They
18 started lining up after that, but you are saying
19 there were no cars behind you?

20 **A** I didn't see any cars.

21 . I have a
22 question about after what she said. You are looking
23 at all of this through the rear view mirror, right?

24 **A** Yes, ma'am.

25 : So you said excessive

1 force and you said that after he ran away there
2 should have been no more shots. What do you think
3 should have happened, do you think he should have
4 let Michael Brown just run away? You didn't hear
5 anything being said like stop or you didn't hear
6 what was going on.

7 **A** Halt, none of that.

8 : You didn't see the
9 tussle, so you don't know what happened. Do you
10 feel like the police officer should have just let
11 Michael Brown run away and get away and not try to
12 stop him even if he did break the law?

13 **A** In somewhat, and the reason why I say that
14 is because if he would have let him get away, if he
15 was shot at any time, he would have been found. Had
16 the police have swarmed in, they would have got him
17 even if he would have run, even if he would have got
18 away, they would have captured him.

19 : So you feel like he would
20 have gotten away and then they would have captured
21 him and he would have been arrested, not killed?

22 **A** Yes, ma'am, that's my purpose, yes, ma'am.

23 : Okay.

24 MS. ALIZADEH: Any other questions?

25 MS. WHIRLEY: I just want to the make sure

1 I'm clear, and I'm clear with what you said about
2 the hands up, but that's the absolute truth here
3 today is what you're saying, you just didn't make
4 this up today?

5 **A** No, ma'am, no, ma'am, not at all.

6 MS. WHIRLEY: Okay, all right. I don't
7 have anything else.

8 MS. ALIZADEH: Any other questions? All
9 right. This witness is concluded.

10 (This is the end of
11 testimony.)

12 MS. WHIRLEY: All right. Again, it is
13 October 13th of 2014, it is approximately 1:15 p.m.
14 We're starting our afternoon session with testimony
15 regarding the shooting of Michael Brown. I'm Sheila
16 Whirley, Kathi Alizadeh will be in shortly, grand
17 jurors are here and is here.

18 I'm passing around the transcript of the
19 next witness' statement. His name is
20 and his name is spelled correctly on the transcript.
21 His recorded statement is marked as Grand Jury
22 Exhibit Number 17.

23 (Grand Jury Exhibit Number 17
24 marked for identification.)

25 MS. WHIRLEY: Once they are passed around,

1 we'll stop the recording and , you can pause
2 that recording since we have a transcript.

3 (Playing of the interview of
4)

5 MS. WHIRLEY: We're going to play this
6 witness' second statement, , is also
7 from Grand Jury Exhibit Number 17.
8 . Do we know the
9 correct date and time this first one we just
10 listened to took place?

11 MS. ALIZADEH: No, I will have to get that
12 information for you.

13 : Okay.

14 (Playing the interview of .)

15 MS. WHIRLEY: Now we're going to play, it
16 may take just a minute, I'm not sure how cooperative
17 the equipment is going to be, but we're going to
18 play his media interview. I'm not sure if these are
19 video or audio, so I need to figure that out first.
20 This is on Grand Jury Exhibit Number 3.

21 (Audio clips are being played at this
22 time.)

23 MS. WHIRLEY: So the three video clips
24 that we call were from Grand Jury Exhibit Number 39,
25 and they were from KTVI, two of them, the first two

1 clips and the third clip was a clip with Anderson
2 Cooper. I'm not exactly certain of the dates that
3 it occurred. It looks like 8/12 for the first
4 video, 9/8, which is September the 8th for the
5 second and September the 10th for the third. So
6 that will conclude that from Grand Jury Exhibit
7 Number 39.

8 MS. ALIZADEH: I just want to point out
9 that there is a fourth clip on there that you can
10 see. If you can see the file up there. That clip
11 is basically some attorneys and some news reporters
12 kind of commenting on the statements that were made
13 and again, it is really not evidence and we don't
14 really, I don't feel it is helpful to have other
15 persons' perspectives what they think these
16 statements mean. So we did not play that last clip
17 for you. It really isn't a statement of a witness.

18 MS. WHIRLEY: Okay.

19 MS. ALIZADEH: I think we're ready to
20 call, we're going to call the next witness,
21
22
23
24
25

1 of lawful age, having been first duly sworn to
2 testify the truth, the whole truth, and
3 nothing but the truth in the case aforesaid,
4 deposes and says in reply to oral
5 interrogatories, propounded as follows, to-wit:

6 EXAMINATION

7 BY MS. ALIZADEH:

8 Q Could you state your name, please, and
9 spell it for the court reporter?

10 A

11 Q And , how old are you?

12 A .

13 Q And are you married or single?

14 A Fiancee.

15 Q And where, I'm not asking for an address,
16 but whereabouts do you live in the metropolitan
17 area?

18 A South of .

19 Q So you live in ?

20 A Yes.

21 Q Is that the area that you grew up in?

22 A No, I was raised in North Dakota.

23 Q So how long have you lived in the St.
24 Louis area?

25 A Since '91, I believe, '91 or '92.

1 **Q** What do you do for a living?

2 **A** Retaining walls and brick patios,
3 landscaping work.

4 **Q** And is a lot of times your work outdoor
5 work?

6 **A** Just about all of it.

7 **Q** Do you work for a company or do you work
8 for yourself?

9 **A** For a company. I was commercial forever
10 and I wanted to get out of the commercial, so I went
11 to a smaller company to do back yards and stuff.

12 **Q** So were you working for the same company
13 back in August of this year?

14 **A** Yeah, the same one I'm with now, yes.

15 **Q** Okay. How is it that you get assigned or
16 how is it it's determined that you are going to go
17 to a certain location and do a job?

18 **A** They just tell us where to go.

19 **Q** Someone in the company assigns out --

20 **A** The boss.

21 **Q** The boss assigns the work?

22 **A** Yeah.

23 **Q** Okay. And so you were assigned in early
24 August to do some work at an apartment complex in
25 Ferguson called Canfield Green Apartments?

1 **A** Yes, I was.

2 **Q** Now, you were present at that apartment
3 complex on the day that Michael Brown was shot; is
4 that right?

5 **A** Yes, I was.

6 **Q** So we know now that that date was
7 August 9th. How many days prior to that, if any,
8 were you actually there at the complex working?

9 **A** I believe that was my fourth day there.

10 **Q** Okay. And so what were you doing at the
11 apartment complex, what was the job you were doing?

12 **A** Installing plastic gutters to bring the
13 rain water out of the gutters further away from the
14 building so it would stop flooding the bottom
15 floors.

16 **Q** Were you working by yourself or was there
17 someone else on the job with you?

18 **A** Most of the week there was like four of us
19 there and then Saturday it was just me and one other
20 guy.

21 **Q** All right. So the shooting happened on a
22 Saturday and you were working that day?

23 **A** Yes.

24 **Q** And is that typical that you would be
25 working on a Saturday?

1 **A** It has been lately.

2 **Q** So there is enough work that you need to
3 work on Saturdays to get stuff done?

4 **A** Yeah.

5 **Q** Would that be fair to say?

6 **A** Yes.

7 **Q** And so when you were working on that
8 Saturday, who was working with you?

9 **A** My laborer whose name is

10 **Q** Had you worked with him before that day?

11 **A** Just those first few days I was there. I
12 knew him, but I didn't work with him. Those were my
13 first days working with him.

14 **Q** So the Ferguson job, I will call it, the
15 Canfield Green Job, that was the first job you had
16 ever worked with ?

17 **A** Yes.

18 **Q** How long had you known before that?

19 **A** I'd known of him for probably a week, two
20 weeks.

21 **Q** Okay. Would you say at this time on the
22 9th, were you and friends or were you just
23 co-workers?

24 **A** We were getting to know each other kind of
25 after being out there together, but we barely ran

1 into each other at the shop.

2 Q Do you know whereabouts in the St. Louis
3 metropolitan area lives?

4 A I believe in I don't have any
5 idea where though. He said it was close by the shop
6 is all I know.

7 Q So he also lives in or
8 south ?

9 A I believe so.

10 Q You've never been to his house?

11 A No.

12 Q Has he ever been to your house?

13 A No.

14 Q And so on this particular day, um, you
15 were doing work. Had you ever been to the Canfield
16 Green Apartment Complex before this job?

17 A No.

18 Q Were you familiar with the Ferguson area?

19 A The only thing in Ferguson I ever went to
20 work at was the Emerson Electric building. I
21 replaced some pavers over there probably eight or
22 nine years ago.

23 Q So you said you had been working up at the
24 apartments for a few days, like four days or five
25 days?

1 **A** I believe it was four days, it might have
2 been five. I was real new to working with him.
3 The boss wanted me to go up there to go up there to
4 see what was taking so long.

5 **Q** Prior to August 9th, did you know any of
6 the residents in the apartments?

7 **A** Not really.

8 **Q** Would you see people on the street and
9 just --

10 **A** The ones that would talk would be the
11 maintenance crew.

12 **Q** Okay.

13 **A** We'd see them in the morning and sometimes
14 at night, and sometimes they would be walking by.

15 **Q** What about Ferguson police officers, did
16 you know any Ferguson police officers at that time?

17 **A** No, ma'am.

18 **Q** Do you have any police officers in your
19 family?

20 **A** No.

21 **Q** So what time did you get to work that day
22 in Ferguson?

23 **A** Probably 7:30.

24 **Q** A.m.?

25 **A** A.m., yes.

1 **Q** That was in August, was it heating up,
2 getting to be a hot day around noontime?

3 **A** No, it was Saturday, I just remember it
4 being slow.

5 **Q** Okay. I'm going to show you, this is a
6 laser pointer, so if you press on this button here
7 you can use it to point.

8 **A** Okay.

9 **Q** So this is a map, Grand Jury Number 25, it
10 is an aerial view of the Canfield Green Apartment
11 Complex. Do you recognize the streets and the
12 buildings, does that kind of make sense to you?

13 **A** Yes.

14 **Q** Can you use that pointer and show the
15 grand jurors on the 9th where were you working? I
16 assume you were working outdoors?

17 **A** Yes.

18 **Q** Where were you working on the 9th?

19 **A** We started over here in the morning just
20 extending out little things. By 11:00 we got over
21 here where this tree is and that was where, that is
22 where all the roots that were giving me trouble is
23 where they end up being.

24 **Q** So you were digging, is that what you were
25 doing?

1 **A** I was digging and trying to chop through
2 roots and finally I gave up. My chain saw wouldn't
3 start and my generator wouldn't carry the sawzall
4 and I didn't have nothing to cut it but a hatchet
5 and a shovel.

6 **Q** Now, this street that I'm pointing to
7 right here, which is Canfield Drive, which is the
8 main drag through the complex?

9 **A** Yes.

10 **Q** When you were working that day, did you
11 have a company truck?

12 **A** Yes.

13 **Q** Would you move your truck as you would
14 move your job around the complex?

15 **A** Yes. All the pipes and the tools were in
16 the truck.

17 **Q** How about did he have a truck of
18 his own?

19 **A** He had a truck, but it was parked up
20 there.

21 **Q** Okay. So he had left his truck and as you
22 worked your way around the complex you moved your
23 truck?

24 **A** Yes, his was a truck that had a big
25 dumpster on to haul wood out. We were going to load

1 it with wood at the end of the day.

2 Q You said that you were around, this is
3 Building Number 9?

4 A Uh-huh.

5 Q If up is north?

6 A Yes.

7 Q So were you on the north side of that
8 building?

9 A Yes.

10 Q So you were digging in the earth around
11 this area?

12 A Right there.

13 Q Okay. And from where was your truck
14 parked as you were digging?

15 A Right in the parking spot right in front
16 of it.

17 Q So we can kind of see these parking spots
18 along here. You can kind of see yellow lines?

19 A Right there.

20 Q So your truck was right around here?

21 A Yes.

22 Q Right on the north side of the building?

23 A Yes.

24 Q Okay.

25 A Backed in.

1 **Q** Now, during that day, do you recall did
2 you take a lunch break that day?

3 **A** It wasn't lunch time yet. We didn't.

4 **Q** Before this happened you hadn't taken a
5 lunch break?

6 **A** No.

7 **Q** So earlier that day, did someone stop and
8 talk to you?

9 **A** First, some lady stopped and was letting
10 her kid go with her grandparents. She talked for a
11 minute and then took off over here somewhere.

12 Right after that, I went back to
13 digging, that's when Michael stopped. I didn't know
14 his name at the time. He was just some guy stopping
15 wanting to talk.

16 **Q** And you now know that the person that you
17 are talking about being Michael, that's the person
18 who got shot and killed that day?

19 **A** Yes.

20 **Q** Had you seen him in the complex before he
21 stopped to talk to you?

22 **A** No, I did not.

23 **Q** So the first time you ever had contact
24 with him was when he stopped and to talked?

25 **A** Yes.

1 **Q** Where was when Michael stopped to
2 talk with you?

3 **A** was over looking at these other ones
4 and digging up like this one, adding to this one and
5 adding to this one. We were kind of trying to stay
6 in the same little areas and run those four out and
7 move to the next area and run those four out.

8 **Q** Okay. So when Michael stopped to talk to
9 you, was he alone or was he with somebody?

10 **A** He was alone when he come out.

11 **Q** So describe him for me, what did he look
12 like first off?

13 **A** He just looked like a big guy. When I
14 first seen him I thought he was 25 to 30 years old
15 or something. And was asking me why I was so angry,
16 I told him I was digging through big roots with a
17 shovel and a hatchet.

18 **Q** Were you angry?

19 **A** I was pretty angry, those were some big
20 roots.

21 **Q** Why do you think he picked up on the fact
22 you were angry?

23 **A** A little bit of cussing and swearing going
24 on and changing tools, trying to find a sharper
25 shovel, mad because my chain saw wouldn't start.

1 **Q** So do you think you were loud enough that
2 he heard you cussing?

3 **A** I tried not to cuss real loud for people
4 to hear, but after you come outside, you can here
5 it.

6 **Q** So where did he come out from you say he
7 came outside?

8 **A** On the, he came down the steps on the
9 northwest staircase. I don't know which building or
10 which --

11 **Q** Which apartment unit?

12 **A** Which apartment he came out of, no.

13 **Q** It was this Number apartment he came
14 down?

15 **A** Out of the side is the side he came
16 down.

17 **Q** Okay. About what time of day was this, do
18 you know?

19 **A** I believe it was around 11 or 11:30 or
20 somewhere in there.

21 **Q** And I notice that you don't have a watch
22 on today?

23 **A** No.

24 **Q** Do you normally wear a watch?

25 **A** No, I can't wear watches.

1 **Q** How do you tell time?

2 **A** Uh, mostly my laborers tell me what time
3 it is. I have a clock on my phone, but I don't
4 really look at my phone too much.

5 **Q** So when you say it was around 11:00, is
6 that like your best guess or had you recently looked
7 at the clock?

8 **A** No, when all of that went down and then I
9 looked at the clock to see when it is over with. I
10 thought it took this long to get a machine and I
11 don't know, it was like 11:30 or 12:00, I can't
12 remember the exact time.

13 **Q** Okay. When you saw Michael Brown, he was
14 coming down the steps?

15 **A** No, when I first saw him he was standing
16 next to my truck looking at me.

17 **Q** So you just mentioned earlier you saw him
18 emerge from an apartment, or emerge from some place,
19 did you see him --

20 **A** That's where he went up.

21 **Q** Okay.

22 **A** I didn't see him come out of there, but
23 that's where he went up. He said he was going back
24 up to his apartment.

25 **Q** Let's start with you first saw him. Where

1 was he when you first saw him?

2 **A** Standing next to my truck looking at me.

3 **Q** So is this in the same area that that you
4 already described, your truck was in front of this
5 Building Number 9?

6 **A** Yes.

7 **Q** And you said he was a big kid?

8 **A** He was bigger than I am, I looked up when
9 I talked to him.

10 **Q** He was standing and you stood next to him?

11 **A** When I'd get up to try to grab a different
12 tool, I'd stand by him.

13 **Q** How take tall are you?

14 **A** About 5'11".

15 **Q** At the time --

16 **A** At the time he looked like he was 25 to
17 30. I didn't find out until later he was, you know.

18 **Q** An African-American?

19 **A** Yes.

20 **Q** How was he dressed when you saw him?

21 **A** Just some easy going shorts, I believe a
22 white shirt and he had these yellow socks with pot
23 leafs on them.

24 **Q** Did you notice he had a hat on? Does he
25 have anything in his hand when you first saw him?

1 **A** Not when I first saw him.

2 **Q** So you said that he stopped and talked to
3 you. Who said something first, did you first speak
4 or did he first speak.

5 **A** I think I said what's up to him. And then
6 he told me that the Lord Jesus Christ would help me
7 with my anger problem, you seem pretty angry down
8 there. I said, boy, you can grab a shovel and come
9 down here and you can get picking at these roots.

10 **Q** He didn't pick up a shovel and help you,
11 did he?

12 **A** Oh, no.

13 **Q** How long did you and he speak to each
14 other at this time?

15 **A** I believe he was there for 30 minutes, but
16 that doesn't mean we sat there and talked for 30
17 minutes.

18 **Q** Okay.

19 **A** I was still digging at the roots. I would
20 get up and say something and then I'd get back down.

21 **Q** Was he standing the whole time --

22 **A** Yes.

23 **Q** He didn't like sit on the ground or like
24 sit on a step?

25 **A** No.

1 **Q** Did you ever see anybody with him during
2 the time?

3 **A** Not that time, no.

4 **Q** Did you ever see him do anything other
5 than standing there?

6 **A** No, just talking.

7 **Q** All right. So you mention he had talked
8 about Jesus Christ helping you with anger problem,
9 any other things that you recall about the
10 conversation?

11 **A** That would have been it. I thought he
12 wanted to get into a Jesus argument or conversation,
13 but I don't like getting into those because it is
14 just one you can never win.

15 **Q** Okay.

16 **A** Everybody has their own belief.

17 **Q** So during the time you were there, you
18 never saw another person with him?

19 **A** Not that first 30 minutes.

20 **Q** What happened after that 30 minutes
21 expired?

22 **A** came over and I told him I was
23 getting sick and tired of digging through these
24 roots and we need to go find some easier spots so we
25 can get something done that day.

1 So we started loading up the garbage
2 I had thrown out, try to pick at it and we're
3 getting ready to move the truck over and I seen him
4 over there, I told him to go get the Bobcat over by
5 the storage yard where the maintenance people hang
6 out.

7 **Q** So was Michael still around in the same
8 area.

9 **A** No, right when I was getting ready to come
10 back out, that's when he came out with some other
11 kid.

12 **Q** So let's back up. So Michael was there
13 talking to you for you think maybe about 30 minutes?

14 **A** And then he had to go up into the
15 apartments.

16 **Q** So he leaves, where does he go?

17 **A** Up that one staircase.

18 **Q** In Building Number

19 **A** Yes.

20 **Q** Did you notice what apartment he went
21 into?

22 **A** No, I started talking to and picking
23 up tools and telling him we're going to go somewhere
24 else do what we need to do and get the machine.

25 **Q** At the time that you and Mike were saying

1 things to each other, was in the vicinity
2 where he would have heard ---

3 **A** Towards the end he was.

4 **Q** Okay. So he may have heard some of the
5 things that were being said?

6 **A** He probably heard some of it. Towards the
7 end he was standing at the back of the truck.

8 **Q** That would be when you say he?

9 **A** Yes.

10 **Q** So then you said Michael ran up the stairs
11 and disappeared into the building, and then you and
12 were kind of collecting tools?

13 **A** Yes.

14 **Q** How long before you say someone else in
15 the area or anyone else?

16 **A** Michael and that other kid come up when I
17 was trying to pick up a few shovels and talk about
18 where we're going to go in a couple minutes.

19 **Q** Okay. So can you describe the other kid?

20 **A** He's an African-American kid. He was
21 probably my size, but skinny.

22 **Q** So shorter than Michael?

23 **A** Yes.

24 **Q** And skinnier than you.

25 **A** Yes.

1 **Q** Would you say that he was a teenager,
2 20's, 30's?

3 **A** He looked like a young kid. I don't think
4 he was 20 yet.

5 **Q** Is that the first time you had ever seen
6 that kid?

7 **A** Yes.

8 **Q** And today do you know who that is?

9 **A** I've heard of his name, but I don't know
10 the name off the tip of my tongue.

11 **Q** You've seen him on the news since then?

12 **A** A couple of different times.

13 **Q** If I said the name, you think you might
14 recognize it?

15 **A** Yes.

16 **Q** Dorian Johnson?

17 **A** Yes. I only remember that because I was
18 at the FBI's office this morning.

19 **Q** Okay.

20 **A** Otherwise, I wouldn't have known.

21 **Q** So you didn't know Dorian Johnson before
22 this day?

23 **A** No.

24 **Q** But have you seen him on the news?

25 **A** I've seen him a couple times on the news,

1 but my fiancée doesn't allow me to watch the news
2 any more.

3 Q The person that you saw on the news, you
4 recognize him as the same guy that had come out of
5 the building with Michael?

6 A I didn't recognize him exactly, you know,
7 they said that's who it was. I didn't really stare
8 at him and they walked right by me when they were
9 coming out. There was some stuff talked about, but
10 it was talked about as they were walking by. We
11 didn't hang out and talk for another 10 minutes.

12 Q Do you recall what this other smaller guy
13 was wearing?

14 A No.

15 Q So did the two of them, Michael and this
16 other guy, come out of the building at the same
17 time?

18 A Yes.

19 Q And so did they have to pass you or did
20 they walk past you?

21 A They came out and were heading to the
22 store they said.

23 Q Okay. So you said there was something
24 else said or talked about, a brief conversation as
25 they passed you?

1 **A** Correct.

2 **Q** What was said?

3 **A** Michael had just a little bit of marijuana
4 and he was rolling it up in like a newspaper, not a
5 newspaper, but a regular notebook paper with lines
6 in it. I said, you're going to smoke it out of
7 that? And he just said, no, we're going to go to
8 the store and get some skins or a blunt or something
9 is what he said.

10 **Q** Okay. So now when you say he had a little
11 marijuana, describe for me exactly what you saw?

12 **A** I just saw a folded up piece of paper with
13 some marijuana that was rolling up to put in his
14 pocket, but he didn't have any pockets in his
15 shorts.

16 **Q** So you didn't see any like baggy or
17 anything like that?

18 **A** Huh-uh, no.

19 **Q** And so the stuff that you saw in the paper
20 looked like marijuana to you?

21 **A** Yes.

22 **Q** And the paper you said was like regular
23 notebook paper?

24 **A** Yeah, like with lines on it. Like the
25 stuff she's writing on right there.

1 **Q** Okay. And you had made a comment to
2 Michael, are you going to smoke that --

3 **A** Out of that.

4 **Q** Out of that. And he said he was going to
5 the store?

6 **A** Yeah, to get some skins or blunts, I don't
7 know which one he said, he was going to go get
8 papers.

9 **Q** So what about the other guy that was with
10 Michael. Did he --

11 **A** He didn't say much.

12 **Q** He didn't say much or you don't remember?

13 **A** I don't remember what he said. He didn't
14 say hardly anything, but when he said blunt, I said,
15 blunt? I said, yeah, I said, those things ain't no
16 good. I said, you ought to try this wax stuff and
17 then he turned and said, I don't know what that is
18 and just kept on walking.

19 **Q** Okay. So when you say he turned, I don't
20 know what that is, who is he?

21 **A** He's the D word guy.

22 **Q** The smaller guy?

23 **A** Yeah.

24 **Q** So you said you ought to try this wax
25 stuff and --

1 **A** And he just turned and said, I don't know
2 what that is, and they just kept on walking.

3 **Q** What about Michael, did he say anything to
4 you when you said you ought to try this wax stuff?

5 **A** No, they just kept on walking after that.
6 That was about the extent of the conversation when
7 they came by.

8 **Q** Okay. Prior to this day, what did you
9 mean by wax stuff, do you know what wax is?

10 **A** I have seen it.

11 **Q** Would you describe for the grand jurors
12 what you know wax to be, or what is it?

13 **A** It is marijuana that is crushed into a
14 wax.

15 **Q** Have you ever seen anybody ingest that?

16 **A** Yes, no, you smoke it.

17 **Q** Have you ever seen what effect that has on
18 people?

19 **A** Yes.

20 **Q** What happens to people?

21 **A** Makes them really high.

22 **Q** Okay. When you spoke with Michael the
23 first time before he went up into the building, to
24 you did he appear to be high?

25 **A** No, he appeared to me to be slow in

1 nature, like he needed somebody to talk to.

2 Where I thought he was just bored up
3 there in his apartment, heard me down there and
4 wanted to come down and just talk.

5 Q Why do you think that, why do you say --

6 A Whenever he would talk and give me an
7 answer, he would always put his head back and his
8 eyes would flicker. I'm like, oh geez, I don't
9 know.

10 Q And you had never spoken to him before
11 this, right?

12 A Right.

13 Q So you wouldn't know what he would have
14 sounded like on another day, right?

15 A Right.

16 Q When he would speak to you, would he speak
17 rapidly or slow?

18 A No, it was real slow, but when he talked
19 his head would go back and his eyes, I just thought
20 he had an issue up there or something.

21 Q Okay.

22 A Was he high? I don't know, but it didn't
23 seem like he was high to me. It just seemed like he
24 was a little bit slow and was just wanting to talk
25 to somebody.

1 **Q** So what about when he came out of the
2 building, you saw him briefly, did he say anything
3 to you the second time when he came out of the
4 building?

5 **A** They say they were going to the store to
6 get the skins or the blunt or the papers.

7 **Q** So did Michael speak at that time?

8 **A** Michael said that.

9 **Q** Okay. Did he speak in the same manner
10 that you had heard before?

11 **A** I didn't notice the head going back, but
12 he talked real slow.

13 **Q** From what you observed or the time you had
14 to observe him on the second time when he came out
15 of the building, did you have any impression that he
16 was high or intoxicated or anything?

17 **A** I didn't think so. I mean, I didn't have
18 that. When they're walking away, they just walked
19 away and I got in my truck drove it across the
20 parking lot to the next building.

21 **Q** So when you saw him and the other guy walk
22 away, where did they walk? You can use the pointer.

23 **A** They took off right here and started
24 cutting through here and up that way. I don't know
25 what happened after here, this is the way they took

1 off.

2 I figure if they going to the store,
3 they are going to that QuikTrip. That's the only
4 store I know of around there. (indicating)

5 Q So you saw them walk toward Canfield Drive
6 and then in a somewhat easterly direction?

7 A Yes.

8 Q As if they were going to be walking up
9 Canfield?

10 A Yes.

11 Q Um, so how much time passed before
12 something happened?

13 A I thought it would have been like 15
14 minutes. When they left, I drove my truck to right
15 here, there was no cars there, so I pulled it right
16 up over here, and started walking over here to
17 get the Bobcat.

18 So however long it took to walk there
19 to come back and take three little scoops out. I
20 figured it would be 15 minutes. In my eyes I'm a
21 foreman, so I would think that stuff takes less time
22 than you know.

23 Q You didn't have a watch?

24 A I didn't have a watch. I would have just
25 figured it took 15 minutes to go there, bring a

1 machine back and dug those things up.

2 Q And then what's the next thing, were you
3 still in this general area when something happened?

4 A Yeah, I was right here. He had just dug
5 that out and we dug this one out.

6 Q He, meaning ?

7 A Yes, . And I was cleaning the crumbs
8 out of that back hole when I heard the first pop.

9 Q Okay.

10 A By then was getting out of the
11 machine, and I got up and walked over to my truck
12 and I asked , did you hear that? And he said,
13 yeah, it sounded like a gunshot. Then all of the
14 sudden by the time I got to my truck there was
15 another one. By that time that pop happened, he was
16 back by my truck with me. I don't think he was next
17 to me yet.

18 Q Now let me back up. So when you're over
19 in this area and you are now working in a different
20 hole and digging the crumbs out as you said.

21 A Yes.

22 Q Did you notice anything going on over
23 here, did you notice a police car or any other
24 vehicle or anything?

25 A No. When I heard that pop, I looked that

1 way, I didn't see anything.

2 Q Okay.

3 A There was nothing.

4 Q So nothing drew your attention to this
5 area before that?

6 A Not before that until that first pop.

7 Q Okay. And so you said was also in
8 this general area?

9 A He was just getting out of the machine
10 right there. (indicating)

11 Q What kind of machine are you talking
12 about?

13 A Like a Bobcat, but it's a Mustang. We
14 call it a Bobcat, but it's not, it's a Mustang.

15 Q So it is a smaller earth moving --

16 A Front end loader.

17 Q Does it make noise when it's turned on?

18 A Yeah.

19 Q Was it somewhat loud?

20 A Yeah.

21 Q Was it on when the pop happened?

22 A No, he was just getting off of it, he was
23 all done.

24 Q Okay. So he had turned it off?

25 A Yeah.

Page 177

1 Q What about, let me ask you, ,
2 how is your hearing?

3 **A** Pretty good.

4 Q What about your eyesight?

5 **A** My eyesight is, I have to wear these
6 glasses.

7 Q Okay. So were you wearing your glasses
8 that day?

9 **A** Yes.

10 Q And when you wear your glasses, is your
11 eyesight good?

12 **A** I believe it is pretty good. They say it
13 is not 20/20 but they try to get it as close as they
14 can.

15 **Q** Why do you wear glasses?

16 **A** Stigmatism.

17 Q It is not that you need them to read?

18 **A** Oh, yeah.

19 Q I wear reading glasses, but I can see far
20 away. You wear them all the time; is that right?

21 **A** Yes.

22 Q And you need them to read things far away?

23 **A** And close up.

24 Q And close up. So on this day you said you
25 heard a pop?

1 **A** Yes.

2 **Q** Before this day, had you ever heard
3 gunshots?

4 **A** I've heard gunshots, but it didn't sound
5 like that. I've heard shotguns and .22's.

6 **Q** What did it sound like to you?

7 **A** Just a pop. I mean, like a firecracker.

8 **Q** Did you look in the direction of the pop?

9 **A** Yes.

10 **Q** Use the pointer and point out where you
11 thought the pop was coming from?

12 **A** I thought it was coming from over here,
13 that's why I turned my head and looked. And then he
14 started coming, started coming out of the
15 machine, so we started walking over to my truck,
16 that was right here. By the time we got to my truck
17 and then there was a second one.

18 **Q** Okay. How much time do you think there
19 was between the first pop and the second pop?

20 **A** Barely a minute.

21 **Q** Between the two pops did you see anything?

22 **A** No.

23 **Q** And then you said you heard a second pop,
24 what happened then after you heard the second pop?

25 **A** Then said that does sound like a

1 gunshot and just then we saw the victim guy,
2 Michael, come running through right here. As he
3 come running, it looked like he was hit or looked
4 like he trip and fell. As he fell to the ground, he
5 caught himself with one hand and then turned around
6 and threw his hands up and started yelling, said
7 okay.

8 Q So let's back up. So you are looking in
9 that direction because you had heard the pops.

10 A Yeah, when said that does sound like
11 a gunshot, then we said, they're shooting at that
12 guy.

13 Q So you are already looking in that
14 direction when you see Michael come running?

15 A Yes.

16 Q Did you see what was going on before he
17 came running?

18 A No, the building is blocking it.

19 Q Okay. So you didn't see anything until
20 something comes around that building area?

21 A My line of sight was from right here.
22 (indicating)

23 Q Okay. So point to where you first saw
24 Michael, where was he?

25 A Coming right from around this building

1 about right there. (indicating)

2 **Q** Was he in the street, on the grass, on the
3 sidewalk?

4 **A** In the street.

5 **Q** In the street, okay. And so --

6 **A** Here again, I believe he was on the
7 street. That mountain right there is pretty high
8 where I couldn't really see the street.

9 **Q** So this is an elevated area; is that
10 right, this is a little hill?

11 **A** Yes.

12 **Q** Okay. So you believe he was in the
13 street, but you couldn't see the street from where
14 you were?

15 **A** Huh-uh.

16 **Q** Assuming his feet are on the street, I
17 mean, if you can't see his feet in the street, I
18 assume you can't see his feet?

19 **A** No.

20 **Q** So how much of his body could see from
21 that hill?

22 **A** At least a little bit below his knees.

23 **Q** Okay. So when you first saw him, you said
24 he was running?

25 **A** He was staggering running, falling down

1 running.

2 Q Okay. So did you recognize him
3 immediately as the guy?

4 A No, I did not. did after all was
5 done, he said that that's the dude that you were
6 just talking to.

7 Q Okay. So when you first saw him, you
8 didn't recognize him as the guy?

9 A No.

10 Q And so you said, okay. Then he was
11 running or staggering. Did you believe that he was
12 injured at that point?

13 A I had thought that beings he was tripping
14 and falling like that, that he had been shot.

15 Q Okay.

16 A Then he figured I've been shot once, I
17 better give up, so that's what he was trying to do.

18 Q So let's back up. So you figure he must
19 have been shot?

20 A Yeah, I don't know for sure.

21 Q Okay. And you figured that based upon the
22 fact --

23 A He was tripping and falling.

24 Q He was tripping and falling. Now, you
25 didn't know if he had shoes on his foot at that

1 point?

2 **A** I didn't know he had shoes on until after
3 we were leaving the job and then I seen the red hat
4 and the shoes laying on the ground.

5 **Q** So you couldn't see his feet at that point
6 where he is running or tripping or falling toward
7 you in your direction? And is he running toward you
8 or is he running in this direction? (indicating)

9 **A** No, he was running straight down the
10 street.

11 **Q** Straight down the street.

12 **A** As soon as he cleared that building where
13 I could see him, that's when he just kind of almost
14 fell, almost fell down and caught himself and stood
15 back up.

16 **Q** Did he actually, did his knees or his
17 hands touch the ground?

18 **A** See, I don't know if his hand, I know he
19 put his hand down, I couldn't see the rest. I don't
20 know if his hand touched the ground or not.

21 **Q** Okay.

22 **A** I know he put his hand down, which I
23 thought maybe caught his balance and then turn and
24 faced the officer.

25 **Q** About how far did you see him from the

1 point you first saw him running to where he
2 staggered and had to catch himself?

3 **A** I believe, the distance I was at?

4 **Q** Well, no, how far did he travel?

5 **A** Oh, that was about 25 feet probably.

6 **Q** Okay. And then you said you thought he
7 was staggering because he was hit or shot?

8 **A** Yes.

9 **Q** And at this point, did you believe that
10 those were gunshots you heard?

11 **A** I don't know what I believed. I believe
12 that said those are gunshots.

13 **Q** Okay.

14 **A** And then as soon he staggered and fell
15 like that, that's when the officers came.

16 **Q** Okay. So could you see blood anywhere on
17 Michael?

18 **A** No.

19 **Q** All right. So you say he was staggering
20 and fell, but caught himself in a way, right?

21 **A** Yes, and turned around.

22 **Q** He didn't totally fall?

23 **A** No, he didn't fall, he caught himself and
24 stood back up and tried to get back up from what I
25 hear.

1 **Q** When he fell, was he still facing in your
2 direction, or had he turned around?

3 **A** No, when he fell, he turned away from me
4 and then stood up.

5 **Q** Okay. So when he turned away from you,
6 what direction was he facing?

7 **A** It was almost like a full circle. He
8 turned all the way around to face the officer.

9 **Q** You said to face the officer?

10 **A** No, that way he was facing, I guess, west
11 almost, like a northwest on Canfield.

12 **Q** Okay. So he was facing in that direction
13 like looking up the street?

14 **A** Yes.

15 **Q** And at this point, let me ask you this,
16 when he was coming toward you, could you see his
17 face?

18 **A** No.

19 **Q** And is it because you couldn't see his
20 face, it was too far away?

21 **A** Too far, I believe.

22 **Q** Okay. Now, you said that he staggers,
23 kind of falls, but catches himself, but he turns
24 180 degrees around?

25 **A** Yeah.

1 **Q** And then what happens?

2 **A** And then he throws his arms up and starts
3 yelling, okay. And within a couple of seconds the
4 three officers came up and the one just pulled up
5 and shot him.

6 **Q** Okay. Let's back up. When you say he
7 kind of staggered down and then he was turning
8 around. I'm going to ask you to stand up so we can
9 see what you're going to demonstrate here.
10 Show me with your hands and body how
11 you saw him turn around?

12 **A** From the fall?

13 **Q** After he staggered and then you said he
14 then kind of caught himself and then stood up?

15 **A** It was almost like he was falling to the
16 ground and then came like that, and then just
17 started yelling okay, like that. (indicating)

18 **Q** Okay.

19 **A** When he caught himself like that, he was
20 still trying to catch himself, but he was coming
21 towards the officer, but he wasn't, I mean, I think
22 he was still, that's what I thought he was shot and
23 then he was still trying to catch his balance.

24 **Q** Okay. So when you saw him as he was
25 turning around kind of coming back up, you said he

1 put his hands up?

2 **A** Yeah, as soon as he started coming back
3 up, he started yelling okay.

4 **Q** Okay. He was yelling okay?

5 **A** Yes.

6 **Q** Did you hear anybody, before he yelled
7 okay, did you hear anybody else say anything?

8 **A** I heard nothing else.

9 **Q** All right. So you just, if you can stand
10 up again and put your hands up the way you saw his
11 hands up?

12 **A** I got this side view of him, so he was
13 kind of leaning forward a little bit, but his hands
14 were up like that. (indicating)

15 **Q** So I've got to describe this since we
16 don't have a video of this or picture. So you're
17 standing --

18 **A** He was kind of coming forward still, so he
19 was going with his feet, shuffling to catch himself.

20 **Q** And so you're standing with your arms up?

21 **A** And out a little.

22 **Q** And out forward a little bit, palms are
23 facing forward?

24 **A** Yes.

25 **Q** And your hands are well above your head,

1 would that be fair to say?

2 **A** Yes.

3 **Q** Okay. And so, but you said that he was
4 kind of moving forward or bent forward?

5 **A** When he came up from catching himself, he
6 came up and was probably still trying to catch
7 himself, but he was coming forward when he was
8 yelling.

9 **Q** Okay. And you heard him say okay, okay,
10 okay, okay?

11 **A** About seven or eight times.

12 **Q** You can sit down. He's facing away from
13 you at that point; is that right?

14 **A** I'm looking at his side.

15 **Q** Okay. And you just motioned onto, from
16 your right side?

17 **A** Yes, it would be his right side.

18 **Q** Okay.

19 **A** I'm getting the side view of him, not the
20 front or the back.

21 **Q** Okay. And when he turned around or at any
22 point yet have you seen any injuries or have you
23 seen blood on him anywhere?

24 **A** No.

25 **Q** When he put his hands up, did you see

1 blood on his hands or anything in his hands?

2 **A** No.

3 **Q** And he's facing away from you at that
4 point, right?

5 **A** Yeah.

6 **Q** Okay. Do you remember?

7 **A** Just facing the side.

8 **Q** Okay.

9 **A** I didn't have a back view or anything.

10 **Q** So now at this point, I'm talking now
11 about right at the point where now he's turned
12 around, had you seen any police officers yet?

13 **A** Not yet.

14 **Q** All right. And you heard two gunshots at
15 that point, correct?

16 **A** Yes.

17 **Q** And so then from the time you saw Michael,
18 first saw him in your view to the time he turned
19 around, did you hear any gunshots?

20 **A** Not after the second one.

21 **Q** Okay.

22 **A** So no.

23 **Q** At some point, like I said, he's turned
24 around and at some point you see police?

25 **A** Yes.

1 **Q** So describe what you see when you say you
2 saw three police officers?

3 **A** Yeah, there was one in the front with his
4 gun out and pointed down at the ground and then two
5 more were just coming in behind. They didn't have
6 their guns drawn.

7 **Q** Okay. Were these uniformed officers?

8 **A** Yes.

9 **Q** All three of them?

10 **A** Yes.

11 **Q** So you said there was one that had his gun
12 out, but pointed down?

13 **A** Yeah, come walking towards him.

14 **Q** So where is he, is he in the street, on
15 the grass?

16 **A** All three of them are in the street.

17 **Q** Is there one officer that's closer to
18 Michael than the other two at that point?

19 **A** Just the one with the gun. The other two
20 were back about five or six feet, seven feet.

21 **Q** And the other two on either side of him,
22 the officer with the gun?

23 **A** No.

24 **Q** So where are they?

25 **A** They are just behind him.

1 **Q** Okay. So if the officer with the gun were
2 to stand and look forward?

3 **A** There would be one on each side in the
4 back about five or six feet back.

5 **Q** Okay. And so did you hear any of those
6 three officers at this point say anything?

7 **A** No, I didn't.

8 **Q** And then you recognized them as police
9 officers because of their uniforms, is that fair to
10 say?

11 **A** Yes.

12 **Q** You hadn't seen them before that day
13 though?

14 **A** No, I don't really, an officer could drive
15 by me and I wouldn't recognize him the next day.

16 **Q** Okay. But you hadn't seen them in the
17 complex earlier doing things that day or anything?

18 **A** No.

19 **Q** And so when you saw these three officers,
20 describe physically the one that had the gun drawn?

21 **A** What I saw, I thought it was either gray
22 headed or blond headed, marine haircut and a little
23 heavier set than the others.

24 **Q** How about, use yourself as reference
25 point. Do you think he was taller than you?

1 **A** Uh, I would maybe say he might have been
2 an inch or two taller than me or the same size.

3 **Q** And you are 5'11"?

4 **A** Yes.

5 **Q** Was he your build, skinner --

6 **A** He was chubby, but a bigger guy. I don't
7 think he was chubby, but then I think he had a vest
8 on too, and I think that makes them look a little
9 bigger too.

10 **Q** Okay. And about how old did you think he
11 was?

12 **A** The officer, I didn't even have a guess,
13 but his hair was either gray or blond.

14 **Q** So he didn't have a hat on?

15 **A** No.

16 **Q** What about the other two officers, what
17 did they look like, were they all white, all three
18 of them white?

19 **A** Yes.

20 **Q** Okay. What did the other two officers
21 look like?

22 **A** One had dark hair and a mustache from what
23 I remember and then the other one, I didn't know if
24 it was a woman cop or a little, a little, new little
25 boy cop, or a young, I don't know, like that.

1 **Q** The other one you are describing was
2 smaller built?

3 **A** Yeah, a lot smaller.

4 **Q** Could have been a women?

5 **A** Yeah, and then when we were driving out,
6 when I looked over and seen Michael's shoes, there
7 was a woman cop there. That would lead me to
8 believe it was a woman cop.

9 **Q** Did you recognize her when you were
10 leaving as the woman you saw?

11 **A** No.

12 **Q** So you are just kind of thinking that
13 might be the same one?

14 **A** I just, I didn't know. Yeah, I would just
15 think. I couldn't honestly say.

16 **Q** Okay. And remember when I said it is okay
17 for you to like guess or assume things so long as we
18 explain why you think those things?

19 **A** Yeah.

20 **Q** You really can't say that female police
21 officer that you saw was the same officer that you
22 described that might be a woman?

23 **A** Yeah, well, it all happened so fast and
24 then they were out of there. I can only catch just
25 a little bit, you know. I'm not even real sure the

1 other guy had a mustache. He was one of the three
2 that I could look at that wasn't like the other one.
3 This is the one that talked first. I mean, I seen
4 this twice so.

5 Q All right. So after you say you saw
6 Michael turn around and he had his hands in the
7 manner that you demonstrated and he said okay, okay,
8 okay, okay, several times and then you see these
9 three officers, are they coming down the street?

10 A Yes.

11 Q And how are they moving, are they are
12 running, walking?

13 A Pretty swift. They weren't running, but
14 it was a pretty quick walk.

15 Q And you said that the officer that was in
16 front had his weapon drawn and you were kind of with
17 your motion with your hands like this somewhat?
18 (indicating)

19 A Yeah, he was pointing it down towards the
20 street until he got within about 10 feet of Michael.

21 Q Did these three officers continue to move
22 in Michael's direction?

23 A The two slowed down when he started
24 shooting.

25 Q When who started shooting, the officer

1 with the gun drawn?

2 **A** The officer with the gun.

3 **Q** Did the other two officers ever shoot?

4 **A** No.

5 **Q** Did you see them with their guns drawn?

6 **A** After the one officer's gun emptied, the
7 other guy pulled his gun for probably a couple of
8 seconds until Michael fell. Once he fell then they
9 put it away and whisked the other guy out of there.

10 **Q** Okay. So now as you say the other
11 officers were moving swiftly toward Michael and
12 Michael had turned around.

13 **A** Yes.

14 **Q** Did Michael move in a direction?

15 **A** He was still catching his balance from
16 standing up and he was coming towards him, but it
17 wasn't like he was running towards him.

18 **Q** Okay. How many steps did he take towards
19 the officers?

20 **A** By the time the shot was, I'd say about
21 four, maybe five to catch up on his balance.

22 **Q** And was he, when you said that he was kind
23 of catching himself, was he, you kind of had hands
24 up, but you were kind of going forward, was he
25 falling at that point?

1 **A** No, he was just. I think he was a big kid
2 and was coming up. I thought that he had been shot,
3 so I don't know what it feels like to be shot. So
4 maybe wherever he got shot was kind of bothering him
5 too. He wasn't really falling, he was just --

6 **Q** He was moving towards the officers?

7 **A** He was moving towards the officer.

8 **Q** Okay. And you said about how many steps,
9 three or four?

10 **A** Yeah, there was like no gap between his
11 heel and toe, he was just kind of staggering
12 forward.

13 **Q** And then what happened after he moved
14 three or four steps?

15 **A** Then the officers got up to him.

16 **Q** What does that mean?

17 **A** Well, by that time the officer was there,
18 as soon as the officer got there, I didn't hear the
19 officer say anything because he was yelling okay and
20 then just pulled up and started shooting.

21 **Q** So the officer you're talking about who
22 pulled up and started shooting was the one who had
23 his gun drawn?

24 **A** Yes.

25 **Q** So how close was he to Michael Brown when

1 you saw him starting to shoot?

2 **A** About 10 foot when he started and about
3 five to seven feet when he ended.

4 **Q** How many, now this is after those first
5 two shots, this is the second?

6 **A** This would have been the third, fourth,
7 fifth, sixth.

8 **Q** Okay. How many shots do you think at that
9 time?

10 **A** I think it was seven, and the reason I
11 think that is most officers carry guns with nine
12 bullets. So if there was two to start with and then
13 he emptied his gun, that would have been seven.

14 **Q** Okay. So, now, this is where I don't want
15 you to get into assuming things.

16 **A** Okay.

17 **Q** I can tell you that his gun didn't carry
18 nine bullets?

19 **A** Okay.

20 **Q** So don't get stuck on a number --

21 **A** Oh, no, no, no.

22 **Q** -- or make an assumption. Think in your
23 head how many shots you think you heard?

24 **A** My first guess was six or seven, when I
25 first --

1 **Q** Okay.

2 **A** -- wrote down on that piece of paper, I
3 think I wrote down six or seven.

4 **Q** All right. And so was there, were these
5 six and seven shots one after another?

6 **A** Real quick.

7 **Q** Or was there a pause?

8 **A** Real quick.

9 **Q** So it wasn't like three and then pause and
10 then three more or six or four more?

11 **A** Real quick. All of that happened so fast,
12 I think I was probably in shock at what I just
13 witnessed and I didn't know what to think was going
14 on.

15 **Q** So when Michael, when the officer started
16 shooting, did you see Michael Brown get hit with
17 bullets?

18 **A** Yes.

19 **Q** And why do you say that?

20 **A** Because I seen stuff spraying.

21 **Q** Okay.

22 **A** My eyes were focused on the smoke coming
23 out of the gun and the back of him just, to this day
24 still bothers me looking at that.

25 **Q** Now, you know that you have made a

1 previous statement where you said you saw his shirt
2 and that you saw the bullets going through him
3 because you saw his shirt pop or something like
4 that. Did you think that you saw bullets coming out
5 of his back?

6 **A** That's what I thought.

7 **Q** Okay. Do you think that today?

8 **A** I don't know what I think today. Because
9 I still, I've never seen somebody get shot before
10 and when I watch it on TV they make all of these
11 crazy movements when they get shot. He didn't make
12 one single movement. It was like the bullets went
13 right through him and he didn't know they were going
14 through him.

15 **Q** Okay. But did you see bullets come out of
16 his back?

17 **A** I didn't see the bullets. I seen what
18 looked like might have been.

19 **Q** Okay. But now you know that there were no
20 injuries, bullet holes on his back, don't you?

21 **A** I don't know that, no.

22 **Q** Now, you've heard about the autopsy that
23 was on the news, correct?

24 **A** They said six holes, that's all I know.

25 **Q** Did you ever see that on the news?

1 **A** I think I saw that in the newspaper.

2 **Q** Okay.

3 **A** I didn't see it on the news, but I seen
4 like the headline on the newspaper, parents do
5 autopsy or something like that.

6 **Q** Okay. And so, at some point you read that
7 there was no bullet holes in his back, right?

8 **A** I didn't read that at all. I have no
9 idea. That's what it looked like. What got me he
10 wasn't moving, it didn't bother him.

11 **Q** Okay.

12 **A** I was more confused than I was anything.

13 **Q** And I understand this happens very
14 quickly, right?

15 **A** Yeah.

16 **Q** It is something you're not expecting, kind
17 of catches you offguard, right?

18 **A** Yes.

19 **Q** And it is very important and I understand
20 that sometimes you think you see something and then
21 maybe you realize that you didn't actually see it or
22 what have you, but my point is, at some point you
23 had described it as if the bullets were coming out
24 of his back?

25 **A** That's what I swore I saw.

1 **Q** Okay. But you now know --

2 **A** You believe I wrote that on my first thing
3 I wrote down. I mean, I believe that's what I saw.

4 **Q** Okay. I'm not doubting that you believe
5 that that's what you saw?

6 **A** I know. That's what confuses me too. The
7 more stuff you hear, that's why my fiancée won't let
8 me watch the news any more.

9 **Q** But you now know, don't you, that there
10 were no bullet holes in his back?

11 **A** I know because you told me.

12 **Q** Okay.

13 **A** That's why I only knew there were only six
14 holes.

15 **Q** And you had mentioned earlier that you had
16 talked to the FBI this morning?

17 **A** Yes.

18 **Q** And they talked to you for a couple hours,
19 right?

20 **A** Yes.

21 **Q** And did they record you by the way?

22 **A** Yes.

23 **Q** Okay. During that conversation, did they
24 ask you if maybe you've kind of changed your opinion
25 about whether there were bullet holes in his back

1 because you learned at some point --

2 **A** Yes.

3 **Q** And you admitted that that's possible,
4 right?

5 **A** Yeah, I changed my thought on a lot of it
6 after you hear things. It is not really my thought,
7 it is, I think, when it first happened, I was more
8 in shock on what I saw. And now when you have time
9 to give it time to get out of your head for a while,
10 it changes.

11 **Q** Sure. But my point being is that, you
12 know, when you saw something and you think, you
13 know, in your brain it is recording or registering
14 and then later you learned that it might not have
15 been exactly the way you saw?

16 **A** Yes.

17 **Q** Because there were no bullet holes, I'm
18 telling you, and you heard on the news, there is no
19 bullet holes in his back. It looked to you like
20 bullets were going through his body, is that fair to
21 say?

22 **A** That's what it looked like.

23 **Q** Okay. Now, you had said there's things
24 now that you are thinking that you changed your
25 opinion on or your thoughts about. Is there

1 anything else other than that?

2 **A** Uh, it is just that autopsy thing. When I
3 heard the six shots, I don't know what happened on
4 the first two shots, but then the rest of the shots,
5 maybe it wasn't that many shots. I don't even know.
6 I know there was two in his head, but I don't know
7 where the other ones were.

8 **Q** Okay.

9 **A** Whatever I read on the big line of the
10 newspaper is what I read.

11 **Q** Okay. So now, you seen, haven't you, some
12 video that shows you and standing like next to
13 your truck or in the parking area?

14 **A** Yes.

15 **Q** Where you are looking into the distance?

16 **A** Yes.

17 **Q** And we can see you from behind, we see
18 your back; is that right?

19 **A** Yes.

20 **Q** You have a pink shirt on in that video?

21 **A** Yes.

22 **Q** You have seen that, haven't you?

23 **A** Yes.

24 **Q** That's you that's doing that? (indicating)

25 **A** Yes.

1 **Q** Okay. Now, so in the video, in the video
2 you kind of motion like this?

3 **A** Well, I threw my hands up, he had his
4 hands up.

5 **Q** Do you recall in the video what you were
6 doing with your hands?

7 **A** I just raised them up, but the guys at the
8 FBI pointed that I was also on the cell phone at the
9 time, which I don't remember being on a cell phone.

10 **Q** Okay.

11 **A** I don't talk on the cell phone a lot. I
12 don't remember being on it and they wonder who I was
13 talking to, and I wouldn't have any idea. If I was
14 talking to anybody, it would have been my fiancée.

15 **Q** So you could see on the video that you had
16 a cell phone?

17 **A** You can't really see the cell phone, but
18 what else are you doing when you have your hand up
19 like that.

20 **Q** Okay. But you don't remember talking on
21 your cell phone?

22 **A** No, I don't recall that at all.

23 **Q** Did you video anything with your
24 cellphone?

25 **A** No, I'm not that fast. I don't even know

1 how to video with it. Sometimes I make a mistake
2 and get lucky and hit it.

3 **Q** Now, I'm going to show you,
4 you talked about your written, what you had written
5 down, okay. Now, sometime after this happened you
6 wrote this down on a piece of paper; is that right?

7 **A** Right.

8 **Q** The police didn't ask you to do that?

9 **A** No.

10 **Q** You did that on your own?

11 **A** My old boss told me to write down what I
12 think I remember of it.

13 **Q** Okay. Is this your statement?

14 **A** Yes.

15 **Q** Okay. Now, it is not signed or anything,
16 but you recognize that's your handwriting?

17 **A** Yes.

18 **Q** You recognize this piece of paper to be
19 like, is this perhaps on the back of this?

20 **A** The whole long piece of paper.

21 **Q** Okay.

22 **A** This paper I think, they made it smaller,
23 I guess. In my truck it is about this long.

24 **Q** But this is, I mean, this is just a copy
25 of it?

1 **A** Here is the other half of it.

2 **Q** You recognize that is your handwriting; is
3 that right?

4 **A** Yes.

5 **Q** So this says at the top, witness cop
6 shooting 8/9/14, when did you write that?

7 **A** Approximately 35 or 40 minutes afterwards.

8 **Q** Okay.

9 **A** Maybe even an hour.

10 **Q** So on the same day?

11 **A** Yes.

12 **Q** Well, let's back up then. Before we get
13 to you writing that statement. So you actually see
14 Michael Brown fall?

15 **A** No, I did not see him fall.

16 **Q** Okay. And why not, did you look away?

17 **A** No, he staggered forward and then was out
18 of the sight going around that building.

19 **Q** When you lost sight of Michael Brown
20 because he was beyond the building, were the
21 gunshots still going off at that point?

22 **A** No.

23 **Q** The gunshots had stopped?

24 **A** Yes.

25 **Q** And so did you ever walk down to where his

1 body was in the street?

2 **A** When I did that, I did it from, I believe
3 right here. That's as close as I got on top of
4 that. (indicating)

5 **Q** Did you walk there or drive there?

6 **A** We were driving out over here, but this
7 was blocked off by a firetruck. Then we had to come
8 back around over here and there was kind of some
9 congestion right there. So and I walked over
10 to here, that's when I gave somebody my card that I
11 thought was the kid in the red car, but I wasn't
12 sure. That's where I could see his hat and shoes,
13 and I could see the body laying there, I still
14 didn't know that it was Michael, the guy that I
15 talked to.

16 **Q** Okay. So when you went back down to the
17 street, let's go back then. Michael is out of your
18 vision before he falls to the ground?

19 **A** Yes.

20 **Q** When is it you see the officers walking
21 towards him and shooting?

22 **A** They shot him first and he stumbled
23 forward.

24 **Q** Did he stumble past them?

25 **A** No, they were backing up with him as he

1 was going. And then the officers went out of sight
2 and he went out of sight.

3 Q At some point they are moving swiftly
4 towards him and then they began to back up?

5 A He was stumbling forward.

6 Q All right. And were they firing when they
7 were moving forward?

8 A Uh --

9 Q The one officer?

10 A That officer probably took one or two
11 steps maybe while he was firing. The other ones had
12 stopped.

13 Q So when the officer who was firing, when
14 he started to move backwards, did he walk backward
15 or did he turn around and go backward?

16 A He was walking backwards and that's when
17 the other guy just took his gun out and then they
18 went out of sight. I didn't see anything else after
19 that until we put all of our stuff away.

20 Q So you said he might have taken a couple
21 of steps while he was firing, moving forward?

22 A Yeah, it looked like he was about 10 feet
23 away, but by the time he got finished, it was like
24 eight to seven, seven to eight feet away from him,
25 six feet away.

1 **Q** What do you mean by the time he got
2 finished?

3 **A** When the gun emptied.

4 **Q** Was he still in your sight when the gun
5 emptied?

6 **A** Yes.

7 **Q** How do you know the gun emptied?

8 **A** I don't know if it emptied, he just
9 stopped shooting.

10 **Q** Rather than make that assumption?

11 **A** Okay, okay, you're right.

12 **Q** Let's just say he stopped shooting?

13 **A** He stopped shooting.

14 **Q** And so you could see the officer when the
15 shooting stopped?

16 **A** Yes.

17 **Q** So how is it that he can move backwards
18 out of your sight then?

19 **A** Everything started moving that way. There
20 was only like about 15 or 20 foot window of my sight
21 before they went behind that building.

22 **Q** All right. So Michael Brown then after
23 the shooting stopped, he continued to move in the
24 direction of the police officer?

25 **A** Yes.

1 **Q** How long did that, how long did he walk or
2 stagger or stumble?

3 **A** They were out of my sight in just a couple
4 seconds.

5 **Q** I mean, distance wise?

6 **A** Oh, I thought he staggered for 25 feet,
7 maybe 30.

8 **Q** Okay. Did you hear any shots after that?

9 **A** No.

10 **Q** Okay. The officer stopped firing, you see
11 Michael Brown continuing to move in the direction
12 that the officers had come from, so somewhere around
13 here? (indicating)

14 **A** Yeah.

15 **Q** About 25 to 30 feet and then he's out of
16 your sight?

17 **A** Yeah, when they went around the back of
18 that building, I didn't see anything again. Two
19 minutes later, the other officer with the mustache
20 came out with the tape and started taping off the
21 whole thing.

22 **Q** Two officers that were on either side of
23 the officer with the gun?

24 **A** Yeah.

25 **Q** Did they move back with the officer?

1 **A** Yeah, they stayed back a little bit when
2 he got up to him. They were like seven, eight feet
3 back already. Then when he started staggering
4 forward, then they all move back.

5 **Q** Okay.

6 **A** Those two were out of my sight real fast.

7 **Q** Did you ever see the officer after he
8 backed up and he was out of your sight after that?

9 **A** The one that did the shooting, did I ever
10 see him again? No.

11 **Q** You don't know where he went or what
12 happened to him?

13 **A** I don't know. Somebody said they whisked
14 him out of there.

15 **Q** You didn't see that?

16 **A** No, I didn't see that.

17 **Q** What about the other two officers, did you
18 see them again?

19 **A** He was there taping all the stuff off for
20 a while and dealing with a lot of angry people.
21 That's when I saw a female cop there and by then
22 there was the firetruck there, five or six more
23 officers.

24 **Q** Is that when you are up here?

25 **A** Yes.

1 **Q** Let's stay down here until we get done
2 with this area. Now, you mention something about
3 that you gave a guy a card when you were in this
4 area. You thought it was a guy in the red car?

5 **A** Yes.

6 **Q** Tell me about when you first see a car,
7 that red car?

8 **A** When the officer was taping it off, he
9 pulled up and started yelling at him out the window
10 and that officer yelled he was a threat, and he sped
11 up and parked by over where I originally parked at.
12 And he got out of his car and started yelling stuff
13 and started screaming on his way over there to get
14 closer to where he was taping off. He kept yelling.
15 That's when I told we better get out of here.

16 **Q** So the guy in the red car, do you know
17 what kind of car it was?

18 **A** No, a little red thing.

19 **Q** Was the guy African-American or white?

20 **A** African-American.

21 **Q** About how old?

22 **A** He just jumped out of his car and started
23 screaming and started walking towards the road.

24 **Q** Where was his car when he jumped out of
25 it?

1 **A** He didn't park in a parking stall. He
2 parked right there, just right on the road.

3 **Q** Okay. Now you say later when you were
4 walking back down here, you saw somebody and gave
5 them your card and you thought it was the guy?

6 **A** He had a blue shirt on.

7 **Q** All right. Was he still in the red car
8 when you saw him up here?

9 **A** No, he was standing on top of that hill.
10 They already had that flagged off or taped off.

11 **Q** So you just thought it was the same guy?

12 **A** I just saw a blue shirt.

13 **Q** So just by the shirt, that's what you
14 thought?

15 **A** Yeah.

16 **Q** So had you ever seen the guy in the red
17 car before that day?

18 **A** No.

19 **Q** Other than before that, had you ever seen
20 him?

21 **A** No.

22 **Q** So how long did you and stay at that
23 location in the parking lot area before you got in
24 your truck and drove around here?

25 **A** A couple minutes. We just threw some

1 shovels in the back and he jumped in the Mustang and
2 drove it over there and parked it and we unloaded
3 most of the pipes.

4 Q So drove the earth moving machine,
5 the Mustang?

6 A Yes.

7 Q Back to around back here? (indicating)

8 A Yeah. He could take the short cut, but I
9 had to drive all away around the whole thing.

10 Q Can you guesstimate how many minutes you
11 thought it took you from the time you saw the
12 shooting until you got your truck loaded up and you
13 moved out of that area?

14 A Out of that area?

15 Q Uh-huh.

16 A Maybe three minutes.

17 Q So the video where we see you standing
18 there going like this in the pink shirt, are you
19 still in this area when that video is taking.

20 A Yeah, that was pretty quick after.

21 Q Okay. And so you only stick around there
22 though for two or three minutes?

23 A Yeah. As soon as the guys started taping
24 off, I told we better get our tools and get
25 going, it is going to be pretty messy around here.

1 **Q** So when is it that you first talk to the
2 police?

3 **A** In person, I think the next day.

4 **Q** Okay.

5 **A** Came out to our office, or
6 something.

7 **Q** So we're talking the next day now. Let's
8 finish up with August 9th. You wrote this statement
9 on that day?

10 **A** Yes.

11 **Q** Where did you go, when you went around
12 here and you had walked down closer to the scene,
13 how long did you stay in this area?

14 **A** I just went up and handed him the card and
15 took off.

16 **Q** So you went back and got your truck?

17 **A** Got my truck. And some maroon car was
18 trying to get through, when she went through then me
19 and could leave.

20 **Q** So you know that there were a lot of
21 police officers arriving at the scene at that point?

22 **A** Yes.

23 **Q** You didn't stop and tell anybody you saw
24 this?

25 **A** No.

1 **Q** Why not?

2 **A** I just wanted to get out of there.

3 **Q** What about, I mean, do you have any fear
4 of police officers yourself?

5 **A** No.

6 **Q** Or distrust?

7 **A** No. There is something I don't like
8 probably, but I just want.

9 **Q** You just wanted to get out of there?

10 **A** I just wanted to get out of there.

11 **Q** When you left, where did you go?

12 **A** Back to the office.

13 **Q** In ?

14 **A** , yeah.

15 **Q** . Did you drive back?

16 **A** No, he drove the dump truck.

17 **Q** Did you and ever have a conversation
18 about this after it happened?

19 **A** When we got back to the shop, we were
20 talking about how freaked out it was.

21 **Q** Did you talk about details or just in
22 general I can't believe I saw that.

23 **A** Not to much on details. That's when he
24 told me it was 30 minutes and I thought it was 15.

25 **Q** The 30 minutes versus 15 when you thought

1 how long?

2 **A** Took him to go get the machine and bring
3 it over there.

4 **Q** And that was the same time period where
5 you say after Michael Brown and his buddy left and
6 walked up the street before?

7 **A** Before they came back.

8 **Q** You saw him getting shot?

9 **A** Yes.

10 **Q** Okay. You estimated that as more like 15?

11 **A** Yeah, I just figured it take them 15
12 minutes to walk over there and get that and come
13 back. Basically that's what I think that took.

14 **Q** Now, let's talk about the statement that
15 you write there.

16 **A** Okay.

17 **Q** And you said that a friend of yours or a
18 former boss had told you to go ahead and write it
19 down?

20 **A** Yes.

21 **Q** Have you seen it before today?

22 **A** I haven't read it since I wrote it.

23 **Q** Okay. Since I don't want to, you know,
24 you have got decent handwriting. I don't want to
25 misread something since it is in your handwriting.

1 Can you read out loud what you have given in that
2 statement starting with up at the top, witness cop
3 shooting 8/9/14.

4 **A** Witness cop shooting 8/9/14, 12:00.
5 Talked with victim for 25 or 30 minutes about God.
6 He says the Lord Jesus Christ will help me with my,
7 through my problems. And he said he was going to
8 the store and he would be back.

9 Then I heard a pop, thought nothing,
10 then I heard another and looked over and saw the
11 victim stumbling and running through gunfire,
12 figured that he was running from who had the gun.

13 Then he threw his hands up and yelled
14 okay, okay, okay, and the police officer who said
15 nothing emptied his gun into the guy. I believe
16 seven more at close range.

17 What happened before the first two, I
18 don't know, but from when, from when he said that he
19 would be back, I would say 25 to 30 minutes, that's
20 what I changed when I talked to

21 **Q** Okay.

22 **A** Minutes passed before shots fired.

23 **Q** So the 25 to 30 minutes that you write on
24 there, that was something that you changed because
25 had talked to you about?

1 **A** Yeah, I told him it was 15, he said no.

2 **Q** So someone else kind of, after talking to
3 someone else, you kind of changed your thought on
4 that?

5 **A** Yeah. I circled it to remind myself I
6 changed that.

7 **Q** Okay. And because I'm not sure because
8 nobody's name is on here, is this a map that you
9 did?

10 **A** Yeah -- no, this is what, when we started
11 out that morning, this is where we crossed off that
12 we finished.

13 **Q** Okay.

14 **A** This was something where we were working
15 too. I don't think there is anything on here but
16 work.

17 **Q** Okay.

18 **A** I don't know what that is.

19 **Q** Okay.

20 **A** When we were working our way around to get
21 over here.

22 **Q** Okay. And so this is something that you
23 used just while you were working to keep track of
24 what you've already done?

25 **A** Yeah. Just where I scratched them off

1 where I put an X to breakdown what we did.

2 Q Do you remember when you talked to the
3 officers at one point, did you use this map to kind
4 of show them?

5 A The first officer, not that map I don't
6 think, the first officer didn't even ask.

7 Q Okay.

8 A He just took a quick recording and left.

9 Q You spoke to an officer?

10 A Or detective.

11 Q Pardon me?

12 A A detective.

13 Q And that was a county detective, correct?

14 A St. Louis County, yes.

15 Q And then after that you talked to another
16 county detective, correct?

17 A Yeah, that was a ways later though.

18 Q So just so, on that, did you talk to an
19 officer on the day of the shooing at like maybe
20 10:00 at night?

21 A That would have been , I believe.
22 They wanted to get ahold of me and were trying to
23 set up a when or a where or something.

24 Q So there is a statement that you made that
25 was at , is that

1 where you work?

2 **A** Yeah, I think so. I don't know the exact
3 address off the top of my head.

4 **Q** Okay. And do you remember talking to, the
5 first time you talked --

6 **A** His name was , yes.

7 **Q** Okay. , does that ring a
8 bell?

9 **A** I don't know his last name.

10 **Q** Okay.

11 **A** I've just got his phone number is all.

12 **Q** Okay. And then you recall on August 18th
13 talking to a Detective and Special Agent
14 ?

15 **A** Yes.

16 **Q** And that was the second time you talked to
17 the police, correct?

18 **A** Yes. That's when they took that piece of
19 paper.

20 **Q** Okay. Your written statement?

21 **A** Yeah.

22 **Q** All right. And then after that, you had a
23 conversation with detectives where you came down to
24 the Clayton?

25 **A** Yeah, they came and got me.

1 **Q** All right. And they brought you into
2 Clayton and they put you in an interview room and
3 they actually read you your Miranda Rights and they
4 talked to you; is that right?

5 **A** Yeah.

6 **Q** And then after that conversation you, as
7 recently as today, had like a two hour interview or
8 conversation with FBI agents?

9 **A** Yeah, and U.S. attorney or something.

10 **Q** Okay. , does that ring a bell?

11 **A** rings a bell, the other guy I can't
12 really thing of his name.

13 **Q** , does that ring a bell, dark
14 headed guy?

15 **A** Yeah.

16 **Q** Okay. And other than those conversations,
17 have you talked to any other law enforcement people
18 about this?

19 **A** No.

20 **Q** Okay. Now, you made a number of
21 statements to the media about this; is that right?

22 **A** I don't know if I would say a number of
23 them. I think the lady from Channel 2 pretty much
24 upset me.

25 **Q** So you talked to somebody from Channel 2.

1 Now, you never, your face has never been on the TV
2 that you know, correct, other than that video where
3 you can see you from behind?

4 **A** Yeah.

5 **Q** You have never given an interview where
6 your face appears?

7 **A** No.

8 **Q** You told reporters or journalist about
9 what you saw?

10 **A** I talked to that Shirley Washington and
11 then sometimes when I go back out to Canfield,
12 people would come out, and like one of the
13 maintenance guys would point out there's that guy,
14 and then they would come over and start talking.

15 **Q** They, meaning reporters?

16 **A** Yeah.

17 **Q** So you went back to Canfield after this
18 day?

19 **A** I went back there a couple of days and
20 people kept bothering me, so they pulled me out of
21 there for a while. And then I waited a couple of
22 weeks, he sent me back up there again, and it was
23 the same stuff, so I just left.

24 **Q** So you talked to a few reporters about
25 what you saw; is that correct?

1 **A** I told them I didn't want to do any bull,
2 I didn't want to do no talking.

3 **Q** I understand.

4 **A** They came up to me, a lot of them did.
5 From Connecticut, from Florida, all of them coming
6 from everywhere, they wouldn't leave my phone alone.

7 **Q** Now, at one point though, did you contact
8 the media because you were upset?

9 **A** I contacted Channel 2.

10 **Q** And why is it that you contacted the
11 media?

12 **A** They said something on the TV that I
13 didn't feel was right. That was about the time all
14 of that rioting was going on and I thought, you
15 know, if you don't print that stuff like that, it
16 wouldn't be, that's when Shirley wanted to keep
17 calling me.

18 **Q** Shirley, meaning the gal from Channel 2?

19 **A** Yeah.

20 **Q** So do you think the media has kind of
21 inflamed this?

22 **A** I believe it has. That's just what I
23 believe and I believe that on my own.

24 **Q** Now, when you contacted the media, it was
25 because you thought they were getting some things

5 Q Like, for example?

9 Q What about have you seen any of the other
0 people who were there said they saw this, like
1 Dorian Johnson,

15 Q That would be

16 **A** , yeah.

17 Q You remember having a conversation with
18 ?

19 **A** He was cooking pork steaks and ribs one
20 morning when I was making my final list.

24 **A** Yeah, we talked about that, but we really
25 didn't talk about that for very long. We might have

1 said something for a couple of minutes while we were
2 talking and then we just switched over to barbecuing
3 and not wanting to live at that apartment complex.
4 He's been wanting to move out. The first time I was
5 ever there he came up and said he lived there
6 years, he's ready to go because the kids are moving
7 in and the kids don't have any respect.

8 Q What about anyone else, other than media,
9 have you talked to anyone else about what you saw?

10 A Other than my family and a couple of
11 friends.

12 Q I'm asking specifically about Michael
13 Brown's family?

14 A I talked to his mom. That Shirley gave
15 her my number, they called me. It wasn't her mom
16 that called, it was the name comes to mind. I
17 don't even know if that was his name. She said hi
18 on there and the first thing --

19 Q Let's back up. How is it that you were in
20 touch with Michael Brown's mother?

21 A Shirley Washington said she wondered if I
22 wanted to talk to her. I said I don't know, I don't
23 see why I would have to.

24 Q So how is it that you spoke to her, was
25 this in person or on the phone?

1 **A** On the phone.

2 **Q** Do you know about when that conversation
3 took place?

4 **A** It was at night.

5 **Q** I mean, was it like the day of?

6 **A** No, it was the day after I talked to
7 Shirley.

8 **Q** Okay. So you were speaking to a woman on
9 the phone and you were told that that was Michael
10 Brown's mother?

11 **A** She asked about Michael and I told her, we
12 talked for a little while and then she broke down.
13 I said this is going to be hard. We'll just talk
14 later when all of this blows over. The other guy
15 started talking a little bit. I just said I'm going
16 to have to get going.

17 **Q** So let's talk about that first phone call,
18 did you talk with her about details about what you
19 saw?

20 **A** No.

21 **Q** How long did you talk to her on that
22 occasion?

23 **A** Just a couple of minutes, I believe.

24 **Q** And then what about you said --

25 **A** She started breaking down crying, so there

1 was no really use talking to her, I didn't call her,
2 or she didn't call me to have her tell her stuff to
3 make her cry and breakdown.

4 **Q** So who called who?

5 **A** She called, or he called me and she was
6 there.

7 **Q** Okay.

8 **A** I don't remember this guy's name.
9 comes to mind.

10 **Q** You believe he was the media?

11 **A** No, he was with her, it was either her
12 brother, husband, I don't know.

13 **Q** So then did you have another conversation
14 with her?

15 **A** No.

16 **Q** I thought you said that you called her?

17 **A** No, I said we'll talk later after all of
18 this cools over because I didn't want to talk to her
19 to make her cry and go over the whole thing. I was
20 just going to tell her that I thought Michael was a
21 good kid. That's what I told Shirley, I'll do that.
22 I don't really want to get into details.

23 **Q** Okay, I'm just going to ask you a
24 couple more quick questions. We had a conversation
25 before you came in and I know you don't want to be

1 here, is that fair to say?

2 **A** I just want this all to be over with. I
3 want to be left alone after this day.

4 **Q** And I told you that I'm not accusing you
5 or anything, or you're not in any trouble for
6 anything; is that right?

7 **A** Right.

8 **Q** Do you believe me when I told that?

9 **A** I believe you when you told me that.

10 **Q** So my question to you is, is that when you
11 initially talked to the police the first couple of
12 times, you didn't say anything in those first two
13 statements about Michael having the marijuana that
14 you saw that he had and that he was going to go to
15 the store and buy a blunt or something of that
16 nature. You didn't mention that or a conversation
17 about wax or anything like that. Why did you not
18 mention that when you first talked to the police?

19 **A** I don't know. The FBI asked me that
20 question too. I probably didn't feel that I needed
21 to stick him into the ground what little bit of
22 marijuana he had, I didn't think that was that much.

23 **Q** So you just didn't think that was a big
24 deal or relevant?

25 **A** I didn't think so.

1 **Q** And you thought that that might make him
2 kind of shed a bad light on him after he passed and
3 you didn't see the point of doing that?

4 **A** I didn't think of it that way. I just
5 didn't think throwing more gas on the fire was going
6 to help.

7 **Q** Okay.

8 **A** The first interview was like the next day,
9 I didn't even think about that.

10 **Q** Okay.

11 **A** He asked me a few questions, I answered
12 him and we were done.

13 **Q** You understand that when the officers had
14 you come down to Clayton and they talked to you in
15 Clayton.

16 **A** Oh, yeah.

17 **Q** They were asking you a lot of questions
18 about the marijuana and the wax and stuff like that;
19 is that right?

20 **A** Yes.

21 **Q** And that was all stuff you hadn't told
22 them before, right?

23 **A** No, they had to find that out themselves,
24 I guess.

25 **Q** And so that interview with them, did you

1 feel like they were accusing you of things?

2 **A** Oh, yeah.

3 **Q** Okay. And, but you understand that is
4 information that they got from somebody else that
5 you had not provided, so they wanted to talk to you
6 about it?

7 **A** Yes, I understand that.

8 **Q** Okay. , is there anything that you
9 can think of that I haven't asked or that you think
10 is important that this grand jury should know to
11 understand what happened that day?

12 **A** Not that I can, if I'm forgetting
13 something or you know something, let me know. Not
14 that -- it all just happened so fast, it is like in
15 and out and gone. And then all of the sudden all
16 the chaos with people calling and, you know, I
17 believe the first couple days I was more in shock
18 than anything. And then going home and arguing with
19 the wife because I should have just not said
20 anything.

21 **Q** And you believe that you should have not
22 said anything?

23 **A** I don't truly believe, but then again,
24 I've been accused of not thinking before I talk. So
25 sometimes I might say stupid stuff.

1 **Q** Okay. But you admit that you have made
2 several recorded statements and we have those
3 recordings?

4 **A** Yes.

5 **Q** So those would have details in them. Is
6 there anything that you've told the police that you
7 now want to change or that you want to say, yeah,
8 you know what, that really wasn't what I saw or
9 that's not true or I kind of elaborated on that?

10 **A** Other than what I already said?

11 **Q** Uh-huh.

12 **A** Oh, I don't know. I think over the time,
13 my thought on the whole thing has gotten softer.

14 **Q** What do you mean by that?

15 **A** I don't, I don't know what happened to
16 start with. But something had to happen for an
17 officer to shoot at somebody. So I don't know, I
18 don't know what happened.

19 **Q** Okay.

20 **A** You know, I just saw the officer shoot. I
21 don't remember him saying anything, I don't know
22 anything. I don't know what happened. Something
23 had to happen, I mean.

24 **Q** So regardless, I mean, there is all kind
25 of possibilities as to what could have happened, but

1 you don't know anything other than what you have
2 testified here today?

3 **A** Yes.

4 **Q** And you now know, we talked about you
5 making assumptions about certain things, you said he
6 had emptied his weapon?

7 **A** Yeah.

8 **Q** But you're only assuming that?

9 **A** I would assume that, I never did go check
10 his weapon, no. I would have just --

11 **Q** So those are things that you just are, you
12 always assume because of what you might know about
13 guns and so forth?

14 **A** Yeah. That and when I wrote that
15 statement down, I was probably in shock.

16 **Q** Okay.

17 **A** Just thinking about what I saw.

18 **Q** And the same thing with the shot that you
19 saw fired, you at the time were assuming something
20 and now maybe you think that that wasn't correct?

21 **A** That's what I thought I saw.

22 **Q** Okay.

23 **A** If that didn't happen, I still can't take
24 that back because that's what I thought I saw.

25 **Q** Right. And I told you, you're to testify

1 about what you saw that day, right?

2 **A** Right. That's what I thought I saw.

3 **Q** Okay.

4 **A** I mean, it was all real quick and it was
5 gone.

6 **Q** All right.

7 MS. ALIZADEH: I don't have any more
8 questions.

9 **Q** (By Ms. Whirley) I believe in your
10 statement you said you saw the bullets went right
11 through him, I could see his shirt popping back.
12 What did that mean to you, did that mean they were
13 going through his back or popping back in the front
14 or what did that mean?

15 **A** I just assumed when he was shooting that
16 close they were going out the back and it seemed
17 like everything, but within two or three seconds, or
18 whatever, four seconds, it was all done and over and
19 they were heading the other way. So I just assumed
20 that.

21 **Q** Did you ever see the officer shooting at
22 Michael Brown while he was running and he had his
23 back to the officer?

24 **A** No.

25 **Q** Okay. When you talk, you spend 25, 30

1 minutes or so with Michael Brown, did he seem
2 aggressive to you?

3 **A** No, he just seemed laid back.

4 **Q** You talked about God?

5 **A** He did a lot and I didn't want to get into
6 a bible conversation.

7 **Q** Did he seem like he was in an agitated
8 state?

9 **A** No.

10 **Q** That he was like pissed off or something?

11 **A** No, it just seemed like he was a little
12 bit slow and I thought he wanted to come out and
13 talk to somebody.

14 **Q** Did you see him with a weapon?

15 **A** No.

16 **Q** Did he appear to have a weapon?

17 **A** No, he didn't have any shorts on that
18 would have been able to hold one.

19 **Q** You saw the officer at some point, you
20 said when he was shooting at Michael Brown, you
21 could see the officer?

22 **A** The one that did the shooting, I saw him.

23 **Q** Did you see any blood on that officer?

24 **A** No, I would have been too far away and he
25 left too quick. I'd only seen that officer for

1 probably 14 seconds and he was gone.

2 **Q** Okay.

3 **A** Out of my sight.

4 **Q** You saw blood on Michael Brown?

5 **A** No, I never did.

6 **Q** You didn't see blood either?

7 **A** I didn't ever see any blood.

8 **Q** Okay. You could see shots happening?

9 **A** What it looked like, I could just see
10 blowing out of him is what I, that's what I just
11 assumed.

12 **Q** Okay. You're gesturing towards his head?

13 **A** I assumed that because when you are that
14 close with a gun, the bullet has to go through you.

15 **Q** All right.

16 **A** That was just my assumption and I would
17 think that that's what happened.

18 **Q** Okay. Did you see anything coming out of
19 his head?

20 **A** That's what I thought.

21 **Q** I mean, what did you think?

22 **A** That's what I thought.

23 **Q** What?

24 **A** That stuff was coming out.

25 **Q** Out of his head?

1 **A** Probably from his waist up.

2 **Q** Okay. Um, and you say you never heard any
3 of the officers say anything?

4 **A** Not until the one officer was taping off
5 and he yelled he was a threat.

6 **Q** And that officer yelled that Michael Brown
7 is a threat, is what you assumed he was saying?

8 **A** And he was telling that to the kid in the
9 red car.

10 **Q** Okay.

11 **A** The kid or the guy, I don't really know
12 how old that person was.

13 **Q** Now you said you heard Michael Brown say,
14 okay, okay, okay. When he had his hands up, he was
15 close enough for you to hear that?

16 **A** He was yelling it.

17 **Q** He was yelling it very loudly?

18 **A** Yes.

19 **Q** And you couldn't hear the officer say --

20 **A** That's why, when I say I didn't hear the
21 officer say anything, maybe the officer wasn't
22 yelling as loud as he was.

23 **Q** But you couldn't hear the officer?

24 **A** I couldn't hear him say nothing.

25 **Q** And you heard Michael Brown?

1 **A** Yes.

2 **Q** And that statement that you wrote on
3 August the 9th, you said you wrote that what, when
4 you went back to the office or where did you write
5 that?

6 **A** It was about 40, 50 minutes back to the
7 office.

8 **Q** Where were you when you wrote it?

9 **A** At the office.

10 **Q** At the office in .

11 **A** , yeah.

12 **Q** Do you think that's the most accurate
13 statement that you have since that was prepared the
14 soonest?

15 **A** At the time I thought it was, but I really
16 don't think I should have wrote anything down like
17 that and the stuff that was going through my head.
18 I've never seen anything like that. I truly believe
19 I was probably in shock for a little while after
20 that.

21 **Q** Okay. You've seen this statement,
22 correct?

23 **A** I've seen that statement, but then after,
24 you know, a month and a half later or whatever, you
25 start reading stuff that comes out on the TV, it

1 makes you start wondering if that's what you really
2 saw.

3 Q Well, when you wrote that statement you,
4 you had seen nothing on TV, correct?

5 A No, nothing.

6 Q This was right after it happened, correct?

7 A Yes.

8 Q That was probably your best memory?

9 A That's what I believe happened right there
10 at the time.

11 Q All right.

12 MS. WHIRLEY: I don't have anything else.

13 MS. ALIZADEH: Just real quickly.

14 Q (By Ms. Alizadeh) , you had
15 said something interesting just now, you said
16 something about he didn't have a weapon because he
17 didn't have any pockets, and you are talking about
18 Michael?

19 A Yeah, Michael. I don't know what you call
20 them, wear around the house shorts, just comfortable
21 shorts.

22 MS. ALIZADEH: Did he change clothes from
23 the first time you saw him, until the shooting?

24 A I don't believe so.

25 MS. ALIZADEH: Looked like the same

1 clothes?

2 **A** I don't even remember what color his shirt
3 was. I just remember the shorts were gray.

4 MS. ALIZADEH: So now, if I were to tell
5 you that, you know, of course we know what shorts he
6 had on when he was shot because, of course, those
7 clothes have been seized. If I were to tell you
8 that his shorts had pockets in them, does that
9 change your opinion of when you said he couldn't of
10 had a weapon because he didn't have any pockets.

11 **A** That wouldn't change my theory on that
12 because they were those really light, you know, soft
13 towel looking shorts, I believe. Where there is no
14 thread to tie them. I didn't look in there, but I
15 wouldn't think you could put a gun in there. I
16 don't have a pistol, I don't own a gun.

17 **Q** (By Ms. Alizadeh) Do you know what cargo
18 shorts are, khakis, cargo?

19 **A** I don't think that's what he was wearing.
20 He might have been, I mean really, I don't think
21 that's what he was wearing.

22 **Q** Okay. But when you saw him, and trust me,
23 I'm not saying he had a weapon, we now know he
24 didn't have a weapon, my question is, when you saw
25 him, you just said that he didn't have a weapon

1 because he didn't have any shorts with pockets in
2 them?

3 **A** Oh, when you ask if he had a weapon, I
4 would say no because I don't think those shorts
5 would be able to hold it.

6 **Q** Okay.

7 **A** But then again, you know.

8 **Q** But that's an assumption on your part,
9 right?

10 **A** Okay, all right. I see where you are
11 going, I understand.

12 **Q** So we don't know, and like you said, we
13 don't know what happened before you saw him run past
14 that building into your view, correct?

15 **A** Yes. So then I just say, I didn't
16 physically see a weapon on him.

17 **Q** Okay.

18 MS. WHIRLEY: So when the officer, when
19 Michael Brown turned around and was staggering as
20 you said, moving toward the officer, did it appear
21 to you that he was charging the officer?

22 **A** No, it appears to me that he was just
23 catching his balance. That's when I thought, where
24 I assumed again that he had been hit with the second
25 shot, which I don't know.

Page 241

1 Q (By Ms. Whirley) I don't want to talk at
2 the same time.

3 **A** I'm sorry.

4 Q I'm sorry. Did it appear that the officer
5 was being threatened by Michael Brown when you saw
6 him stagger?

7 **A** At the time, no, but I don't know what
8 happened.

9 Q I mean, when you saw him?

10 **A** When I saw him, it didn't appear that way.
11 It appeared like he was just giving up.

12 ○ It was what?

13 **A** It appeared like he was just giving up.

14 Q All right.

15 **A** Yes, sir -- ma'am, I'm sorry.

16 You
17 mentioned in your statements that when you spoke
18 with Michael, that you thought he was mentally slow.
19 And you said you observed that by the way that he
20 spoke, he spoke very softly.

21 **A** Yes.

22 As he spoke, he raised his
23 head back and fluttered his eyelids and stuff like
24 that. Have you ever had the opportunity to deal
25 with someone that might be labeled or diagnosed as

1 autistic?

2 **A** No, I have never met anybody autistic
3 other than on TV or something. I don't know what
4 autism is actually really.

5 **Q** The reason why I ask is, I have personal
6 experience with it and sometimes when you come
7 across people or adults that have autism, they tend
8 to do repetitious kind of actions. So you
9 mentioned, you mentioned that kind of brought it to
10 mind when he spoke, he raised his head back and
11 fluttered his eyelids. I'm assuming, since you
12 brought that up, it was more than once that he did
13 that?

14 **A** Every time he talked.

15 **Q** Every time he talked?

16 **A** Except for when he was walking to the
17 store. He might of, but I didn't pick up on it when
18 him and the other guy went walking away, I didn't
19 pick up on it.

20 **Q** Okay.

21 **A** But he would just be standing there
22 watching.

23 Okay. And this is the
24 first contact you had or opportunity you had to
25 actually have more, have any conversation with

1 Michael Brown?

2 **A** I didn't even know who he was, he just
3 walked up and started watching me working.

4 This is first time you two
5 met, is that my understanding?

6 **A** Yes.

7 You had
8 opportunity to see a person just a few minutes, 10
9 minutes, 15 minutes ago, take marijuana or some
10 other drug in his system, you happen to see sometime
11 in person like that?

12 **A** I didn't hear.

13 A person who has drugs,
14 he use drugs, marijuana, cocaine or maybe --

15 **A** Do I know people that used that?

16 : You see people who use
17 that, say 15, 20 minutes after they use the drug,
18 you see people like that?

19 **A** I know people like that.

20 : What do you see in that
21 person?

22 **A** They're just high. I don't know how to
23 explain high, they're just --

24 Usually a slow person,
25 maybe walking slow, talking slow, enough to maybe 40

1 to 45 minutes they take the drug, he get high, but
2 it will walking slow, talking slow, move his eyes
3 up, sometimes you look like a zombie?

4 **A** Some people, I would say it all hits
5 everybody a little different.

6 Thank you.

7 I'm
8 going to go on there. I have seen people that have
9 been high on marijuana and this is not meant to be
10 funny, sometimes it is hard to tell the difference
11 between high and being slow because that's what it
12 does, it slows you down, it makes you mellow. Could
13 that have been, you assumed he was slow because you
14 didn't know whether or not he had smoked, was there
15 something that made you think he was slow versus
16 high?

17 **A** No, I just didn't feel he was high.

18 : Okay.

19 **A** At the time.

20 : It was just the
21 impression you got at the time, he was slow and not
22 high at the time?

23 **A** I mean, he may have been, I would just
24 assume, I'm assuming that he was slow too, but
25 that's the first impression that I got from him is

1 that he was slow and came outside, seen me working
2 and wanted to talk to somebody.

3 Okay. And I have a
4 question about you said in your statement on the
5 18th of August that you were working at and
6 then today you indicated that you were working
7 and So I'm wanting to verify where you were
8 when you saw this?

9 **A** When he got back with the machine, he
10 started right here, he dug the first scoop, took the
11 second scoop right there and the third one right
12 over here, and then got off, parked the machine and
13 my truck was parked right there. (indicating)

14 And where were you?

15 **A** After the first pop, I was right there
16 cleaning the loose stuff out of the hole.

17 So you don't think you
18 ever were working at ?

19 **A** is right there.

20 : Right.

21 **A** I already cleaned that out while he was
22 working right there.

23 Okay. So you were
24 working there to begin with and then you moved over
25 here?

1 **A** All we were doing, he would come through
2 with the bucket, pop it in the ground and scoop a
3 little out. I clean the loose stuff out and we add
4 a little piece of pipe to it to get it further away
5 from the building.

6 Can I ask you how fast
7 those Mustangs go?

8 **A** Five to seven miles an hour.

9 : How far is it from where
10 you were to where his truck was?

11 **A** He parked here and he had to go out this
12 way. I don't know how far that is. (indicating)

13 : A little bit ago you said
14 maybe two or three minutes. If it goes at the very
15 most 5 miles an hour, it would have been probably at
16 least five minutes, right?

17 **A** I don't know.

18 : Okay. That's okay, I'm
19 just trying figure out what happened.

20 **A** I know by the time he got over there with
21 the machine, I already had the pipes out of my truck
22 and put away so he could just park that and get
23 right into his car.

24 : I have another question.
25 You said, no, this is in the very first interview.

1 No, he had his hands up, he was just kind of taking
2 the shots, this is on page four. And then they
3 asked, and once he was empty, then the bad cop
4 pulled his gun and just staggered forward and
5 dropped to his face.

6 In this interview you say you saw Michael
7 drop to his face, but today you say didn't see, you
8 saw him leave, you didn't see Michael drop to his
9 face, correct?

10 **A** I saw Michael laying on the ground, so I
11 assume that he fell on his face.

12 : So you didn't see him
13 drop to his face?

14 **A** I didn't see him fall. When I came around
15 and gave that kid a card, I could see him laying on
16 his face.

17 : When you said I think he
18 was dead on his feet and just fell forward, that was
19 an assumption?

20 **A** I don't know if he was dead.

21 Okay. One more question,
22 I'm sorry.

23 **A** That's okay.

24 You said in your initial
25 two interviews, you said that the police officer was

1 walking forward and stopped and at one point you
2 said 8 feet and another one you said about 5 feet
3 and then shot him.

4 In the media interview and today, you
5 mention that the cop had his gun drawn and was
6 walking backward. I'm just trying to figure out was
7 me stopped?

8 **A** He had it down and was walking toward him.
9 He started shooting at about 10 feet or so.
10 Okay.

11 **A** By the time he stopped shooting was about
12 6, 7 feet, 8 feet.

13 When you talked here and
14 said he was backing up.

15 **A** I was doing a lot of assuming apparently
16 from what I'm learning today.

17 I don't blame you, I
18 assume all the time, but I'm just --

19 **A** When he stopped shooting, that's when they
20 started backing up.

21 He started backing up
22 after he stopped shooting?

23 **A** After the shots and then I never heard
24 another shot after that.

25 This is the last one, I

1 promise. You said he was coming, this is on page
2 five of the August 18th interview. You said I think
3 when I first seen him stumbling, fall, come out of
4 that building, what building, I'm confused?

5 **A** When he come out of the building, come out
6 from behind the building. By the time the second
7 shot went off, he all of the sudden appeared out of
8 nowhere from around that building.

9 Michael did?

10 **A** Yes.

11 : And then you saw the
12 police officers?

13 **A** Yes, after he got turned around.

14 : You saw three of them?

15 **A** Yes.

16 : One of them had their gun
17 drawn --

18 **A** Just one.

19 The other one drew his
20 gun later, you didn't know if it was a boy or girl,
21 never drew his or her gun?

22 **A** No.

23 : All right, thank you.

24 MS. ALIZADEH: Let me just cut in right
25 here because we need to recess for today because one

1 of the grand jurors has a time problem. Is there a
2 quick question and if you think of something later,
3 I can give a call and see if he would be good
4 enough to come back to answer additional questions
5 at a later date. I know he wants this over with
6 today, but is there any important burning question
7 that you want to ask now and if you think of
8 something later, we'll see what we can do about
9 later. Anyone?

10 Okay so this will end the testimony of

11

12 (End of the testimony of)

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I, , a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

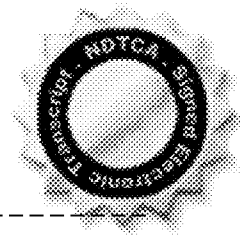
complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XII

12

13 10/13/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XIII

Date: October 16, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 16, 2014

VOLUME XIII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 16th day of October, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XIII

2 MS. ALIZADEH: Good morning.

3 (All say good morning.)

4 WITNESS 34,

5 of lawful age, having been first duly sworn to

6 testify the truth, the whole truth, and

7 nothing but the truth in the case aforesaid,

8 deposes and says in reply to oral

9 interrogatories, propounded as follows, to-wit:

10 EXAMINATION

11 MS. ALIZADEH: Now, this is Kathi

12 Alizadeh. It is October 16th, 2014, it is 9:14.

13 This is the first of the day. We had a little late

14 start today. I'm present, with Sheila Whirley from

15 the prosecutor's office, all 12 grand jurors are

16 present, as is the court reporter and we're getting

17 ready to hear from the first witness of the day who

18 has been sworn.

19 BY MS. ALIZADEH:

20 Q You and I met with your attorney and

21 Sheila prior to you coming in here today; is that

22 right?

23 A That's right.

24 Q And remember that I told you that the

25 court reporter is taking things down and there will

1 be a recording, but before we start the recording
2 I'm going to have you introduce yourself. Do you
3 remember me telling you that?

4 **A** Yeah, uh-huh.

5 **Q** And then I told you that after we start
6 the recording, we are going to refer to you by a
7 number instead of your name, okay?

8 **A** Right.

9 **Q** And your number is going to be 34, okay?

10 **A** Okay.

11 **Q** So could you please state your name for
12 the grand jurors?

13 **A** Witness 34.

14 **Q** And how old are you, sir?

15 **A** .

16 **Q** And whereabouts do you live?

17 **A** (Redacted)

18 **Q** Okay. (Redacted)

19 **A** (Redacted)

20 **Q** How long have you lived in the St. Louis
21 area?

22 **A** I have been in St. Louis since .

23 **Q** Do you live in the Canfield Green
24 Apartment Complex?

25 **A** No, I have a .

1 **Q** Okay.

2 **A** .

3 **Q** And what do you do, what kind of work to
4 do you do for a living?

5 **A** Sort of like work.

6 **Q** Okay. All right.

7 Now having been identified, I will
8 have the court reporter start the recording and then
9 we will have you, we will refer to you by your
10 number, okay?

11 **A** All right.

12 **Q** (By Ms. Alizadeh) Sir, prior to the
13 recording being started, you identified yourself and
14 for the recording purposes we're going to refer to
15 you as Witness Number 34; is that right?

16 **A** That's all right.

17 **Q** And, sir, just back up a little bit and
18 restate what you already said, how old a man are
19 you?

20 **A** .

21 **Q** And you live ?

22 **A** Right.

23 **Q** All right. Are you familiar with the
24 Canfield Green Apartment Complex?

25 **A** Part of it, yes.

1 0 You've been there before?

2 **A** Yes.

3 Q I'm going to show you Grand Jury Number
4 25, which is a map, an aerial view of some streets
5 and buildings. This being Canfield Drive, do you
6 recognize that as being streets and buildings that
7 will be Canfield Green Apartment Complex?

8 **A** Yes, uh-huh.

9 Q Okay. And, sir, do you remember
10 August 9th of this year, which was a Saturday?

11 **A** Yes, uh-huh.

12 Q And earlier that morning, did anything
13 special happen?

14 **A** Yes.

15 Q Prior to what you ended up seeing that you
16 are here for today, prior to the shooting, did
17 anything unusual or special happen in the morning?

18 **A** Before the shooting?

19 Q Right.

20 **A** Uh, well, nothing. I was on my way to
21 work and I had
22 to come back and get it.

23 Q Okay. So you

24

25 **A** Uh-huh, yeah.

1 **Q** And so you said you were leaving for work?

2 **A** Right.

3 **Q** Do you remember about what time of day it
4 was that you were leaving for work?

5 **A** I don't know exactly what time, but it was
6 in the morning.

7 **Q** And do you recall this being a Saturday?

8 **A** As far as I can remember, yes.

9 **Q** Was it light outside?

10 **A** Yes, it was light.

11 **Q** Okay. And how was it that you were
12 leaving for work?

13 **A**

14

15 I turned around to
16 come back the Canfield
17 Apartments.

18 **Q** So you were all the way to
19 and then you had to return around and come back to
20 the Canfield Apartments?

21 **A** Uh-huh.

22 **Q** When you were coming back to the
23 apartments, when you got to the apartment complex,
24 were you coming from West Florissant or were you
25 coming the back way?

1 **A** No, I was coming from West Florissant.

2 **Q** Okay. If this is West Florissant over
3 here, and I'm motioning to the left of the map.

4 **A** Right.

5 **Q** You can't see West Florissant on this map.

6 **A** Right, okay.

7 **Q** You came in from this direction?

8 **A** Right, right.

9 **Q** What kind do you have, at least
10 back then, what were you driving?

11 **A** A .

12 **Q** Okay. And is this a ?

13 **A** Right, it is a .

14 **Q** Does it have anything on
15 ?

16 **A** It has a .

17 **Q** And what about, is it a four-door or
18 two-door, ?

19 **A** It is

20 **Q** And about what year is it?

21 **A** .

22 **Q** And so when you were coming back to the
23 Canfield Green Apartments, were you driving that
24 ?

25 **A** Yeah.

1 **Q** And you were driving this direction on
2 Canfield Drive? (indicating)

3 **A** Right.

4 **Q** Okay. Now, right here in front of you is
5 a laser pointer.

6 **A** Uh-huh.

7 **Q** And there's a little gray button right
8 there. So if you press it, you can use that to show
9 on the map.

10 So as you were, let me ask you this,
11 were you with somebody in your ?

12 **A** Yes, one of the guys that work with me.

13 **Q** Is this guy somebody that is a friend of
14 yours?

15 **A** Well, I call him a friend. I help him out
16 a lot.

17 **Q** Do you know his name?

18 **A** , he goes by. I never question him
19 too much, he never likes me getting into his
20 business too much.

21 **Q** You call him ?

22 **A** Right.

23 **Q** And he's

24 **A**

25 **Q** And you've worked with him though?

1 **A** Yeah, I've worked with him several times.

2 **Q** So was he going to work with you that day?

3 **A** Yes, uh-huh, right.

4 **Q** Do you know is he African-American or is
5 he Caucasian?

6 **A** African-American.

7 **Q** Okay. So is just a name you call
8 him?

9 **A** Right, uh-huh.

10 **Q** So as you entered, were coming into the
11 Canfield Green Apartment Complex, did you see
12 anything unusual?

13 **A** Yes, when we got turned into Canfield,
14 coming up Canfield, all of the sudden, I call it a
15 truck, but it is like a van, more like a van, you
16 know what I'm saying? And it is parked kind across
17 the street and there is a car in front of us, okay.
18 And we saw the police and a young man struggling.

19 **Q** Okay. So let me stop you. Use that
20 pointer and show me was the police car on Canfield
21 Drive on this main street?

22 **A** Yeah, it was headed back towards West
23 Florissant. It is on this street. If this is West
24 Florissant, it is on this street here. I can't
25 think of exactly whereabouts in there, but somewhere.

1 But anyway, his car was headed back towards West
2 Florissant.

3 Q Okay.

4 A The police car was. There was one car
5 right in front of me when I was there. My car
6 there, I'm just not saying definitely this is the
7 spot. My car there and another car right there and
8 the police car right there headed back that way.
9 (indicating)

10 Q Okay. So he was, you were facing the
11 police car?

12 A Right.

13 Q And his police car was facing you?

14 A I'm sorry, say that again?

15 Q Was the police car then facing?

16 A Right, right, right, like coming back
17 toward West Florissant.

18 Q Okay. Now, was this a marked police car?

19 A It had police on it, Ferguson Police.

20 Q You could tell by looking at it, it was a
21 police car?

22 A Yeah, uh-huh.

23 Q And did it have like a light bar on it, do
24 you remember?

25 A Yeah, yeah, it was one of the regular

1 police cars of Ferguson, like the van thing like.

2 You know, it looked like a SUV or something like
3 that. I'm not for sure.

4 **Q** Were the lights on the car going, like the
5 red and blue lights, do you recall them being on?

6 **A** No, I don't, I don't recall that.

7 **Q** Okay. So was that police car when you
8 first saw it, was it moving or was it standing
9 still?

10 **A** It was sitting still, but it was kind of
11 like across the street so nobody can really get by,
12 you know what I'm saying?

13 **Q** Okay. So did you have to stop your car?

14 **A** Yes, yes, we had to stop.

15 **Q** And the car in front of you, was it
16 stopped also?

17 **A** Yes, it was stopped.

18 **Q** Do you remember anything about the car in
19 front of you?

20 **A** It was white and he turned around and then
21 I remember, I had to be close to one of those exits
22 there, one of those because I turned around in one
23 of those exits and went back out. And then I came
24 around to the back part and came in off of Chambers,
25 I came in off of Chambers back there.

1 **Q** So we'll get to that part. That happens
2 in a little bit, right?

3 **A** Right, uh-huh.

4 **Q** So you don't turn around immediately?

5 **A** No, no, I don't turn around immediately.

6 **Q** Okay. So there is a white car in front of
7 you?

8 **A** Uh-huh.

9 **Q** And could you see the people in the white
10 car, people or person?

11 **A** I wasn't really paying attention to them,
12 you know, I don't remember seeing them. I was
13 looking at the police truck really.

14 **Q** What did you see at the police truck?

15 **A** Well, the police and the young man, they
16 were struggling. The young man was standing outside
17 the window and the police inside the window. And he
18 had ahold of the young man, and the young man had
19 ahold of him, and they are struggling with one
20 another.

21 **Q** Okay. So could you see the police officer
22 inside the truck?

23 **A** I could see him, but not clearly, you
24 know, I could see him.

25 **Q** And how many police officers were inside

1 the truck?

2 **A** As far as I could tell, one.

3 **Q** Now you say there was a young man standing
4 outside the truck?

5 **A** Yeah, uh-huh.

6 **Q** Was he the only other person you saw
7 outside or around the truck?

8 **A** Yes, he was the only person that I really
9 saw, you know, by the police.

10 **Q** Can you describe anything about the man
11 that was standing outside the truck?

12 **A** Uh, as far as I could tell he was a young
13 man, tall, you know, and like I say, at the time,
14 you know, like I couldn't really see him clearly,
15 you know what I'm saying? I could see he was a
16 black young male standing there. I turned to Mr.
17 , I said, man, you see this, we've got to get
18 out of here.

19 We didn't leave immediately, you know
20 what I'm saying? I didn't want to get blocked in.
21 I had an appointment to be at, you know what I'm
22 saying?

23 **Q** Okay. Now, when you say that they were
24 struggling.

25 **A** Uh-huh.

1 **Q** And you said he had ahold of the officer's
2 shirt and the officer had ahold of his shirt?

3 **A** Right, uh-huh.

4 **Q** Okay. Was the officer sitting in the
5 driver's seat of the police car?

6 **A** Yeah, uh-huh.

7 **Q** All right. And as best you could tell,
8 was the police officer' window down?

9 **A** Yeah, uh-huh.

10 **Q** So each one is reaching through the
11 window?

12 **A** Right, uh-huh.

13 **Q** Did you see anything else going on in this
14 struggle?

15 **A** The next thing I heard was a shot, pow,
16 and then the young man took off running.

17 **Q** When they were struggling, did you see
18 anybody, either one of them punching or hitting the
19 other one?

20 **A** It looked like, looked like they were
21 going at it because I could see the young man, you
22 know, I could see him hitting at the policeman and
23 the policeman, you know, as far as I could tell was
24 going like this. And it looked like he was going
25 for his gun, you know what I'm saying? So I was

1 like.

2 **Q** Okay. So when you say it looked like he
3 was going --

4 **A** I say looked like it, I'm not for sure,
5 I'm not for sure.

6 **Q** Sure. And that's what we want to make
7 sure you describe why you think that.

8 **A** Right.

9 **Q** What was he doing that made you think --

10 **A** Because like when he leaned over like
11 this, I see his right hand disappear, you know, and
12 when we heard the shot, that's when I said, hey, it
13 is time for me to go. You know, I turned around,
14 like I said, one of those driveways down there it is
15 to the left, because I was headed on West Florissant
16 is from behind.

17 I was going up this way, I turned
18 around in one of them driveways. I see people
19 standing out and stuff like that. And then I backed
20 out and I headed out. As I was leaving, I heard
21 three more shots as I was leaving. I didn't see
22 them, I heard three more shots as I was leaving.
23 (indicating)

24 **Q** Let's go back to the point where you are
25 still on the street.

1 **A** Right.

2 **Q** Did you ever get out of your car?

3 **A** Oh, no.

4 Q Okay. So you're still, yes.

5 It is really
6 helpful, there is a lot of he, he went for his gun,
7 if we could use the officer's name, as we know now
8 Michael Brown, it would really help.

9 **A** I'm sorry, I couldn't hear a word.

10 If you could, maybe you
11 can report it better.

12 MS. ALIZADEH: Okay. You know what, what
13 I'm kind of letting him do is to kind of let him
14 narrate what happened and then I'm going to go back
15 hopefully and clarify when he says this, who are you
16 are talking about.

17 Thanks.

18 MS. ALIZADEH: If I don't make it clear to
19 anybody, please raise your hand and ask.

20 Q (By Ms. Alizadeh) So, sir, what the
21 was referring to when you say he did this and he did
22 that and he did this and he did that.

23 **A** Uh-huh.

24 Q We don't know which he you are talking
25 about.

1 **A** Okay.

2 **Q** So the police officer was a man, correct?

3 **A** Right.

4 **Q** And the guy outside the truck, he was also

5 a man?

6 **A** Right.

7 **Q** Did you know, when you saw the man at the

8 truck.

9 **A** Uh-huh.

10 **Q** Outside the truck?

11 **A** Right.

12 **Q** Had you ever seen him before that day?

13 **A** No, I haven't.

14 **Q** Was he white or African-American?

15 **A** African-American.

16 **Q** Could you tell whether the officer was

17 white or African-American?

18 **A** He's white.

19 **Q** Okay. So do you now know that the guy

20 outside the truck, do you know what his name is?

21 **A** Yes, uh-huh.

22 **Q** What do you know now his name was?

23 **A** Michael Brown.

24 **Q** Let's use his name, even though you didn't

25 know him back then.

1 **A** All right.

2 **Q** And that way we will know, we will be
3 clear on who is doing what. Had you ever seen that
4 police officer before?

5 **A** No, I haven't.

6 **Q** Do you know any Ferguson police officers?

7 **A** No, I don't.

8 **Q** Do you know that officer's name now?

9 **A** No, I still don't know his name. I heard
10 it on TV, like I say, it don't stick with me, you
11 know.

12 **Q** So for now let's call him the police
13 officer?

14 **A** All right.

15 **Q** And then we will talk about the other man
16 being Michael Brown, okay?

17 **A** Uh-huh.

18 **Q** So when you say, let's go back then just
19 to clarify. Michael Brown had his hand on the shirt
20 of the officer?

21 **A** Yes.

22 **Q** And the officer had his hands on Michael
23 Brown's shirt?

24 **A** As far as I could tell, looks like both of
25 them had ahold of each other.

1 **Q** Okay. And you describe somebody is
2 punching or doing punching motions, which one was
3 doing the punching or both?

4 **A** I saw Michael punching a couple times
5 through the window, I would say a few times.

6 **Q** Okay. And did you ever see the officer
7 punching Michael?

8 **A** No. It seemed like, first when hitting
9 and stuff and the officer hand disappeared, I saw
10 the officer hand disappear and I heard a shot, that
11 was it.

12 **Q** Okay. About how long from the time you
13 came around here to see the officer, when you came
14 around and first saw the truck, was Michael Brown
15 already at the driver's --

16 **A** He was already there at the truck. They
17 was right in the middle of the street.

18 **Q** Okay. When you first saw them, were they
19 already struggling?

20 **A** Yes, uh-huh.

21 **Q** So for the time you first saw them until
22 you heard the gunshot.

23 **A** Uh-huh.

24 **Q** How long did you see that struggle?

25 **A** To me it look like they struggle before

1 the officer got his hand on his gun. They struggle
2 probably about, I don't know what, as far as I could
3 see two or three minutes, I say two or three
4 minutes.

5 Q Okay. And from what you could see.

6 A Uh-huh.

7 Q And I'm asking you to give me an
8 assumption, and if you can't, then say I couldn't
9 really tell you.

10 A Okay, all right.

11 Q Did it look like one person was winning
12 the struggle or one person had the advantage in the
13 struggle or was it even?

14 A I really can't answer that because like it
15 was happening so fast. And like I told you, you
16 know, if I can't tell the story right away,
17 sometimes I forget things, you know, so I don't want
18 to put that, but as far as I could tell, you know,
19 like Michael hit him a few times. He had ahold of
20 Mike real close through the window and the officer,
21 both of them struggle to hit one another.

22 And I see Michael hit him a couple
23 times and then all of the sudden I see the officer
24 lean over, one of his hands disappear and then the
25 guy I was with , I heard a shot, pow, and Mike

1 Brown took off running.

2 Q Did you ever see the officer's gun when
3 you heard that pow?

4 A I didn't see it when I heard the pow, I
5 heard the gun once the officer got out of the truck.

6 Q Okay. So when you heard the pow, you
7 didn't see the gun outside the car?

8 A No, no, no, no, I didn't see it outside
9 the car. All I heard was a pow. I was in the midst
10 of getting out of there then.

11 Q Okay. And when you heard the pow, is that
12 when you're like, okay, I got to get out of here?

13 A Oh, yeah, I said it was time to go. As
14 soon as we got room enough to turn around, we left.

15 Q But you saw some things before you got
16 turned around?

17 A Before I got turned around, yes.

18 Q So let's go back now. From the time of
19 the pow, the gunshot. Did you recognize that as a
20 gunshot, had you ever heard a gunshot before?

21 A Oh, yes, yes, I recognize the gunshot.

22 Q Okay. You just heard the one at that
23 point?

24 A At that point in time, yeah.

25 Q And so what did Michael Brown do when you

1 heard pow?

2 **A** He took off running, and then the officer
3 got out of his truck and the officer had his gun
4 down to his side like that. Looked like the officer
5 was reaching up to his thing he had on his shirt
6 that he talked through, and then the kid ran a piece
7 off. And he stopped, he was behind a car, looked
8 like he had both of his hands on the car.
9 (indicating)

10 **Q** When you say he, are you talking --

11 **A** Michael Brown.

12 **Q** Okay.

13 **A** And then the officer was coming towards
14 him and then look like Michael Brown started coming
15 back towards the officer, right. And then that's
16 the last I saw of him, right. And then I was turned
17 around like this, I was backing out, turned around,
18 I seen it was clear, I took off. I heard three more
19 shots right before I started forward, like pow, pow,
20 pow, like that. And that was the last that I saw
21 until I heard the rest on the news.

22 **Q** Okay. So let's go back then from the time
23 that you saw Michael Brown start to run away, which
24 direction was he running?

25 **A** He was coming back this way. Michael

1 Brown, say if the police car was sitting right
2 there, he was coming back this way and then there
3 was another car sitting like here or something, I'm
4 not for sure, but that's where he stopped at. And I
5 said to myself in my head, you know, I think that
6 kid probably got hit, man. (indicating)

7 Q Hit, what do you mean hit, by a car?

8 A Got shot, got shot.

9 Q Got shot. Okay. When you say, man, that
10 kid probably got hit?

11 A Right.

12 Q You mean Michael Brown?

13 A I mean Michael Brown.

14 Q Okay. So let's go step by step here. So
15 when you saw Michael Brown turn, run away from the
16 police car.

17 A Uh-huh.

18 Q Did he stay in the street or did he run to
19 a building?

20 A Right in the middle of the street.

21 Q Running down the middle of the street?

22 A Right.

23 Q You said saw the officer get out of his
24 car?

25 A Yeah.

1 **Q** Did the officer get out of his car right
2 away or was there a few moments before he got out or
3 do you recall?

4 **A** As far as I can recall, after Michael
5 Brown took off running, the officer got out of his
6 car. It was pretty quick, you know what I'm saying?
7 I couldn't say he sit there a long time, it was
8 pretty quick he got out of his car.

9 **Q** Okay. I'm just guessing, you tell me if
10 I'm wrong. So if Michael Brown started running.

11 **A** Right.

12 **Q** By the time the officer got out of his
13 car, Michael Brown had a little bit of a head start?

14 **A** He wasn't that far away from him as far as
15 I could remember. Michael Brown probably run about
16 two and a half car lengths or maybe three, something
17 like that.

18 **Q** Okay. And so you said the officer had his
19 gun when he got out of the car?

20 **A** Yes, uh-huh.

21 **Q** Where was his gun, in his hand?

22 **A** Yeah, he had it in his hand down by the
23 side.

24 **Q** All right. And you used your right hand,
25 do you recall it being his right hand?

1 **A** As far as I can tell. When he got out of
2 the door, he's in front of me and he had the gun
3 down to the side of his leg like this, and you know,
4 watching which way they run and he started to chase
5 Michael Brown too. (indicating)

6 **Q** Okay. So when you say he started to chase
7 Michael Brown.

8 **A** Uh-huh.

9 **Q** Let's clarify also. Was Michael Brown
10 running, was he walking?

11 **A** He was running. And then it looked like
12 he couldn't go no further, he stopped and put his
13 hand on the back of the car. And I recall that car
14 was brown or gold or something like that, as far as
15 I can recall.

16 It looked like Michael Brown, when
17 he's coming toward Michael Brown, Michael Brown took
18 his hands off the car and was coming towards the
19 officer.

20 **Q** Okay. So when you saw Michael Brown
21 running away.

22 **A** Uh-huh.

23 **Q** Could you tell if he had been shot? Could
24 you see anything?

25 **A** I couldn't tell if he had been shot.

1 That's when I said, well, he must have got hit
2 because that's all the further he ran. I know if
3 somebody shot at me, I would run further than that.

4 Q Sure.

5 A You know what I'm saying?

6 Q So you only are guessing that he might
7 have been hit because he didn't keep running?

8 A Right, he might have been hit from the
9 first shot in the car.

10 Q So from the time the officer got out of
11 his car, and you said he chased Michael Brown, so
12 describe how he was moving, was he running, was he
13 walking?

14 A The officer?

15 Q Yes.

16 A The officer, can I stand up?

17 Q Yeah.

18 A The officer kind of got out of the car, he
19 is doing this over here, looks like he was talking
20 through his thing and Michael Brown was running
21 probably from here to that young lady there. And
22 he's coming behind him and look like Michael Brown
23 just got tired all at once or couldn't run no
24 further, put his hand on the back of the car.

25 And then the police still coming at

1 him, he took his hand off the car and was walking
2 towards the police, I guess, it was walking or
3 running, I'm not sure, but he was coming towards the
4 officer and that's the last I saw.

5 Q Okay. When you saw the officer, you said
6 you saw him chasing Michael Brown, but what you did
7 was kind of like, I'm doing this? (indicating)

8 A It was a trot.

9 Q A trot?

10 A Yeah, a trot.

11 Q So you describe that as a trot?

12 A Right, uh-huh.

13 Q He had his gun down at his side.

14 A Right.

15 Q Did you ever see him once he got out of
16 the car, did you ever see the officer point his gun
17 at Michael Brown or in Michael Brown's direction?

18 A Not after he got out of the car.

19 Q You never saw that?

20 A I never saw that.

21 Q Okay. Did you ever hear the officer say
22 anything?

23 A I wasn't close enough to hear.

24 Q What about Michael Brown, did you ever
25 hear him say anything?

1 **A** No, I couldn't hear him say anything.

2 **Q** How about at the truck, could you hear
3 yelling cursing --

4 **A** No, I couldn't hear nothing.

5 **Q** When you saw Michael Brown, you said he
6 ran a good piece or a piece, and then he stopped and
7 he put his hands on the back of the car?

8 **A** Uh-huh.

9 **Q** Was this a car that was in the roadway?

10 **A** Yes, it was parked back towards West
11 Florissant the car was.

12 **Q** Okay. Did it appear that it was parked
13 out in the street?

14 **A** It was stopped like somebody stayed there.

15 **Q** Like somebody else who had to stop?

16 **A** No, there was no one in that car, I
17 remember that.

18 **Q** Okay. You didn't see anyone?

19 **A** I didn't see anyone in that car.

20 **Q** Let's be clear on this. Could you see
21 inside the car and say no one was in it?

22 **A** It was clear. Usually you see a shadow.
23 I was further enough away from the car if someone
24 was sitting in there, I probably could have seen a
25 shadow. I didn't even see an shadow from someone

1 sitting in it. So I can't say 100 percent there was
2 someone in there or not.

3 Q So you didn't see anybody in that car?

4 A No, I didn't see anybody in that car.

5 Q You think it was a brown or gold car?

6 A Right, it was a brown or yellow car.

7 Q Was it regular car or was it a SUV or a
8 van?

9 A It look something like a Mercury, you
10 know, like one of the older Mercuries. I'm not for
11 sure it is even a Mercury or not, maybe a Ford. It
12 was something on this side of the street headed this
13 way. (indicating)

14 Q Okay. And so, and the way you described
15 it that he put, Michael Brown put both of his hands
16 on the back of that car?

17 A Right, right, uh-huh.

18 Q Now, we know Michael Brown was a tall guy,
19 big guy?

20 A Right.

21 Q When you say the back of the car, was it
22 like on the trunk area?

23 A Right, it was on the trunk.

24 Q So was he leaned over at all?

25 A Right, right, he had his hands on the

1 trunk. (indicating)

2 Q All right. And so how long in seconds or
3 minutes, if it was minutes, did he stay there,
4 Michael Brown, stay there with his hands on the
5 trunk of that car?

6 A As far as I know maybe a minute and a
7 half, two minutes maybe.

8 Q When he was staying there with his hands
9 on the trunk of the car, did the officer continue to
10 move toward him?

11 A The officer continued towards him.

12 Q Was the officer firing his weapon as he
13 was moving towards him?

14 A No, I didn't see him fire.

15 Q And then you said at some point you see
16 Michael Brown walk towards the officer or come
17 towards the officer?

18 A Right.

19 Q So can you describe how he was coming,
20 running, walking, trotting, staggering, stumbling?

21 A He was walking towards the officer, but it
22 wasn't trotting. Can I get up?

23 Q Sure.

24 A Say he was the officer, and he has got his
25 hands like that, so the officer started coming

1 toward him, so he got off the trunk and he was
2 coming towards the officer like that. (indicating)

3 Q Okay. So when he was, had his hands on
4 the trunk.

5 A Uh-huh.

6 Q Was he totally behind the car?

7 A Yeah, yeah, he's behind the car. But the
8 right on the edge. Say this is the car there and
9 that's West Florissant over there, he was like on
10 this side, you know what I'm saying? That side was
11 toward the curb and he didn't have to walk too far
12 around the car.

13 Q So when he had his hands on the trunk,
14 would he had been facing the officer at that point?

15 A Yes.

16 Q So when he was running away, at some point
17 then he had to turn to get behind that car and put
18 his hands on the car?

19 A Excuse me, as he's running away, looked
20 like he got tired, and he did like that. He just
21 got turned like that. (indicating)

22 Q After a minute or two, or whatever, you
23 said he had his hands on the back of the car?

24 A Uh-huh.

25 Q On the trunk of the car, did he then stand

1 back up and come towards the officer?

2 **A** He never did go down. He was just
3 standing behind the car. The officer --

4 **Q** I stand back up, that was my choice of
5 words, that was wrong. I meant, you know, you
6 talked about he was leaning over a little bit.

7 **A** Yeah.

8 **Q** So did he come back up standing upright
9 and then move towards the officer or did he stay in
10 that leaning position?

11 **A** He wasn't bent over coming towards the
12 officer, as far as I could tell. That's about the
13 last I saw of him.

14 **Q** Okay. When he was coming toward the
15 officer, and I know you're in the process at this
16 point of thinking, how can I get out of here, right?

17 **A** Oh, yeah.

18 **Q** And there was a car in front of you and
19 you were worried about hitting that car, right?

20 **A** Right, uh-huh, right. Before I turned
21 around, as the car was turning around, I was turning
22 around, you know what I'm saying?

23 And I seen a bunch of people out
24 there and I was backing out and was telling
25 me, come on back. And, you know, I came on back and

1 I turned around. By the time I got back to West
2 Florissant, there was a bunch of other officers car
3 coming.

4 Q Okay. So was there a car behind your
5 truck?

6 A Oh, yeah, there was a car behind me, but
7 they wasn't right up on me, you know what I'm
8 saying?

9 Q So when you saw Michael Brown coming
10 towards the officer, how were Michael Brown's hands?

11 A As far as I can tell, you know, after he
12 got out of the car, the last I saw him, that's the
13 last I saw him. (indicating)

14 Q And at that point, at some point towards
15 the end of this, though, are you looking at cars so
16 that you could try to back up?

17 A Yeah, because I made one turn. I make
18 that one turn up in here, I backed out and then I
19 head on out.

20 Q Okay.

21 A I never looked back after that. But after
22 I was backing out, I heard pow, pow, pow, I took
23 off.

24 Q So you heard another round of gunfire?

25 A Uh-huh.

1 **Q** Were you still on Canfield Drive?

2 **A** I was still on Canfield Drive, right.

3 **Q** And so when you saw Michael Brown walking
4 toward the officer, can you give me a guess or
5 estimate as to how many steps he took or how far he
6 walked?

7 **A** As far as I can tell it looked like two or
8 three steps to me, you know, something like that.

9 **Q** And then you took your eyes off of what
10 was going on?

11 **A** Yes, yes, ma'am.

12 **Q** So whatever happened after that you didn't
13 see it?

14 **A** Right, no. All I heard, when the police
15 officer coming, most of them, say if this was to
16 turn, I backed out and I turned and I was headed
17 that way. By the time I got up in there, all I
18 heard was pow, pow, pow.

19 **Q** So were you, when you heard pow, pow, pow,
20 this round of gunfire?

21 **A** Right.

22 **Q** Were you already facing --

23 **A** Yes. And the gentleman with me that I
24 call , he was looking back, you know. He said,
25 I think he just shot him again, you know what I'm

1 saying? I was watching traffic and trying not too
2 run into the policemen coming.

3 Q Okay. So the last time you saw Michael
4 Brown he was still walking?

5 A Right, he was still walking.

6 Q He wasn't on the ground?

7 A No, he wasn't on the ground.

8 Q Okay. And you heard a series of shots,
9 pow, pow, pow?

10 A Something told me like, to me it sounded
11 like three.

12 Q Okay.

13 A It sounded like three to me.

14 Q Did you ever hear any more shots after
15 that?

16 A No, after the three, I was almost at the
17 curb. I was West Florissant again, I was trying to
18 turn right to come in the back. Police cars was
19 coming with their sirens and stuff on, you know.

20 Q Okay. Number 34, do you remember seeing
21 another young African-American guy at or near those
22 cars that you described?

23 A I can't remember if there was somebody
24 else there or not, you know. Only somebody I seen,
25 I can't really remember.

1 **Q** Okay. Do you remember that when you, and
2 you remember September 3rd, so it was over a month
3 ago, but you remember on September 3rd, or
4 thereabouts, going and talking to a FBI agent and an
5 attorney named ?

6 **A** Right, right, right.

7 **Q** Do you remember telling them back then,
8 and I told you I was going to have a transcript of
9 your statement.

10 **A** Right.

11 **Q** But to be fair, you haven't heard your
12 statement?

13 **A** No.

14 **Q** Since you gave it, right?

15 **A** No, I haven't.

16 **Q** You know they recorded it right?

17 **A** Yes.

18 **Q** But you haven't had an opportunity to
19 listen to it?

20 **A** No, I haven't.

21 **Q** You haven't got a copy of the transcript?

22 **A** No.

23 **Q** But I told you I was going to maybe talk
24 about this if there were things that you didn't
25 remember?

1 **A** Right.

2 **Q** So when you say these things, you know,
3 you have to tell me if you remember saying this.

4 **A** Right, okay.

5 **Q** So do you remember on page seven, and I
6 will give you a copy that doesn't have my highlight
7 on it. So here is a copy of your transcript so you
8 see your name right there.

9 **A** Right.

10 **Q** And that's your attorney's name?

11 **A** Right.

12 **Q** So I'm just going to take you to about
13 page seven.

14 **A** Uh-huh.

15 **Q** And I don't say this to embarrass you, can
16 you read, okay?

17 **A** No.

18 **Q** Okay. You want me to go ahead and read it
19 for you?

20 **A** Yes, please do.

21 **Q** Okay. So on page seven, do you remember
22 the county police officer's name, Detective ,
23 do you remember that at all, ?

24 **A** No, I don't remember his name. I remember
25 him coming to me.

1 **Q** Okay. So do you remember up at the top
2 and saying, okay. How many people did you see
3 outside the car?

4 And then you say, outside the car?

5 And he says, uh-huh.

6 And you say, there was just him and there
7 was another black guy standing back behind the
8 police car.

9 **A** If I said it, you know, like it is true.
10 But like I say, you know, I do have a problem with
11 my memory sometimes like I say, let me go too long,
12 I can't tell you what I ate for breakfast this
13 morning.

14 **Q** And that's me to.

15 **A** Yeah, uh-huh.

16 **Q** Remember I said I'm only using this to see
17 if you remember saying that.

18 **A** Okay, uh-huh.

19 **Q** Now, and you're saying, hey, if I said it,
20 I said it, I believe you, right?

21 **A** Right, right, I believe you, right.

22 **Q** But what I'm saying is that me saying
23 that, does that remind you of it?

24 **A** All right. Well, as far as I can tell,
25 really, I can't recall the other black guy. But

1 like I said, the gentleman with me, he told me, you
2 know, me and him, you know, we had talked about it.

3 Q Okay.

4 A And he said, yeah, there was one black guy
5 that was standing back there by the car also, you
6 know what I'm saying?

7 Q Okay.

8 A If I said it to them like at that time,
9 you know, that's what I said.

10 Q Okay. So when you spoke to the federal
11 agents and the county detective back on
12 September 3rd. At that time were you telling them
13 as best you could what you remember from that day?

14 A As best I could, right.

15 Q So did you, were you truthful about
16 everything as best you could?

17 A I was truthful about everything that I
18 remember, that I could remember.

19 Q All right. And so after you and got
20 out of there, where did you go?

21 A Uh, I came back around and I came into the
22 back of the Canfield Apartment, came back up to
23 Chambers, I came back up West Florissant to
24 Chambers, took a right on Chambers and I went down
25 right there by the fire station, I think it is Green

1 or something like that you come in, I'm not for
2 sure. I think the name of the street is Green.

3 I came into the back of the Canfield
4 Apartment, back there where they have that gate,
5 they have a gate back there like a railroad
6 crossing, you know, I came through that.

7 Q So it is blocked, there is a gate?

8 A It was open that day.

9 Q Okay.

10 A So I came through there. I went on back
11 around to the

12 Then

13 left, coming up there to see, you know, how
14 people come to see what's happening, you know. I
15 went back, went out the same way I came in and went
16 on to work.

17 Q So when you left, you left out west?

18 A Coming back toward West Florissant.

19 Q And then you somehow?

20 A Took a right on West Florissant and took a
21 right on Chambers and then I came into the back of
22 Canfield.

23 Q Okay.

24 A There's only two way in there that I know
25 of from right there and from the back side.

1 **Ω** And in the
2 complex here?

3 **A** Right, right, uh-huh.

4 Q Can you use the pointer and tell me do you
5 know what building they live in?

6 **A** No, but outside. could tell you
7 what street.

8 Q All right.

9 **A** I can't tell you what the name of the
10 street, I'm not that good really.

11 Q Do you know is it a building that is on
12 this side?

13 **A** Well,

14 Q This side?

15 **A** Say like coming up here and there is a

16

17 I come around here, where is the office. Do
18 you have the office on here?

19 Q I don't know.

20 **A** There is an somewhere, but I come
21 to a stop and then, and either this is it, I'm not
22 for sure which one you have to come down and go into
23 the back like that. (indicating)

24 Q When you came back into the Canfield Green
25 Apartment Complex, did you ever seem Michael Brown

1 again?

2 **A** No.

3 **Q** You didn't see his body in the street or
4 anything when you came back?

5 **A** No, no.

6 **Q** From where you were?

7 **A** I wasn't on this street any more where him
8 and the officer were. I never did come back to that
9 street until afterwards, maybe the next day or
10 something, you know. I seen where they had the
11 flowers and stuff like that out there.

12 **Q** But that day when you came back and went
13 to your ?

14 **A** Right.

15 **Q** From you could not see this?

16 **A** No, huh-uh. You couldn't even get back in
17 there no more, I just use the back way, I always use
18 the back way.

19 **Q** Did you ever see that police officer
20 again?

21 **A** No, I never saw him again.

22 **Q** Now, when you said that when you got out
23 of there, you saw officers coming into the complex?

24 **A** Right, uh-huh.

25 **Q** But the whole time you watch what was

1 going on between Michael Brown and the officer, was
2 he the only officer there?

3 **A** Yeah.

4 **Q** Okay. And then, so you say you went to
5
6

7 **A** Yeah, right.

8 **Q** And did you then walk down to this area at
9 all?

10 **A** No, not at all.
11
12
13
14

15 **Q** Okay. So --

16 **A** So that was that evening I had went to
17 work for about two or three hours and I came back.

18 **Q** All right. Now, so you know that there
19 were a bunch of police down here later after the
20 shooting?

21 **A** Oh, yeah, I seen them coming in and
22 passing me. As I was making it to Chambers, police
23 started coming, you know.

24 **Q** But you didn't tell the police, you didn't
25 stick around that day to tell them what you saw?

1 **A** No, I didn't stick around to tell nobody
2 nothing.

3 Q Why not?

4 **A** Number one, you know, like I figure, you
5 know, like I already been in trouble with the
6 police, right.

7

8

9 , he, what you call
10 that, when they let you go, what they call that.

```
11      Q      You did your sentence?
```

12 **A** He said I didn't do the crime, okay. And
13 they figure me no way in that case, you know what
14 I'm saying?

15 Q Okay.

16 **A** I kept telling them that. When I came to
17 talk to officers like I'm talking to you now, try to
18 tell them. Then they just throw me right now, just
19 because I wouldn't testify against people, you know
20 what I'm saying?

21 Q So --

22 **A** I did
23 that I will never get back, you know what I'm
24 saying?

25 **Q** So do you have a general distrust of

1 police officers?

2 **A** Yes, I do.

3 **Q** So you don't like to be --

4 **A** I don't like them. I know we can't live
5 without the police, okay, because this world would
6 be messed up, you know. You turn the TV on all the
7 time people killing people every day, but I don't
8 like it when they make a mistake like that and don't
9 try, you know, to straighten them out.

10 If someone is telling you over and
11 over, hey, I didn't do it. At least take the time,
12 you know, try to see what's going on, you know what
13 I'm saying?

14 Like I say, I don't want to see
15 Michael Brown's family, I don't know how to say
16 this, I don't want to see nobody hurt. I'm the type
17 of person, I don't believe in convicting nobody. I
18 don't believe in accusing nobody of nothing, I don't
19 really know, you know, what I'm saying. I just
20 don't like hurting people.

21 **Q** So that day you didn't go talk to the
22 police, but at some point you were talking to
23 federal authorities and a county detective on
24 September 3rd, how did that come about?

25 **A** They came to my house, they came to my

1 house and because, I guess, they seen the
2 or they heard somebody saying that I told I
3 know something or something, I don't know, but
4 anyway, but Wednesday they showed me a picture of my

5
6 They got my , which is my
7 , but I drive it. They went to my
8 and they talked to

9 As far as I can tell, he told
10 them

11 He told them my name and stuff so they start
12 looking me up. I used to live on , I moved
13 off , I moved to a different street and now,
14 you know.

15 Q I don't want you to stay where you live,
16 okay?

17 A Right, right.

18 Q So you're saying that basically the police
19 found you?

20 A Right, right.

21 Q It was because of your ?

22 A Right, right, and then I went to talk to
23 them then because I didn't want to get involved and
24 they gave me a subpoena to come down there to talk
25 to them. The subpoena, I guess, like you sent me,

Page 50

1 you know what I'm saying? So I called my lawyer and
2 asked him, you know, could they do that, you know.
3 I said, man, I'm here to mind my own business just
4 trying to enjoy my life, you know what I'm saying?
5 I want to live what I got left. He said, yes, you
6 got to go, he said instead of going, he called the
7 officer and I don't know if he called the officer or
8 the officer called them so he could meet with them.
9 So we met with them and talked to them and then I
10 didn't have to go to this thing here, right. So we
11 met them the day before or two days before, I'm not
12 for sure.

13 Q Let's go back just to clarify. You
14 actually were given a subpoena to testify in a
15 but a
16 different one?

17 **A** Right, right, right, not this one.

18 Q And that's because the police somehow
19 found you because of your ?

20 **A** Right, that's what I'm figuring.

21 Q And that's what they told you, they showed
22 you a picture of your and said this is your

24 **A** Yeah.

25 Q And you said, yeah?

1 **A** Yeah, I was driving.

2 **Q** And here is the subpoena?

3 **A** Right. They want something that I didn't
4 really care for, they said, you come down here of
5 your own free will. No, I didn't come on my own
6 free will, I came because you told me I had to, you
7 know what I'm saying?

8 **Q** So once you got the subpoena, you talked
9 to your attorney and your attorney arranged for you
10 to come in and be interviewed?

11 **A** He said he would be there with me because
12 like, like you say, I don't trust the police to sit
13 there and talk to them. There's some type of way,
14 you know, I don't use all my words right like most
15 people, but, you know, like they take what I say and
16 twist it towards me, you know, like ever since then,
17 I just haven't been comfortable.

18 **Q** Okay. So that's how you ended up making a
19 statement to federal agents is because your attorney
20 worked it out that you could come in and be
21 interviewed rather than testify, right?

22 **A** That's right.

23 **Q** And now you know that I had you served
24 with a subpoena to come here today, right?

25 **A** Okay, uh-huh.

1 **Q** And so when you say you're here of your
2 own free will, you are only here because I
3 subpoenaed you?

4 **A** Right, correct.

5 **Q** Are you telling the truth today?

6 **A** Yes, yes, you know, like I said, you know,
7 I've been called a lot of names, but lying isn't one
8 of them.

9 **Q** I told you are not in any trouble?

10 **A** Right, right.

11 **Q** We want you to tell us what you saw,
12 right?

13 **A** Right, right.

14 **Q** Have I treated you fairly?

15 **A** Oh, yes, you know, right, but do you
16 believe me when I say I just want to be left alone
17 and just live my life, you know, treat everybody
18 nice, go to church every now and then. I just want,
19 that's all I want, you know.

20 **Q** I think a lot of people would have really
21 rather not have been involved in this?

22 **A** Yeah, you know.

23 **Q** But here we are, right?

24 **A** Yeah, you know.

25 MS. ALIZADEH: I don't have any further

1 questions and I told you Sheila may have some
2 questions.

3 **A** Right, uh-huh, okay.

4 MS. WHIRLEY: Okay. Number 34, using that
5 map, when you heard the first shot at the car.
6 First of all, do you have a good idea looking at
7 this map where you were when you heard that first
8 shot?

9 **A** Map, I can't really be sure, but it was
10 somewhere. I figure it was somewhere in between
11 here and here. (indicating)

12 **Q** (By Ms. Whirley) The car was here?

13 **A** I can't say definitely, you know what I'm
14 saying? But it was somewhere between there I was,
15 you know what I'm saying?

16 **Q** Can you say in car lengths how far away
17 you were?

18 **A** Yeah, from the police, about from I say --

19 **Q** About how many car lengths would you say?

20 **A** One car was in front of me, I say about
21 two, three car lengths.

22 **Q** Okay. From the police car?

23 **A** Right, uh-huh.

24 **Q** You didn't see the beginning of the tussle
25 is my understanding?

1 **A** No, ma'am.

2 **Q** How is your eyesight?

3 **A** Well, it is not good.

4 Q What do you mean?

5 **A** I wear glasses, but I lost my glasses and
6 I can't afford any more right now so, but during the
7 time they had me they gave me some
8 free ones. I accidentally broke them once doing
9 work. And the government, I got some free ones,
10 they won't help me get no more until a certain
11 length of time.

12 Q When you say it is not good, what do you
13 need glasses for?

14 **A** I'm kind of like farsighted you know what
15 I'm saying? Like something close up I can see
16 pretty good, but something a distance off.

17 Q So when you're looking at longer distances
18 you don't see well?

19 **A** No, no, I don't.

20 Q All right. How about your hearing?

21 **A** Hearing is not good at all.

22 Q What do you mean?

23 **A** I mean, I've been having problems with my
24 ear for the longest, you know. Like the gentleman
25 there right here, I guess, was saying something, I

1 could hear him mumbling, but I couldn't hear him,
2 you know what I'm saying? Sounds like he was
3 mumbling, I'm not say he was mumbling, you know what
4 I'm trying to say?

5 Q You can hear me pretty well I can tell?

6 A I can hear you very well.

7 Q And you mention your memory, tell us what
8 problems do you have with your memory?

9 A Well, you know, , my
10 and God knows I pray I don't
11 have it. I forgets a lot of things.

12 I just
13 told you, my , I'm with my tells me
14 I just told you, you know, like that. And some of
15 the for, I had to go back to them like
16 a few times and asked them is this what you said you
17 wanted. I think they may have told me.

18 Q You say you have a family history of
19 ?

20 A Yes, I do.

21 Q You have problems with your memory now?

22 A Yes, uh-huh. I have a doctor appointment
23 for the that was the earliest he could get me
24 in there. I'm on different medications.

25 Q Are the medications for your memory?

1 **A** No, not yet, but I have seen a
2 before and now they're sending me to, I
3 guess, you call it a memory doctor, you know. I'm
4 supposed to meet with them on the that I can
5 think of.

6 **Q** Were you having memory problems back in
7 August, when did your memory problems start, is the
8 question?

9 **A** Oh, it has been before then. It has been
10 with me for a while, you know what I'm saying? Off
11 and on.

12 **Q** Okay. You take, you do or you don't take
13 medicine for it?

14 **A** No, not for the memory yet.

15 **Q** Okay.

16 **A** I take medicine for those migraines I have
17 like every morning, I mean.

18 **Q** Okay. At some point it sounded like you
19 said it appeared that Michael Brown was injured when
20 he, you know, ran and then stopped at the car. What
21 made you think he was injured?

22 **A** Because like anybody, I know I was a young
23 man once before myself. I know if I got shot at by
24 anybody, police or anybody, I would have ran farther
25 than that, you know what I'm saying?

1 **Q** Right. Was there anything physically that
2 he was doing that made you think he was shot?

3 **A** It looked like he was kind of out of
4 breath or something, you know, or just couldn't go
5 no further to me.

6 **Q** Okay. And that was the reason why you
7 thought he was injured?

8 **A** Right, uh-huh.

9 **Q** Okay. When you said that, let's go back
10 to the car when they were tussling at the car and
11 you saw the officer with one hand trying to, I
12 guess.

13 **A** I don't know what he was trying to do, but
14 I know both of them had ahold of one another's
15 shirt.

16 **Q** I want to go to the part where you said
17 that the officer, you could see him as if he was
18 going for his gun?

19 **A** I saw him like this, I seen him lean over
20 like this, right, and next thing I heard was a shot,
21 pow. (indicating)

22 **Q** Okay. Let me ask you a question. When
23 you saw him leaning as if he was getting a gun right
24 before you heard that shot, could you see Michael
25 Brown's hands?

1 **A** Yes, you know, he was outside the window,
2 you know, looked like he was -- was staring at the
3 officer too.

4 **Q** Were both his hands outside the windows?

5 **A** No, looks like one of them trying to hit
6 the officer.

7 **Q** He was hitting the officer?

8 **A** Looks like he was trying to hit him, okay,
9 right. But to me the officer was like this and the
10 officer went like this, there wasn't no time I heard
11 pow. (indicating)

12 **Q** Okay. So the officer went like, the
13 officer -- Michael Brown's hands and the officer's
14 hands are kind of at each other?

15 **A** Right, uh-huh.

16 **Q** And then the officer goes like towards the
17 gun?

18 **A** He leans inside.

19 **Q** Let me finish that question. He appears
20 he goes to get his gun?

21 **A** Uh-huh.

22 **Q** You don't see Michael Brown inside the car
23 going like to the gun too?

24 **A** No, I didn't see that, no.

25 **Q** Okay.

1 **A** As far as I can remember I didn't see
2 that.

3 **Q** All right. You mention, I thought you
4 said, I'm not sure that you did, you
5 for something you didn't do?

6 **A** Right.

7 **Q** What was that, what was the crime?

8 **A** They

9
10 , okay, but I was somebody
11 walking around every day without a car and without
12 good clothes to wear. How I had all of that, you
13 now what I'm saying?

14 **Q** And you said you had been in trouble with
15 the police, do you have any convictions?

16 **A** Yes, I do.

17 **Q** What do you have?

18 **A** I have a drug conviction also.

19 **Q** A drug conviction that you were guilty of?

20 **A** Yeah, I was guilty of that one, yeah,
21 uh-huh.

22 **Q** Anything else?

23 **A** Well, I had, I had some other things that
24 come through life, as I was coming to life, me and
25 this guy got into it. They got me for firing a

1 weapon at this guy, like this guy had threatened my
2 life, okay.

3 Q Okay.

4 A That was back in the day, that was back in
5 the early, late , it was late , right.

6 Q Anything else, any burglary or stealing?

7 A No, no, that was about it.

8 Q Okay.

9 A I'm sorry, I'm sorry, ma'am, yes, I did.
10 They charged me with a burglary crime also.

11 Q Was that an unjust charge?

12 A Uh, well --

13 Q Did you get convicted of it?

14 A No, I don't think I did, but it is still
15 on my record, it still was on my record. Now it is
16 probably off it has been over years ago.

17 Q Okay. That day when you talked to the
18 federal agents, I think it was back in September I
19 think Kathi said. Let me see, I have September 3rd.

20 A Uh-huh.

21 Q Did they ask you was anyone with you and
22 you said no?

23 A I said no at first because I didn't want
24 to put nobody else in that, you know what I'm
25 saying? But my lawyer stopped it. He told me, he

1 said, , you know, tell them the truth. Was
2 somebody else with you? I told my lawyer no, I
3 don't want to put nobody else into, you know, the
4 mess. I didn't even want to be there.

5 **Q** That's why you didn't want to tell them
6 about that person that was with you?

7 **A** Right, uh-huh.

8 **Q** Okay. When you said that there was a shot
9 and then Michael Brown ran and then you saw Michael
10 Brown hesitate on the car as if he's maybe injured
11 or something, and then he turns around and faces the
12 officer?

13 **A** When he was on the car, he could see the
14 officer coming. Like I say, if this is the car,
15 that gentleman right there, the policeman coming at
16 me with the glasses on, okay. Michael Brown, the
17 whole car, he was on this side of the car and if the
18 car, West Florissant down here and Canfield right
19 like this, he is on this side of the car. And the
20 officer was trying to come up towards Michael.

21 **Q** The officer was trotting towards Michael?

22 **A** Right, right, right, with his gun down to
23 the side.

24 **Q** Was Michael facing the officer?

25 **A** Yes, oh, yeah, he was there, you know what

1 I'm saying?

2 Q Okay. At this point he had turned around
3 from running?

4 A Right, right.

5 Q So he's facing the officer and the officer
6 is trotting towards him?

7 A Right, uh-huh.

8 Q And then Michael is then walking towards
9 the officer?

10 A Right, uh-huh.

11 Q What I want to know is what the officer
12 was doing when Michael was walking toward him, you
13 said he was trotting?

14 A Yeah, yeah, he was coming up toward him.

15 Q Show us, please, I'll walk towards you.

16 A Right, right. You come closer.

17 Q Okay.

18 A Michael Brown like that, and Michael Brown
19 came off the car and then by that time everybody --

20 Q I'm walking towards you, I want you to be
21 the officer and show me what the officer is doing.

22 A All right. You know, he's like this.

23 Q Okay. He did not have his gun?

24 A He had his gun holding it right here.

25 (indicating)

1 **Q** He's holding it down, that's what you saw?

2 **A** Right, that's what I saw.

3 **Q** And is that the last thing you saw?

4 **A** That's the last thing I saw.

5 **Q** You didn't see Michael Brown's hands up?

6 **A** No, I didn't. Like I say, when I seen
7 Michael Brown, he was one or two steps from the car.

8 **Q** Okay.

9 **A** As a matter of fact, when I seen him
10 coming off the car like this, that's the last I saw
11 of him. (indicating)

12 **Q** You didn't see Michael Brown charging the
13 officer?

14 **A** No, no, I didn't see him charging.

15 **Q** Okay.

16 **A** As far as I can remember, I don't remember
17 him charging. I remember he was coming off the car
18 and when I turned around, like I said, I heard three
19 shots and my friend was looking back. And he said,
20 I call him my friend, but anyway oh, man, he shot
21 him again, you know. Hey, I'm trying to watch these
22 policemen coming in and watch the people, you see
23 what I'm saying?

24 **Q** You didn't see if he was shooting at him
25 when he was running away from him?

Page 64

1 **A** I heard three shots, I think it was three.

2 Q And again, just for clarity. From what
3 you saw, there was no struggle for the gun, the
4 officer just grabbed the gun and shot?

5 **A** I don't think there was a struggle for the
6 gun that I could tell.

7 Q Okay. All right, questions?

8 You
9 had mentioned before when you first say, you said
10 that the officer had the gun in his right hand?

11 **A** Yes, ma'am.

12 : When he's out of the
13 vehicle?

14 **A** Right.

15 : He had his gun in his
16 right hand, his hand is down by his side, by his
17 right side.

18 **A** Right, uh-huh.

19 : And the gun is pointed, I
20 guess, basically towards the ground?

21 **A** Right.

22 : Is that correct?

23 **A** Right.

24 : And then you made a motion
25 that he spoke into his shoulder mike?

1 **A** Right, right, uh-huh.

2 : Okay.

3 Did you

4 see any cars lined up behind the police vehicle

5 coming the opposite direction other than the one he

6 put his hand on?

7 **A** To tell the truth, I really can't say I
8 did. I don't remember. On the car I was paying
9 attention to was the one he had his hands on. I
10 thought the kid was hit, I thought Michael Brown was
11 hit, you know. I told Mr. I said that kid
12 must have got hit, you know.

13 MS. WHIRLEY: Anything else?

14 . Why do you
15 think, a couple questions, my first question for
16 you. When Michael Brown was walking towards the
17 officer, how would you describe that. You showed us
18 he was walking, how would you kind of describe, was
19 he walking aggressively, did he seem to be charging
20 in any sort of manner, was he just casually walking,
21 how would you describe his movement toward the
22 officer?

23 **A** Well, I can't say it was aggressive, but
24 you know, what I could not understand, you know
25 like, well, good God, after he got hit fall, he just

1 fall on the ground or lay on the ground, you know,
2 like that's what I am used to from police come up,
3 keep your hands clear or lay down on the ground or
4 something, you know what I'm saying?

5 MS. WHIRLEY: That makes me think of a
6 question. Did you see Michael Brown ever go for, as
7 if he was going for a weapon?

8 **A** No, I never saw that.

9 MS. WHIRLEY: You never saw a weapon?

10 **A** No, I never saw.

11 MS. WHIRLEY: Did you ever see him like
12 reach in his pants as if he is going for a weapon?

13 **A** No, I didn't.

14 MS. WHIRLEY: All right.

15

16 It is about the timeframe, the amount of time that
17 you said that this all took place. I do this too, I
18 will say a minute or two. A minute or two is kind
19 of long.

20 **A** Yes, uh-huh.

21 : So do you think that
22 Michael Brown was behind that car holding on for a
23 full minute or two, or do you think you were just
24 doing that to describe, you know, like a minute is,
25 the police officer would have plenty of time to get

1 to him if it was a full minute or two?

2 **A** Right, it may have been quicker, I can't
3 really say, but you know, I say a minute or two
4 cause I tell you at home, I see you in a couple
5 seconds. I know it isn't going to be a couple
6 seconds but I say a couple seconds, you know what
7 I'm saying?

8 : Right.

9 **A** I say a minute or two, that's the best of
10 my knowledge.

11 : Okay. And on your
12 recorded statement, they have asked you what was
13 going through your mind and what was happening as
14 you were turning around. And you said it just blows
15 your mind. What blows your mind. And you said, it
16 blew my mind because like I couldn't believe, you
17 know, like this ain't happening, why are people
18 tussling with the police, just talk to them, you
19 know.

20 So do you believe that if he would have
21 stopped and gotten on the ground, do you believe
22 that things would have turned out differently or do
23 you believe that it still would --

24 **A** I believe it would have turned out
25 differently as most people, when the police stop

1 you, first thing you do, put both hands out and put
2 both of your hands on the steering wheel. When I
3 say that, because I've been through things with
4 police officers and by police officer telling me,
5 you know, by me making a mistake not putting my
6 hands up, I made a mistake, have thrown my hand back
7 like this, and police have pulled guns on me, you
8 know what I'm saying?

9 He said well, hey, keep your hands on
10 the wheel at all times. But you know, like I said,
11 you've some police officers are not that bad, but I
12 have ran into some nasty police officers, you know
13 what I'm saying? But I still don't get nasty with
14 them, but that's my attitude.

15 You take these young people coming up
16 today, you know, they're not going to take it like I
17 took it, you know what I'm saying?

18 See where I come from, I mean, I
19 couldn't even walk on the sidewalk when the police
20 come. I had to get off the sidewalk, you know what
21 I'm saying?

22 Without being asked?

23 **A** Right, right, without being asked. I just
24 had to get off, you know what I'm saying? I
25 couldn't understand that, but my father would tell

1 me, you know, like this is what you got to do.

2 Cause I come up in rough time, you

3 know.

4 I understand, thank you.

5 . To

6 get some clarification on something. You had let me

7 see, from the time that first, the shot went off,

8 Michael is down the street, he is, hands on the back

9 of the brown car and he's actually facing the

10 officer still at that time, okay.

11 **A** Uh-huh

12 : You see him come away from

13 the back of the car?

14 **A** Uh-huh.

15 : And his hands are down by

16 his side, is that the correct stance?

17 **A** As far as I can tell, I couldn't swear on

18 they were down by his side. It looked, you know, to

19 me like when he took his hand, you first take your

20 hand off the car, you know, you're standing. He

21 took a step and that's when everything just sped up.

22 : Okay. And you see him at

23 that time, he said it appeared to you that he took

24 maybe about two or three steps forward?

25 **A** Right, uh-huh.

1 : That's what you said?

2 **A** Uh-huh.

3 : Then you said that you
4 want to get the heck out of Dodge?

5 **A** Right.

6 : You had to back your car
7 up?

8 **A** Right.

9 : Do you recall when you are
10 backing your vehicle up, this is a two-lane road?

11 **A** Right, right.

12 : The officer's vehicle is
13 already obstructing the roadway.

14 **A** Right, right.

15 So when you're backing up,
16 are you looking in your side view mirror, your rear
17 view mirror, side or did you actually turn around?

18 **A** Gotcha. Let me say this before, when I
19 backed up, , I said look to the right, what's
20 coming to the right. I mean, I was looking to the
21 left, right, because I couldn't hit nothing coming
22 out the back because the back was just the sidewalk
23 back there. So I took off ahead this way, and
24 police hadn't made it there yet, the police hadn't
25 made it in there until I got back to West

1 Florissant, that's when the police start coming in.

2 Okay. So you didn't
3 encounter the other police cars?

4 **A** When they got there, no, no, I just see
5 them coming in past me.

6 Coming in past you?

7 **A** Yes, ma'am.

8 : And then from that point
9 in time, when you are backing up, at what point did
10 you hear -- you heard the three shots?

11 **A** When I backed up, I got like that, by the
12 time I got straight, pow, pow, pow, I just kept
13 going.

14 : So you are facing the
15 other way on Canfield?

16 **A** On the last three shots. I'm facing West
17 Florissant on the three shots, I got turned around.

18 : So during that particular
19 point in time you can't honestly say, if I can word
20 this correctly, I don't want to put words in your
21 mouth or anything like that.

22 **A** Right, uh-huh.

23 : It was asked if you ever
24 saw Michael Brown approach the officer aggressively,
25 but you said you couldn't see that?

1 **A** No.

2 : Would that be the reason
3 why you couldn't have seen that happen?

4 **A** Oh, yeah, it could be because my back's
5 turn, you know what I'm saying? That's the reason
6 why I tried to get my friend whatever he saw after
7 that to talk to the officer, you know what I'm
8 saying? But you know for some reason, he just don't
9 want to talk to them, you know.

10 I did get him to call one of the
11 officers because the officer asked me to tell him to
12 call him because he kept telling me to tell him to
13 call him if I saw him. The last two times I saw him
14 I told him, I say, man, why don't you call these
15 people so they will leave me alone, you know what
16 I'm saying? So he said, okay, I'll call them, give
17 me the number. He said he called and talked to
18 them, and even my lawyer told me that they had
19 talked to him.

20 Okay. Do you know if
21 Mr. , your passenger, do you know at the time
22 that you're backing up, I mean, is he still looking
23 back at the scene as to what's going on?

24 **A** Yes, yes, he had to see the rest of the
25 scene because he was looking to the right for me

1 and, you know, for me watching the street, watch the
2 other cars as they start coming in, you know what
3 I'm saying? He was looking back yeah, uh-huh.

4 As far as I could tell, he was
5 looking back like this like towards, the passenger
6 look like that. (indicating)

7 All right. Thank you.

8 **A** All right.

9 Again, when you
10 were leaving the scene in your vehicle you said you
11 passed multiple police cars as they were arriving on
12 the scene?

13 **A** Right.

14 : Do you recall if they had
15 their lights and sirens on?

16 **A** Yeah, some of them did. The first one I
17 think, I scene the second one, I'm not for sure, but
18 he was behind the first one that had a light on and
19 then his siren and stuff coming on down, it seemed
20 like it was coming from the police station right
21 there on Chambers and across West Florissant on the
22 other side. I think that's Dellwood, I'm not for
23 sure.

24 : Thank you.

25 MS. ALIZADEH: Just real quickly. Number

1 34, I think we understand and it is pretty clear
2 that you were not looking, you didn't see the very
3 end of this; is that correct.

4 **A** No, ma'am, I didn't.

5 MS. ALIZADEH: Correct. Do you remember
6 when you were talking to the federal officers back
7 on September 3rd on page 15. Do you remember when
8 they were asking you, they asked you, did it look to
9 you like Mike was coming back to talk with the
10 officer or did it look like Mike was coming after
11 the officer, what did it look like to you cause you
12 said you were scared.

13 Do you remember saying, you know, I,
14 something to myself an awful lot, ma'am. Really
15 honest to God truth, I can't say either way, but you
16 know, if I was the officer, I would look nervous
17 too. You coming back toward me and you just hit me,
18 and you know what I'm saying? You know how like,
19 you know, but, but I really can't say about that,
20 ma'am. I'm telling you the truth, do you know what
21 I'm saying?

22 Do you remember kind of describing that to
23 them?

24 **A** Oh, yes, ma'am, I remember saying that.
25 It is just like now, if you slap me now, you walk

1 back over here again, I'm going to be ducking. I'm
2 going to be getting out of your way, you know what
3 I'm saying? I mean, that's just instinct, do you
4 know what I'm saying?

5 If someone hit me and I see you, you
6 know like coming out or whatever, you know, like
7 that's the way I feel. I'm speaking for me now, you
8 know what I'm saying?

9 Q Okay. So if someone had punched you and
10 then ran away from you, but then turned around and
11 came back in your direction, you would be a little
12 on edge or fearful?

13 A Oh, yes, ma'am. If I had a gun, I
14 probably would have shot too, really, I'm just
15 telling you like it is, you know what I'm saying?
16 You know like, that's just like, I would call it
17 like, uh, violating. I'm sure if I go to punch that
18 young fellow, he ain't going to just sit there, you
19 know what I'm saying? He's going to get up and
20 knock my teeth out, you know what I'm saying? So
21 something, you know.

22 MS. ALIZADEH: All right, thank you.

23 That
24 begs a question from me. So do you feel like it
25 was, um, it could have possibly been self-protection

1 that caused him or do you feel like it was anger
2 that caused the police?

3 **A** Caused the police to shoot him?

4 Yeah. If somebody's
5 going to hit me, I'm not going to turn --

6 **A** I never thought about it like that, I
7 never thought about it being prejudiced or nothing
8 like that. I feel in my heart if I was the officer
9 and if I seen somebody coming towards me and they
10 don't have a weapon or something, I'm going to try
11 to shoot both your legs out first if I can hit them,
12 you know what I'm saying? I want to make killing to
13 be the last resort because I don't believe in
14 killing, you know. I know if I hit you in both your
15 legs or one of your legs, you got to go down, you
16 know what I'm saying?

17 Let me ask you one more
18 question about that.

19 **A** But I can't say for him because I don't
20 know what's going through the police mind, you know
21 what I'm saying?

22 So do you think if it was
23 a police officer, a person of authority and somebody
24 that was attacking the police officer, that that
25 would have changed the whole way that the officer

1 might have thought?

2 **A** I'm sorry, ma'am, I didn't catch the whole
3 thing.

4 Since the police officer
5 was of authority and that authority was being
6 disregarded.

7 **A** Right.

8 Do you think that would
9 change the way he was thinking?

10 **A** You saying if somebody else would have
11 been at the police?

12 No, no, no. I'm saying
13 since he was a police officer, do you think that
14 would have made him more afraid of the person coming
15 toward him was because he was a police officer?

16 **A** I don't know. But, you know, like --

17 Because the man had no
18 regard, if he had no regard for his authority, would
19 that mean --

20 **A** Right, right. You asking me do I believe
21 the police shot him because he had the authority to
22 shoot, is that what you're asking me?

23 If I think he maybe, that
24 because of Michael Brown's disregard for his
25 authority.

1 **A** Oh, now I see now where you are coming
2 from. Because Michael Brown disrespect him?

3 : Right.

4 **A** Okay. Well, I don't know, you know like,
5 they do make me angry when people disrespect me,
6 especially, you know, if you know you're right, you
7 know what I'm saying? And then sometimes, you know,
8 like, you can never tell what their frame of mind is
9 in when they disrespect you, you know what I'm
10 saying?

11 Like I say, if I go there and punch
12 that man, that's disrespecting him. I don't know
13 how his reaction is going to be. He might say,
14 well, hey, don't do that no more. He might just
15 jump up and lay me out, you know. So I don't know,
16 you know. So yeah, you know. I can't say, you
17 know, yes, ma'am.

18 Thank you.

19 MS. ALIZADEH: But just to be clear,
20 Number 34, there were moments before that series of
21 gunshots where you don't know what happened?

22 **A** Right, that's true, yes, ma'am.

23 MS. ALIZADEH: Hands up, hands down.

24 **A** Right.

25 MS. ALIZADEH: What his hands were doing?

4 **A** That's true, ma'am, right, uh-huh.

6 MS. WHIRLEY: All right.

9 MS. ALIZADEH: It is October 16th at
10 10:51 a.m. This is Kathi Alizadeh with the

15 And what's being said here next I am going
16 to play a recorded statement from a witness, his
17 name is _____, I
18 believe. This is on Grand Jury Exhibit 24 which is
19 a disc that I'm going to play and we have a
20 transcript of that statement.

Gore Perry Reporting and Video

1 (Playing of the audio recording of the
2 interview of is being played at
3 this time.)

4 MS. ALIZADEH: All right. We just
5 completed playing a statement on a disc labeled
6 Grand Jury Exhibit Number 24, statement of
7 or

8 Now we're going to play a statement that
9 is contained on Grand Jury Exhibit Number 36. It is
10 a statement of I don't have a
11 transcript for this. And then so as soon as I get
12 this set up, I'll have pause the audio
13 recording, and yet I will ask that you transcribe it
14 as best you can the conversation. There is no
15 transcript of this and this is the audio recording
16 of

17 MS. : Today is October 3rd, 2014,
18 the time is 10:48 a.m. We are at the FBI building
19 at 2222 Market Street. This is Special Agent
20 , DOJ trial attorney ,
21 assistant U.S. Attorney . Attorney?

22 MS. : .

23 MS. : And we're going to interview.

24 MR.

25 : All right. , we're

1 here, we wanted to meet with you, we had some
2 follow-up questions from the last interview you
3 gave, okay. We had some specific questions we
4 wanted to ask you about.

5 Keep in mind the interview is being
6 recorded, okay, so you have to keep your voice up.
7 I know you are kind of soft spoken.

8 MR. Yeah.

9 : When I ask you a question
10 that calls for a yes or no answer, you have to be
11 sure to answer out loud, okay, instead of shaking
12 your head or nodding, okay, because the recorder
13 wouldn't pick that up, you understand.

14 MR. : All right.

15 : Okay. Don't answer any
16 questions that you don't understand, okay. If I ask
17 you a question and you're not getting exactly what
18 I'm trying to ask you, you can ask me to explain it,
19 okay. I don't want you to answer any question you
20 don't understand, got it?

21 MR. : Okay.

22 : And then also a lot of times,
23 and I know in the prior interview that happened
24 there were times where you might state some things,
25 I will go back and restate it to you just to make

1 sure I understand. If I misstate anything at any
2 time correct me, okay, this is your statement.

3 If I get any detail wrong or whatever, you
4 feel free to say no, that's not what I meant, or no
5 that's not exactly what I said. Okay, will you do
6 that?

7 MR. : Yeah.

8 : We're not trying to trick you
9 or confuse you at any point. So we want to make
10 sure that at any point you feel confused, you let us
11 know. We just want to get out what happened, all
12 right?

13 MR. All right.

14 : We're the prosecutors
15 assigned to this case, okay. And I will just remind
16 you this is a federal investigation, okay. So
17 you've got to be sure to tell the truth here today.
18 This is basically a blank slate. I'm not all that
19 concerned what was said before, you just tell us
20 what you know today, all right? You need to be sure
21 it is the truth, you understand?

22 MR. : Uh-huh.

23 : Okay. That's basically our
24 goal here. We're investigating the case, we are
25 just trying to find the truth.

1 Now, you came down here with your lawyer
2 today voluntarily, right?

3 MR. : Yeah, she told me to come,
4 so I'm here.

5 : You agreed to come down and
6 talk to us?

7 MR. : Yeah.

8 : Okay. You have got to keep
9 your voice up, okay?

10 MR. : All right.

11 : No one threatened you in any
12 way or promised you anything to come down here
13 today?

14 MR. : No.

15 : All right. You are not
16 under the effects of any drugs or alcohol today?

17 MR. : No.

18 : And I ask everybody that,
19 don't be offended by it, I generally ask that
20 question. Anything else that would affect your
21 ability to be truthful today?

22 MR. : No.

23 : Okay. All right. Well,
24 let's get down to it then here. You, can you tell
25 me what was your relationship with Michael Brown,

1 how did you know him?

2 MR. : He was one of my best
3 friends. We went to high school together, he was
4 around me every day. And come to find out, I found
5 out he was a family member after the fact of him
6 getting killt. (sic)

7 : How was he a family member?

8 MR. : He was one of my cousin's
9 cousin. His little brother and his little sister's
10 daddy got killed in about, I think about 2006. Come
11 to find out that was my cousin.

12 : Okay. So you are actually a
13 blood relative of Mike Brown.

14 MR. : Yeah.

15 : But you didn't know that
16 until after he was killed?

17 : I didn't know until after.
18 After my cousin popped over there and that's when I
19 found out that.

20 : Okay. But you basically saw
21 him every day?

22 MR. : Yeah, he was with me every
23 day. The day before he was being killed, he was
24 living with me.

25 : Okay. How long did he live

1 at your house?

2 MR. Just about a week. His
3 granny was in the hospital. He didn't have nowhere
4 else to go.

5 : And even before he was
6 living at your house, you would see him every day?

7 MR. Yeah, every day we will go
8 record music, play video games, everything.

9 : Okay.

10 MR. It was just like he knew all
11 my family, I knew all his family.

12 : Uh-huh.

13 MR. : And just we were --

14 : You were tight?

15 MR. We were real, real close.

16 : When you see him every day,
17 how much time did you spend together? I know every
18 day is different.

19 MR. : All day.

20 : All day long?

21 MR. : Just walk to the store, come
22 home, playing games and just being kids.

23 : Okay, all right. And how
24 about Dorian Johnson, what was your relationship
25 with Dorian?

1 MR. : That's, that's like a friend
2 of the family. I knew him and all his brothers and
3 sisters and all that so.

4 : He's actually a blood cousin
5 also, is that right, Dorian?

6 MR. : He's not blood, but we grew
7 up around each other, so to me it is blood.
8 I thought before you
9 described it as a blood cousin, but he was basically
10 kind of a friend of the family?

11 MR. : Yeah.

12 : Okay, all right. Can you
13 just tell us basically what you saw on August 9th
14 when Michael Brown was killed?

15 MR. : The day of it happening, it
16 was around 4:00 in the morning. I was on the phone
17 with a lady friend of mine and something came over
18 my body and I felt, I didn't feel right. I was like
19 something was going to happen. And Mike, he's on
20 the couch right next to me, so he just told me to go
21 to sleep, nothing going to happen, that's all right.

22 So in the morning, the reason why we woke
23 up was because my mother called and was like, she
24 needed me to help her put my nephews in the car for
25 her and my sister. So I was asleep at that point, I

1 didn't feel like getting up. Michael Brown put my
2 nephews in the car for me and everything.

3 And he can use my phone cause I told him
4 to call his grandmother to make sure she's okay
5 before you do anything cause he wasn't talking to
6 her because they had a little dispute the day
7 before. So I told him to call her and make sure --

8 : He had a dispute with his
9 grandmother?

10 MR. Yeah, you know, just her
11 telling, you know how it is with family.

12 : Do you know what the dispute
13 was about?

14 MR. : No, sometimes just have, you
15 know, families have little arguments from time to
16 time. So I guess it was a little argument and she
17 went to the hospital that day. So he was staying
18 with me for that week.

19 : Was he staying with you
20 because she was in the hospital or because of this
21 dispute?

22 MR. Because she was in the
23 hospital.

24 : Okay. Let's talk about then
25 what happened though, what did you see on

1 August 9th.

2 MR. Yeah, I was leading up to
3 that. So he had put my nephews and everything in
4 the car. He used my phone, he came back and threw
5 me my phone. He was like, me and Dorian is going to
6 walk to the store and we will be back. I'm like,
7 all right, hopefully I will be up by the time you
8 all get back from the store.

9 I say it was about, I say about 15, 20
10 minutes after they had left for, I guess they was on
11 their way back from the store, that's when I heard
12 the first gunshot.

13 : Where were you when you
14 heard the first gunshot?

15 MR. I was in my room.

16 : Were you still in bed.

17 MR. : Yeah, I was still laying
18 down. It was loud and close to where I could hear
19 it enough to where it would wake me up like to see
20 what was going on.

21 : So that first shot actually
22 woke you up?

23 MR. Yeah, the first shot
24 actually woke me up. I wasn't in no deep, deep
25 sleep, it was enough to hear what was going on.

1 : Okay. Then what happened?

2 MR. : I heard the first shot, and
3 then I went to the window and what I saw was the
4 officer had a gun drawn and Michael Brown's facing
5 him on his knees.

6 : And you actually personally
7 saw this?

8 MR. : Yes, I personally saw him on
9 his knees with his hands in the air?

10 : Okay. And then what
11 happened?

12 MR. And then I say maybe about a
13 few seconds later, I looked and I was still looking
14 out the window and I seen him shoot him in the head.
15 By the time I tried to get out of the house, like by
16 the time I hit the stairs, I heard four more shots
17 go off.

18 And then I live all the way on the third
19 floor, so I say when I first came out of the house,
20 I heard the four gunshots and then by the time I got
21 to the end, when I got to the end of the steps, I
22 heard seven more shots.

23 : How many shots did you see?

24 MR. How many shots did I see?

25 : Right.

1 MR. : I saw one.

2 : Okay.

3 MR. : But I heard multiple.

4 : Okay. All right. So you
5 just saw, you heard the first shot?

6 MR. : I heard the first shot.

7 : You go to the window and
8 right, yes or no?

9 MR. : Yes, yes, yes.

10 : And then you go to the
11 window?

12 MR. Yes.

13 : And when you look out the
14 window, what do you see?

15 MR. : Michael Brown on his knees
16 with his hands up and I couldn't even, from my angle
17 I could not even see if it was him or not. The way
18 I found out it was him because I knew everything he
19 had on because he was just at my house 20 minutes
20 prior to what happened.

21 The reason why I really new who it was
22 cause he had on some socks, and I remember exactly
23 what socks cause he loved wearing them.

24 : What socks were those?

25 MR. : They were some yellow and

1 green like marijuana leaf socks.

2 : Okay. They had marijuana
3 leafs on them?

4 MR. : Yeah.

5 He loves to wear those?

6 MR. : Yeah, like a month prior to
7 that he had bought a whole bunch of them. I don't
8 know why, that's what he wore. I can tell you
9 everything he had on, he had on a gray T-shirt, he
10 had on some khaki pants, or khaki shorts, some Nike
11 white and black flip flops and then them specific
12 socks I just mentioned.

13 : Okay. So today what you're
14 indicating is as you look out the window, you
15 actually saw Michael Brown out there?

16 MR. Yes.

17 : Okay. And you could
18 recognize him by what he was wearing?

19 MR. : Yes.

20 : Do you see the police
21 officer shoot him one time?

22 MR. : Yes.

23 : And where did he shoot him?

24 MR. In his head.

25 : What did Michael Brown do at

1 that time?

2 MR. : By that time when I seen the
3 gunshot go off, he fell. He got shot in the head,
4 it looks like he was already gone.

5 : So he fell down?

6 MR. : Yeah.

7 : When you looked out the
8 window was he already down or you actually saw that
9 shot?

10 MR. : No, when I looked out my
11 window, he was on his knees.

12 : Okay.

13 MR. : I don't know if he had
14 already got shot before then because I heard the
15 first gunshot, I don't know, I'm just stating what I
16 saw.

17 : All right. When you looked
18 out the window, did you think that he had been shot
19 from that first shot?

20 MR. : Yeah.

21 : Why did you think that?

22 MR. : Because I knew it, why would
23 he be on his knees like surrendering like.

24 : Did you see any kind of
25 injuries that would lead you to believe he was shot?

1 MR. : No, cause like my window, it
2 was facing towards his back, it wasn't facing toward
3 his front to see if he had got shot. From his back
4 I didn't see anything.

5 : Okay. You couldn't see any
6 blood or anything?

7 MR. Not from his back.

8 : Any wounds or anything like
9 that?

10 MR. No.

11 : Then you say the police
12 officer shot him in the head one time?

13 MR. : Yeah.

14 : And he fell to the ground?

15 MR. : Yeah.

16 : How did he fall when he
17 fell?

18 MR. : He just fell. Like I
19 couldn't explain.

20 : Did he fall on his back or
21 his stomach.

22 MR. He fell like this.

23 (indicating)

24 : And you are motioning face
25 like down?

1 MR. : Yeah, he fell facedown.

2 Question, were both hands on
3 the side?

4 MR. I couldn't tell you, I just
5 know he fell face first.

6 : Okay. And so when he was
7 laying in the street, he was face first?

8 MR. : Yeah.

9 : He wasn't on his back or on
10 his side?

11 MR. : No, he was face first.

12 : Okay.

13 MR. : Even when they show what
14 happened on the news, he still is face first and you
15 can see the blood rushing from his head.

16 : What you are telling me
17 today you only saw that one shot to the head?

18 MR. : Yes.

19 : You heard the first shot
20 that woke you up?

21 MR. : Yes.

22 You were looking out the
23 window and saw the shot to the head.

24 MR. Yes.

25 And then after that, after

1 Michael Brown falls to the ground what do you do?

2 MR. : I run outside.

3 : Okay.

4 MR. (Inaudible) To the end of
5 the steps.

6 : And what happens when you
7 get to the end of the steps?

8 **A** I ran out there, I ran because there is
9 like a grass hill right there. And I said they just
10 killed my little brother for nothing. Those were my
11 exact words.

12 : Okay. And did you see any
13 other shots after you got inside there?

14 MR. : No.

15 : So you saw a total of one
16 shot that day?

17 MR. : I saw one shot, but I heard
18 several.

19 : Okay, all right. You're
20 sure you didn't see four shots after that shot to
21 the head?

22 MR. : I didn't see it, I ran
23 outside.

24 : Okay.

25 MR. : I didn't see it, I heard it.

1 : Okay.

2 MR. : I was close enough to it
3 where I could hear everything that was going on.

4 : Let's back up a little bit.

5 You mention that he was staying with you about a
6 week before all this happened?

7 MR. : Uh-huh.

8 : And, in fact, I think you
9 said before you and your mom were kind of taking
10 care of him?

11 MR. : No, it wasn't my mom, he was
12 at my sister's house. I wasn't even living with my
13 mom during that point in time.

14 : You and Michael were staying
15 at your sister's place?

16 MR. : Yeah.

17 : You were with him every day
18 at that time?

19 MR. : Yes.

20 : (Inaudible)

21 MR. : It was every day because he
22 lived right across the street.

23 : Pretty much all day?

24 MR. : Yeah, all day.

25 : You mentioned his socks, the

1 marijuana leaf socks.

2 MR. : Yeah.

3 : He liked to wear those, did
4 you know him to be involved in marijuana at all?

5 MR. : Yeah.

6 : How so?

7 MR. : He just started smoking I
8 guess about four months ago.

9 : Okay. Four months before
10 this happened?

11 MR. : Yeah. He wasn't no head, he
12 wouldn't do it like just on a regular day basis, I
13 would say occasionally.

14 : Occasionally, how often,
15 once a week, twice a week?

16 MR. : Just holidays, birthdays,
17 stuff like that. It was not like he smoked regular
18 everyday thing.

19 All right. Would you ever
20 smoke with him?

21 MR. Yeah, I have.

22 : Okay. Would you smoke with
23 him basically the same kind of occasion?

24 MR. : Yeah.

25 : Did you smoke the same as

1 Mike, would you smoke more often than him or less
2 often?

3 MR. : Less often.

4 : Less often than Mike?

5 MR. : Like I'm saying, holidays
6 and special occasions.

7 : Do you have any idea where
8 he would get it from?

9 MR. No.

10 : Okay. Did you know any
11 white contractors or workers that were working there
12 that were digging out the trenches to put drain tile
13 or drain pipes in there, did you know those guys at
14 all?

15 MR. : No, I didn't, but it's funny
16 you mentioned that because my sister was just
17 telling me that he was taking my nephews out to the
18 car, she was talking to some construction workers
19 and they was talking about that and police and all
20 this type of the stuff. It's funny that you
21 mentioned that.

22 : That's just something that
23 you've heard?

24 MR. Yeah, that's something I was
25 asleep most of the day until actually heard the

1 gunshot.

2 : Okay. Did you know those
3 guys, the construction workers to be involved with
4 weed at all or anything like that?

5 MR. : No.

6 : Have you ever heard of wax,
7 do you know what wax is?

8 MR. No, I don't know what that
9 is.

10 : Had you ever heard Mike talk
11 about wax or anything like that, Mike Brown?

12 MR. : No, I'm thoroughly confused.
13 I don't know what that is.

14 : Okay, that's fine. You're
15 not aware of what wax is?

16 MR. No.

17 : And so you and Mike, you
18 would smoke together sometimes?

19 MR. : Yeah.

20 : That morning before he left
21 there, did you guys smoke that morning or overnight?

22 MR. No.

23 : You're sure about that?

24 MR. Yeah.

25 : Okay.

1 : What about Mike, do you know if
2 he did even if you didn't?

3 MR. : Yeah, he could have cause he
4 left my house a couple of hours before we actually
5 went to sleep. I can't vouch for what he did, you
6 know what I'm saying?

7 : Nobody asked you to.

8 MR. : So I can't tell what he did
9 when he wasn't around me.

10 : Okay.

11 MR. I'm just telling you my
12 experience.

13 : We're not expecting you to tell
14 us.

15 MR. I just telling you just my
16 experience.

17 : I'm just talking about when
18 he was around you, did he smell like weed that day
19 at all or did you have any reason to think he smoked
20 weed that day?

21 MR. I don't know, he could have,
22 I don't know.

23 : Okay. I'm just asking if
24 you know.

25 MR. : He could have, I don't know.

1 : Okay. What makes you think
2 that he could have? Just that it's possible?

3 MR. : Anybody can smoke at any
4 time.

5 : What I'm asking you though,
6 is there anything that led you to think that maybe
7 he smoked that morning?

8 MR. I don't know, he was with me
9 this morning, so I didn't smoke I was still in bed.
10 : Okay.

11 MR. : I can't tell you what he did
12 when he wasn't around.

13 : I can tell you that the
14 evidence was that he had smoked weed or basically
15 THC somehow that day, all right, that's the
16 ingredient in weed or marijuana. The two of you had
17 smoked before, I'm just curious about, when you were
18 up overnight, did he smoke at that time maybe?

19 MR. : Neither one of us smoked
20 that day. Neither one of us had no money.

21 : Okay.

22 MR. : Well, I didn't have no money
23 at that time.

24 : Do you know if he had any
25 weed, any marijuana that day?

1 MR. : I don't know.

2 : Did you see any?

3 MR. : No, I didn't see none

4 though. (inaudible) He didn't make it his

5 obligation to tell me if he had some or not. I

6 honestly don't know.

7 : When he got up to get dress
8 that day or when he was getting ready to leave, did
9 you see him with any weed or put any weed in his
10 pocket?

11 MR. : No, he just said he was
12 going to walk to the store and he'd be back, him and
13 Dorian.

14 : Let's talk about that. My
15 understanding is he was going to the store to get
16 some Cigarillos. Did he tell you that he was going
17 there to get those?

18 MR. : No, but I wasn't sure if he
19 had it already or that he was going to go get it or
20 I didn't know. All right. I will just be here when
21 you get up. I'll open the door for you.

22 Do you know why he was going
23 to get Cigarillos? Was that for marijuana?

24 MR. Who knows. He had none of
25 that at the point in time he woke me up to let me

1 know that he was going to the store. I didn't see
2 none of that.

3 : Okay. But he did tell you
4 that is why he was going to the store?

5 MR. Yeah, that's what he tell
6 me.

7 : Did you know him to use
8 Cigarillos to smoke weed.

9 MR. : Yeah.

10 : To make a blunt?

11 MR. Yes.

12 : Is that the way the two of
13 you would normally smoke?

14 MR. : Yes.

15 : With Cigarillos? Is that a
16 yes?

17 MR. : Yes.

18 : You have to speak up for the
19 tape, I'm sorry. Okay. And so when you and Mike
20 Brown would actually, when you would smoke weed, you
21 would use Cigarillos to smoke it?

22 MR. : Yeah.

23 : How do you do that? I mean,
24 what do you do with the Cigarillos? I just have to
25 lay the groundwork.

1 MR. : You just take the tobacco
2 out and then role the marijuana into it.

3 : Okay. You take the tobacco
4 out of the Cigarillo and put the marijuana into it?

5 MR. Yeah.

6 : Okay. And basically you
7 pull all of that tobacco out and fill it with
8 marijuana?

9 MR. Yeah.

10 : The whole Cigarillo?

11 MR. : Yeah.

12 : Okay, all right. Now,
13 Dorian was there that morning too at your apartment;
14 is that right?

15 MR. : He wasn't in, actually in,
16 he was sitting outside waiting. He didn't actually
17 come in my house.

18 : Okay.

19 MR. He was just waiting. Mike
20 came and gave me my phone back and we are off to the
21 store, we be back.

22 : All right. When Mike was
23 talking about going to the store to get Cigarillos,
24 I mean, was he talking about that he was going to go
25 smoke, you knew why he was going to get the

1 Cigarillos?

2 MR. : Yeah, I knew why.

3 Okay. Did he talk about,
4 hey, when I get back, let's smoke, I'm going to go
5 smoke with Dorian, or did he say anything like that?

6 MR. He was like, I'll be back,
7 me and Dorian are going to be back. I don't know if
8 they was going to come smoke with me or not.

9 Mike said when he left they were going to
10 come right back, be about 30 minutes. I make sure I
11 be up so I be up so I can come open the door for
12 'em.

13 : Okay. They were going to
14 come back to your place after the store?

15 MR. Yes.

16 : Both of them were going to
17 come back together?

18 MR. Yeah.

19 : Did Mike say anything else
20 to you that morning?

21 MR. No, he didn't say nothing.

22 : Let me ask you, that morning
23 now, you said you were up overnight that you
24 couldn't sleep and Mike spent the night that night?

25 MR. Oh, yeah.

1 : And he was up with you at
2 that time?

3 MR. Oh, yeah.

4 : Did he say he couldn't sleep
5 or do you know why he was up?

6 MR. I didn't know why he was up,
7 I knew why I was up cause I had an intuition, like a
8 feeling that something was going to happen. I
9 didn't think it was going to honestly happen to him,
10 I knew God send me a sign and I knew something was
11 going to happen the following day.

12 : The two of you were up
13 overnight?

14 MR. : Yeah, I knew it was going to
15 be something, see, I don't sleep at night.

16 : That's what I was going to
17 ask. Do you normally stay up throughout the night
18 or sleep during the day or what?

19 MR. : No, I'm usually the person
20 who just stay up late at night. I don't get too much
21 sleep.

22 : Would Mike stay up with you
23 too late at night?

24 MR. No, he be the one to go to
25 sleep first.

1 : Okay.

2 MR. : So it was kind of strange
3 that he was up all night.

4 : So at some point, though,
5 you fell asleep?

6 MR. : Yeah.

7 : Whatever time you think that
8 was if you know.

9 MR. : Around 4:30, 5:00.

10 : In the morning?

11 MR. : Yeah.

12 : And where was Mike at that
13 time?

14 MS. : He was on the couch, I don't
15 know if he was asleep by then or not. I just know I
16 couldn't take no more and I just passed out.

17 : You were sleeping in your
18 bed?

19 MR. : Yeah.

20 : He was on the couch?

21 MR. : Yeah.

22 : Okay. And so you fall
23 asleep and what's the next thing you remember from
24 that morning?

25 MR. : He came and woke me up and

1 he was like, he said let me see your phone. I'm
2 like all right, man, and take the phone out, unlock
3 it for him, and I went right back to sleep.

4 : Do you know who he was
5 calling on his phone?

6 MR. : I think his grandmother.
7 Yeah, his grandmother. I had told him before he had
8 went to sleep, I'm like, man, when we wake up in the
9 morning.

10 : Uh-huh.

11 MR. Call and check on her to
12 make sure she's all right. Before you do anything
13 call and check on her to make sure she's all right.

14 : Okay.

15 MR. I always told him he had a
16 grandmother and all of that. He didn't need to take
17 her for granted. And that's one thing I always push
18 from our people is to stay with your family.

19 : Okay.

20 MR. : To be --

21 : And let me just, you know,
22 you just try to answer the question, okay. That way
23 we won't spend a lot of time here today, okay. I
24 don't want to have to have you here all day. So
25 just try to answer the question I'm asking, you

1 understand, is that okay?

2 : Uh-huh.

3 : So he borrows your phone,
4 you think to call his grandmother?

5 : He came and tossed me my
6 phone. Me and Dorian is going to walk to the store
7 we'll be back. And I said about 30, 45 minutes.
8 I'm like, all right. I got up, locked the door,
9 went back to my room and went to sleep.

10 : Is that when he said they
11 were going to get Cigarillos?

12 : Yes.

13 Let me ask you this, when
14 you smoked weed with Mike, where would you get it
15 from?

16 Uh --

17 I mean, I don't think he
18 wants to answer that

19 : I don't want to answer that
20 question.

21 : I'll tell you right now you
22 are not going to be in any trouble, okay.

23 (inaudible) To be smoking weed or whoever you get
24 it from or whatever. I'm just curious about, you
25 know, who supplies it to you?

1 : I'm not going to answer that
2 question.

3 : Well, that's kind of up to
4 me to determine, okay, legally whether it matters or
5 not, okay. I'm just asking you, you know, you
6 basically refusing to tell me?

7 : This ain't got nothing to do
8 with this interview.

9 : Basically you're not going
10 to tell me; is that right?

11 : Yeah.

12 : Okay, that's fine.

13 : Can I ask you a question? You
14 describe what it is, what his demeanor was when he
15 got high, what was he like?

16 He was a funny person, like
17 he would sit there and talk about each other, get on
18 the phone with females, play video games, he wasn't
19 no aggressive person at all. At all, like towards
20 nobody.

21 : He wasn't angry towards
22 anybody?

23 : No, he was a big fun person,
24 that's all he was. Whenever we was together, there
25 was no drama, there was no nothing. We would just

1 sit in the room and play the games and just get on
2 her nerves all day. She would be in there going off
3 on him. (inaudible)

4 : When you guys would smoke
5 weed together, did you ever get or did he ever get
6 like scared or paranoid at all from smoking weed?

7 No.

8 : Okay.

9 : If we did do it, it was an
10 enclosed area around his family, it wasn't like,
11 when we did smoke, it was no public thing.

12 : Okay.

13 : We go outside smoke, come
14 back in, play video games, play with his little
15 brother, little sister. There was never nothing out
16 of line or anything like that.

17 : Um, now, after you mention
18 on August 9th you saw the police officer shoot him
19 once in the head and he falls to the ground. And
20 then you ran outside, down the steps and outside,
21 right; is that right?

22 : Yeah.

23 : All right, you have to say
24 so.

25 : Yes, yes.

1 : You ran down the steps to
2 get downstairs?

3 : Yes.

4 What floor were you on?

5 : I live on the third floor.

6 : So you ran down the steps to
7 get down there?

8 : Yeah.

9 : You mention before that by
10 the time you got down there, there is kind of a
11 crowd gathering; is that right?

12 : Yeah.

13 : Tell me about that?

14 : There was people out there
15 before I had even got outside. It was a regular
16 day. There was people walking their kids. It is
17 hot outside, it is just a normal day like.

18 : I'm talking about after the
19 shooting when you got out there?

20 : There was crowds gathering,
21 there was just a whole bunch of chaos after that, a
22 whole bunch of chaos.

23 : What was going on, what were
24 people saying?

25 They were crying, yelling

1 and screaming. They killed him for nothing, they
2 killed this baby for nothing, just everybody was
3 outside.

4 : Okay. And you mention
5 before also that you talked to Dorian a little bit
6 about all of this after it happened?

7 : Yeah.

8 : He said something to you
9 about hiding behind a Monte Carlo?

10 : Yeah.

11 : What else did he tell you
12 about what happened, did he tell you about what
13 happened down there?

14 : We didn't really get a
15 chance to talk to too much, there was too much going
16 on, too much commotion.

17 : What about since that time,
18 there has now been, it has been over a month now.

19 : Eight weeks.

20 : Almost two months. Did you
21 talk to Dorian about it? Other than hiding behind
22 the Monte Carlo?

23 : I haven't had a chance to
24 catch up with him.

25 : He hasn't told you anything

1 other than he hid behind a Monte Carlo?

2 : He said he shoot at Mike.

3 (inaudible) He said he went and hid behind the
4 Monte Carlo.

5 : Did he tell you what he saw?

6 : He said he shot him multiple
7 times, couldn't really do nothing, too much talking.
8 There was too much going on, just like he said, like
9 too much going on. I had no chance for me to talk
10 to him and for him to talk to me.

11 : Did he give you any other
12 details other than he was shot multiple times and
13 that Dorian hid behind the white Monte Carlo?

14 He told me, he told me that
15 it was like he was telling everybody. Like he
16 didn't have no choice but to try and run and hide
17 behind the Monte Carlo while the shooting was
18 occurring. We haven't had a chance to talk.

19 : So was he able to see the
20 shooting then while he was hiding behind the Monte
21 Carlo.

22 : That's what he said, I
23 haven't talked to him.

24 : Okay. Have you seen any of
25 the media coverage of this?

1 : Um, not for real, I try not
2 to watch TV too touch.

3 : Okay. You mentioned before
4 you saw Dorian giving statements on CNN and MSNBC?

5 : Yeah.

6 : Do you recall that?

7 : I don't recall what he
8 actually said, people was just telling me and I saw
9 a YouTube clip of it of him on TV.

10 : Do you know what people were
11 talking?

12 : Like my mother and like
13 people was just talking, he was on TV.

14 : Now, , I've got to be
15 honest with you, okay. I mean, based on what you
16 are telling me today, it is substantially different
17 than what you told the FBI before, okay. You talked
18 about seeing one shot to the head before and then
19 you talked about seeing the police officer stand
20 over Mike Brown and shoot four more times into his
21 body, do you recall that?

22 : Yeah.

23 : Did you see that or did you
24 not?

25 : I heard.

1 : Okay. So you didn't
2 actually see the police officer fire four more shots
3 into Michael Brown?

4 : I didn't actually see it
5 because I was going down the steps.

6 : Okay.

7 : But his --

8 : That's why we need to clarify
9 what you actually saw versus these things that you
10 assume or what you think you heard because it is
11 important.

12 : It is not assuming if I'm
13 going down the steps and I hear boom, boom, boom,
14 but ain't nobody else out there got hit. Ain't no
15 one else out there injured. That is just common
16 sense.

17 : Back when you talked to the
18 FBI previously, that was on August 13th, okay, just
19 a few days after this happened, about four days
20 after this happened. You told them that after the
21 officer shot Brown in the head, he shot him eight
22 more times.

23 Yeah.

24 : And you said that you saw
25 him fire four more shots into Mike Brown's body as

1 Mike Brown's laying there lying on the ground?

2 Yeah.

3 : Do you remember that?

4 Yeah.

5 : Today you are telling me you
6 didn't see those shots; is that right?

7 More importantly I heard.

8 : That's what I'm just trying
9 to determine. Did you see those shots or did you
10 hear them?

11 : I didn't see them, but I
12 heard them on my way running downstairs.

13 : You said there was a 10
14 second pause and more shots?

15 Yes.

16 : Okay. We're talking about
17 now and then a total of ten shots is what you were
18 talking about?

19 : Yes.

20 : So as you sit here today,
21 how many shots did you actually see.

22 I saw one, but heard nine.

23 : Okay. So you are saying
24 today that you just saw one shot?

25 : When he got shot in the head

1 he fell when he was already basically deceased.

2 : On August 13th when you said
3 that the police officer stood over him and shot him
4 four more times, you didn't actually see that; is
5 that right?

6 Yes.

7 : Okay. You told me today
8 that you actually didn't see any injuries to Michael
9 Brown before the shot to the head; is that right?

10 Yeah.

11 : You didn't see any bleeding
12 or wounds or anything like that.

13 : I couldn't see because his
14 back was turned towards that way.

15 : Okay. See, that's a problem
16 I have today is that back on August 13th you told
17 the FBI that Mr. Brown had blood flowing from his
18 shoulder or rib cage on his left side. Did you
19 actually not see that?

20 : I didn't see exactly where
21 he got shot at. I said, I knew he had got shot I
22 heard the first shot cause he stopped and he was
23 sitting in the middle of the street. Like I told
24 you, with his hands in the air.

25 : Right. But what I'm telling

1 you is that you've told me today you didn't see any
2 injuries to Michael Brown when he was down on his
3 knees in the street. Before you had told the FBI
4 that he had blood flowing from his shoulder and rib
5 cage on his left side, somewhere on his left side,
6 do you recall that?

7 : Yes.

8 : Did you all actually see
9 that or not?

10 No, I didn't actually see.

11 : Okay. So when you told the
12 FBI that on August 13th, you actually did not see
13 that?

14 That was something that I
15 heard. That's why you told me to tell you what I
16 actually saw, so I'm telling you what I actually
17 saw. Someone in the community --

18 : Who was that?

19 : Who told you?

20 I don't know. There was a
21 whole bunch of crowds, people was telling me all
22 type of stuff.

23 : That's why we want to talk to
24 you. You understand that there is a lot of people
25 talking --

1 **A** I'm just telling you what I saw.

2 : Okay. What else were people
3 saying?

4 That's what people were
5 saying, they saying he got shot somewhere in his
6 body at the top, but from my vision I seen his back
7 was toward me and the officer's shooting.

8 : Okay. As you sit here today
9 then, you actually did not see blood flowing from
10 his shoulder or rib cage before he was shot in the
11 head?

12 : No.

13 : Okay. And you say that
14 Michael Brown had his hand in the air at the time he
15 was shot?

16 : Yes.

17 : Did he say anything?

18 : Please, don't shoot.

19 : Okay. And did you actually
20 hear that?

21 Yes.

22 : You said he was pleading for
23 his life?

24 Yes.

25 : And the police officer shot

1 him in the head?

2 : Yes.

3 : I think you described before
4 that the police officer was basically standing right
5 in front of him when he shot him; is that right?

6 Yes, his gun was close to
7 him.

8 : His gun almost touching his
9 head?

10 Not almost touching, I said
11 like that far away, but it was point blank range.
12 (inaudible)

13 : You've described it as very
14 close or point blank range?

15 : Point blank range.

16 : Basically the police
17 officer, from what you described before, he just got
18 out of his car and walked over to Mike Brown and
19 shot him in the head?

20 : I didn't see any of it.

21 : You didn't see the police
22 officer get out of the car?

23 I didn't see it.

24 : Okay. You've described on
25 August 13th that the officer got out of the car and

1 shot Mr. Brown?

2 (Inaudible)

3 : That's why we are here today.

4 : We're trying to determine
5 exactly what you saw, okay.

6 Uh-huh.

7 : But basically you said
8 before that the officer shot Brown in the head as
9 soon as he exited the police truck. You saying
10 today you didn't see the police officer exit the
11 truck?

12 I didn't see him get out of
13 no truck. His police cruiser was a couple of feet
14 going up towards West Florissant.

15 : Uh-huh.

16 But I didn't see him get out
17 of no truck.

18 : Okay. So when you looked
19 out there on August 9th, the police officer is
20 already out of the truck?

21 Yes.

22 : And was standing in front of
23 Mike Brown?

24 : Yes.

25 : And then he shoots him once

1 in the head?

2 Yeah.

3 : While Mike Brown was
4 pleading, please don't shoot me.

5 : Yeah.

6 : Again, the officer is very
7 close, basically point blank range at the time of
8 the shot?

9 : Yes.

10 : I think you said before too
11 they were basically right next to the police car at
12 that time the; is that right?

13 : It was not right next, but
14 it was enough to where I could see the police
15 cruiser.

16 : I think before you said it
17 was probably five or six feet away?

18 Yeah, It wasn't too far, it
19 was down toward like West Florissant.

20 : He was actually moving; is
21 that right?

22 Yeah, he was moving, he was
23 facing towards West Florissant.

24 : At the time that the police
25 officer shot Mike Brown in the head and he fell,

1 they were about five or six feet away from the
2 police car?

3 : Yeah.

4 : Okay. And you say today
5 that Mr. Brown, when he was shot in the head, he
6 dropped to the ground flat on his face?

7 Yeah.

8 : Basically facedown?

9 : Basically, yeah.

10 : Do you recall on
11 August 13th, it is another concern I have okay, and
12 I'm just being honest with you, okay?

13 All right.

14 Is it at that time you said
15 you he fell on his side. You said he fell on his
16 side and the police officer shot him four more times
17 in the side.

18 That's what I heard.

19 Okay. Who did you hear that
20 from?

21 : Somebody in my complex.

22 : Okay. Those people were
23 just telling you that?

24 : Yes, there was a whole bunch
25 of people outside, so it is a whole bunch of

1 stories. But I will tell you from what I seen, from
2 what I seen, what I seen he dropped and I heard more
3 shots as I was going downstairs.

4 : So basically you didn't see
5 Michael Brown when he turned or dropped to the
6 ground, you didn't see him turn on his side?

7 : No.

8 : You didn't see that?

9 No. When I got down to the
10 end of the steps, he was facedown.

11 : Okay. All right. So you
12 never saw him turned on his side?

13 No, when I got down he was
14 facedown and blood was rushing from his head out in
15 the street.

16 : And just to be clear here,
17 then you didn't see the police officer stand over
18 him and fire four more shots into his body?

19 Obviously, I didn't see him,
20 I heard eight more shots after the two gunshots from
21 inside the house.

22 : Let me ask you this ,
23 and again, I just want to be upfront here. Are you
24 sure that you saw the police officer fire any shots
25 as oppose to just hearing shots?

1 Yes, I saw him.

2 : You saw one shot?

3 : The one to the head that
4 killed him.

5 : You actually witnessed that?

6 : Yes.

7 : That's not just something
8 that someone told you?

9 No, I actually seen it.

10 : Because my issue is and
11 coming into today, before you were even telling me
12 some things different from before, and I understand.
13 Some of the things you heard you saw before you
14 actually just heard from other people; is that
15 right?

16 : Yeah.

17 : Is that correct.

18 Yeah.

19 : So you didn't actually see
20 those things?

21 : No.

22 : Okay. I just want to make
23 sure you are in here today and you are telling me
24 you saw that one shot, I want to make sure that's
25 just not what someone told you versus what you

1 actually saw, because now is your opportunity, okay?

2 Okay.

3 : You can see our concern, right,
4 because beforehand you told us what you saw that you
5 saw and now you came in here and say you actually
6 heard it, you said that initially. We need to be
7 sure, you know, if we are going to put a case
8 together and put you on the witness stand, we need
9 to be sure that you are telling us what you actually
10 saw versus what you heard from people on the street.

11 : You understand?

12 Yeah.

13 : So, I mean, now is your
14 opportunity, okay?

15 I'm telling you I just told
16 you everything.

17 : You said you heard two shots
18 inside the house and you came out --

19 : And heard eight more, yes.

20 : Okay. But as said,
21 what we are trying to do is evaluate witnesses here
22 and evaluate this case, okay. And I can tell you at
23 this point if we were going to charge this case and
24 go to trial there is just no way I could put you on
25 the witness stand and there's a couple reasons for

1 that, okay.

2 The first is, basically just about
3 everything that you said on August 13th, and much of
4 what you said today isn't consistent with the
5 physical evidence that we have in this case, okay.

6 And now what you are telling us today is
7 actually substantially less detailed than what you
8 said on August 13th and I understand that and we
9 talked about it, all right. But then also what you
10 told us today is quite a bit different from what you
11 said on August 3rd. So those are the issues we
12 have, okay.

13 What you are telling me today or on
14 August 13th is not consistent with the physical
15 evidence we have, okay. Evidence that is not going
16 to change, that's just not just someone else
17 talking, okay. That's what the evidence is.

18 : And is talking about the
19 evidence, he is talking about the scientific
20 evidence and things like that, not what other people
21 are saying.

22 : Right. I'm talking about
23 DNA evidence, I'm talking about just simple things
24 like the way the scene was laid out, right. What
25 you're telling me, it is just not consistent with

1 what happened that day. All right. And that's our
2 concern, you understand?

3 Yes.

4 : I mean, can you explain that
5 to me?

6 : I want to know if you say
7 from a different perspective, why would you ask the
8 witness everybody's perspective wouldn't be the same
9 because there is different angles.

10 : Exactly, that's why I'm
11 saying.

12 : (Inaudible)

13 : I'm not saying other people
14 are saying other things you must be lying here,
15 that's not what I'm saying. What I'm telling you is
16 not from someone else's perspective, okay, or what
17 another witness said. I'm talking about actual
18 physical, forensic evidence at the scene, okay.

19 : So what am I saying that
20 don't match up?

21 : That's what you need to tell
22 me.

23 There's no telling you.

24 : That's what I'm wondering
25 is, can you explain to me why that's the case?

11 Didn't you all just say let
12 you know that we were outside to tell you what I
13 seen and not heard.

18 : And let me make it very
19 clear about that, there is certain things that you
20 said you saw back on August 13th, we're actually
21 thinking --

www.goreperry.com

Page 131

1 And honestly, you have never done this
2 before, correct, you have never been before a court
3 or anything like that?

4 : No.

5 Would you lie if you didn't
6 see Michael Brown shot if you didn't, would you lie
7 about that?

8 No.

9 : That's all well and good,
10 okay, that's fine. But the point is that on
11 August 13th you told the police, you told the FBI
12 things like you saw the police officer after that
13 first shot to the head. The shot that you saw, the
14 first shot you saw to the head that Michael Brown
15 fell to the ground on his side and the police
16 officer stood over him and fired four more shots
17 into his body. You said that you saw that, okay.

18 Now today, to your credit, you've told us
19 no, that's not what I saw, that's just something
20 that I heard, but you understand that you told the
21 FBI that back on August 13th that you saw it.

22 What I'm telling you about
23 what I heard, I'm telling you about how I was going
24 down the steps and I'm hearing shots still ringing
25 off and terrifying to get even to the bottom of the

1 steps because I still hear shots ringing off.

2 : That's understandable. That is
3 all we are trying to figure out what you, yourself,
4 actually saw versus what you thought might have
5 happened based on what you were hearing.

6 What I'm going to say --

7 : You understand --

8 Just listen to me. There is
9 not no thought if I know for a fact --

10 : Can I explain generalities of
11 forensics. Not discussing, we're not here to
12 discuss or argue about it. But everything we
13 measure against every testimony here is what we know
14 to be forensics because that is irrefutable.

15 It is not he was at this perspective or
16 that perspective, but here is how he changes. We
17 know whether or not Michael Brown was shot at point
18 blank range in the head based on that, yes or no, we
19 know that.

20 We are here today to tell you what you are
21 saying you saw isn't forensically possible based on
22 the evidence.

23 : And that's just an example.
24 Virtually everything that you told the FBI on
25 August 13th doesn't match up with the evidence,

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

: So you're telling me he

didn't get shot in the head at point blank range?

: What we are telling you is

that the physical evidence doesn't match up with

what you are telling us. That's just an example,

okay.

The entire layout of the scene is entirely

different than what you described, okay. And when

you come in here today and substantially change you

say you saw and what you claim you saw on

August 13th, that leads me to believe that maybe you

didn't see this. And if that's the case, you need

to tell me, okay.

: We're not even saying this,

first of all. When you are running down the stairs,

you say a lot of people were out there, you said you

were scared, that's --

I tell you can I leave? I

don't feel too comfortable right now.

: Okay. Now, if you want to

go, that's fine.

: You can go outside.

: I ain't feeling comfortable.

: Why aren't you feeling

1 comfortable?

2 You are telling me I didn't
3 see what I saw. This is not the first time that it
4 happened, they did it to me last time I was here and
5 try to tell me.

6 : The reason the FBI
7 challenged you when you gave the statement before
8 was because they knew at that time that what you
9 were saying didn't add up with the physical
10 evidence, okay.

11 : You would agree that is right?

12 : If you all knew the physical
13 evidence, why would there be a need for a witness if
14 you have the evidence already.

15 : You have to have people that
16 actually saw it, that's what we are trying to say,
17 okay. We're the prosecutors on this case,
18 okay. And we have to evaluate the case and
19 determine whether or not there are going to be
20 charges and whether or not we would take it to
21 trial.

22 And so we would have to meet with the
23 witnesses and talk to them, particularly the ones
24 who were concerned that what their saying doesn't
25 match up with the physical evidence. We have to

1 evaluate that.

2 : If I didn't see what I saw,
3 why for the first two or three weeks I was being
4 harassed.

5 : Who were you being harassed
6 by?

7 : Police go to my mother's
8 house if I didn't see what I saw?

9 : To try to interview you, you
10 mean?

11 : No, they came to my mother's
12 house, tried to swarm my mother's house. People at
13 my back door, at my side window and at the front
14 door and I didn't even live there at the time.

15 : When was this?

16 : It happened in the same week
17 of him getting killed, the same week. And then to
18 know for a fact that someone came down and burnt his
19 memorial.

20 : That happened more recently,
21 right.

22 : Yes, I smelt it burning.
23 Didn't nobody try to put the fire out, no nothing.
24 It took an African-American Ferguson police officer
25 to come with a fire extinguisher to put it out after

1 it was burning for 30 some minutes.

2 There were other people, other Ferguson
3 police sitting on their cars looking at it. And
4 then to tell me I'm lying.

5 : There is a lot that went on
6 in the aftermath of the shooting. A lot of people
7 were scared because they heard gunshots. A lot of
8 people were talking, so the problem is that
9 sometimes people, you know, thought they saw
10 something, really it was because other people were
11 talking so much.

12 So our job is to figure out what each
13 individual actually saw and noticed. Not what was
14 going on in the community, so that's why we wanted
15 to meet with you.

16 : I'm telling you all right,
17 I'm sorry, I'm telling you what I saw, I seen the
18 man execute my best friend.

19 : You don't have to speak any
20 more, it was voluntary. So we certainly don't want
21 you to talk to us any more. So we do thank you for
22 coming in, thank you.

23 Thank you.

24 MS. : End recording at 11:26 a.m.

25 MS. ALIZADEH: And actually, it is

1 12:26 p.m., and I imagine your lunch is here. So
2 we'll go ahead and take a lunch break and, ,
3 can you finalize whatever the disc that we need to
4 do and then let us know when you are done with your
5 lunch break and we'll start up with more evidence
6 and witnesses.

7 (End of the audio recorded interview of
8 .)

9 MS. ALIZADEH: This is Kathi Alizadeh with
10 the prosecutor's office. It is October 16th, 2014.
11 It is one 1:11 p.m. Sheila Whirley is also present
12 from the prosecutor's office, as well as all 12
13 grand jurors are present and the court reporter, who
14 is taking down the testimony of witnesses and
15 recording proceedings in the grand jury.

16 We have our first witness for the
17 afternoon and he is ready to be sworn.

18 ,
19 of lawful age, having been first duly sworn to
20 testify the truth, the whole truth, and
21 nothing but the truth in the case aforesaid,
22 deposes and says in reply to oral
23 interrogatories, propounded as follows, to-wit:

24 EXAMINATION

25

1 BY MS. ALIZADEH:

2 Q why don't you state your name and
3 then you're going to want to spell it so we get it
4 right.

5 A How you guys doing? My name is
6

7 Q Okay. Now, , I'm going to stand all
8 the way back here. And, um, the microphone that is
9 in front of you it doesn't amplify your voice, it is
10 only recording, so you're going to have to keep your
11 voice up. You tend to have a softer voice, so if
12 the grand jurors can't hear you, they're going to
13 raise their hand and say what, we can't hear. It is
14 best to just try to speak loudly enough, you know.
15 I naturally do anyway, my kids say I'm yelling at
16 them, but I don't want you to not be heard, okay?

17 A Okay.

18 Q So, can I call you ?

19 A Yes.

20 Q , how old are you?

21 A I'm years old.

22 Q And I want to just clarify something, you
23 introduced yourself to the grand jury as

24 ?

25 A Yes.

1 **Q** Is that the name you were born with?

2 **A** Yes.

3 **Q** Okay. Now, a recording of a statement
4 that was made by you on August 13th, where you said
5 your name was , , or
6 something like that. Is that the same person?

7 **A** Um, no, it was just a heritage thing. I
8 just had where my roots was from, so I was just
9 learning about it.

10 **Q** Okay. You're going to have to talk
11 louder.

12 **A** No, it was just a heritage thing that I
13 had just learned about, me and my uncle were
14 discussing it, so me and my lawyer.

15 **Q** But the person that was in that statement
16 who said his name was , that's you?

17 **A** Yes, that's .

18 **Q** Okay. And so today do you prefer that we
19 call you or do you want to be
20 ?

21 **A** I want to be , that's my
22 name.

23 **Q** All right. So, , where do you live?

24 **A** I live in Northwinds Apartments in
25 Ferguson, Missouri.

1 **Q** How long have you lived in Ferguson?

2 **A** Since I was about . I guess since
3 eighth grade or middle school.

4 **Q** Okay. Do you currently, do you go to
5 school?

6 **A** No.

7 **Q** Did you go to high school?

8 **A** Yes.

9 **Q** Where did you go to high school?

10 **A** .

11 **Q** And when you were in high school, did you
12 have a friend named Michael Brown?

13 **A** Yes, he was one of my best friends.

14 **Q** And how long have you known Michael Brown?

15 **A** Um, it goes back to me knowing his family
16 when I was young, but we had just reunited like
17 around, I say around my freshman year of high
18 school. And his uncle really recognized me from the
19 old neighborhood and that's how I found out that I
20 knew him and his family for a long time.

21 **Q** So did you and Michael Brown start
22 becoming good friends like early high school?

23 **A** Yes, we was around each other every day up
24 until the day he died.

25 **Q** Okay. Now, did he also go to

4 Q Was that like his last year or his
5 freshman year?

8 **A** Yes, he did. He lived with his
9 grandmother directly across the street from me.

14 Q Okay. But before he was staying with you,
15 he was living with his grandmother in Northwinds?

24 Q Do you know, did he have a car at the
25 time?

1 **A** No, he did not have a car. We actually
2 had a friend that used to chauffeur us around. We
3 used to give him gas money when we needed rides to
4 go places.

5 **Q** So when he was staying elsewhere, you guys
6 would still see each other every day?

7 **A** Uh, yeah, he would come over after school.
8 We would just go to his granny's house and play
9 video games and just hang out and just chill.

10 **Q** Okay. And are you, were you and Mike the
11 same age?

12 **A** No, I was a year older than him.

13 **Q** A year older than him?

14 **A** Yes.

15 **Q** Do you know Dorian Johnson?

16 **A** Yes.

17 **Q** And how do you know Dorian?

18 **A** A friend of the family again. I known
19 from my old neighborhood since I've been young.

20 **Q** And now Dorian is a few years older than
21 you?

22 **A** Yes, yes.

23 **Q** How long have you known Dorian?

24 **A** A couple, few years. It has been since I
25 have been young.

1 **Q** Since you were --

2 **A** Yes, I guess about middle school years.

3 **Q** Okay. And you made some statements in the
4 past, and I told you we're just going to clarify
5 some things.

6 **A** Yeah.

7 **Q** You said before that Dorian was your
8 cousin?

9 **A** He was basically family, like blood could
10 not make us any more related. I grew up around him
11 and all his brothers, so I look at him as family.

12 **Q** There is no blood relation?

13 **A** Not really blood, blood.

14 **Q** All right. But you feel like he's family?

15 **A** Yeah, I feel like he's family.

16 **Q** What about Michael Brown, are you related
17 to Michael Brown?

18 **A** We are not blood related. Only way we
19 would have blood relation is through his youngest
20 siblings, his younger brother and his younger
21 sister.

22 **Q** Okay. And how so, how are you related
23 through siblings?

24 **A** I had found out after he had got murdered
25 that we was all at his granny's house in Northwinds.

1 And one of my relatives that I know for a fact is my
2 relative showed up and he was like, you didn't know
3 these were your little cousins, honestly I didn't
4 know until he told me. And that's how I found out
5 after the fact we kind of are relation.

6 Q Do you know how it is that your relation,
7 your father's sister is married to?

8 A No, no, it is my father's nephew kids.

9 Q Okay. So your father's nephew is Michael
10 Brown's father?

11 A No, it was his, not his father, his two
12 youngest siblings father.

13 Q Okay.

14 A They had different fathers.

15 Q Gotcha. So Michael Brown has siblings
16 that have a different father?

17 A Yes.

18 Q So you're related?

19 A To his younger siblings, yeah.

20 Q Okay, gotcha. You didn't learn that until
21 after you said that he had passed, right?

22 A Yes, it was after.

23 Q So when you knew Michael Brown, you just
24 consider him a friend?

25 A Yeah, one of my best friends. We was

1 together almost every day.

2 **Q** Okay. And so what about Dorian Johnson,
3 do you know how long prior to Michael's death that
4 Dorian Johnson had moved into the Canfield
5 Apartment?

6 **A** I knew he was living over there for a
7 while, it is just I never did see him or get in
8 contact with him until about two months before this
9 end up happening. So I would have to say around
10 either May or June.

11 **Q** Okay. How close a friend were you prior
12 to Michael's death, how close were you and Dorian?

13 **A** We were close, but I knew him more because
14 of his little brother. His little brother is the
15 same age as me. So that's really how I knew Dorian
16 Johnson mostly was through his younger siblings.

17 **Q** So he was a family friend?

18 **A** Yes.

19 **Q** But you were closer to his younger
20 brother?

21 **A** Yes.

22 **Q** Okay. So Dorian Johnson didn't hang out
23 with you and Mike every day?

24 **A** Uh, the two months prior to it happening
25 when we found out he moved over there, he was also

1 with us every day.

2 Q He would be with you every day too?

3 A Yes, we go over to his house and play
4 video games, same thing that me and Big Mike I
5 called him.

6 Q Okay.

7 A That's what I call him.

8 Q Is it okay if I call him Big Mike?

9 A Yeah, it is all right. I don't have no
10 problem with it.

11 Q So let's talk about then the early morning
12 hours of August 9th. We've heard your statements
13 that you and Mike, he was staying at your house; is
14 that right?

15 A Yes.

16 Q And let me ask you this; where were you
17 staying at the time?

18 A I was staying with my sister at the time
19 where she lived in Canfield.

20 Q So your house was in Northwinds?

21 A My mother's house was in Northwinds. My
22 sister also had her own apartment in Canfield.

23 Q And you were staying with her?

24 A Yeah, I was staying with her. He was
25 going through a couple things with his family and

1 since we was just best friends, he was just with me
2 every day staying over there. If he needed
3 something, I helped him out. I basically look at
4 him just like a little brother.

5 **Q** And so prior to August 9th when he got
6 killed, how long had he been staying with you at
7 your sister's house?

8 **A** It was about two weeks.

9 **Q** Okay. So right in front of you is a laser
10 pointer, right here. So if you press on that gray
11 button right there, see how you can point at things
12 at the map, okay?

13 **A** All right.

14 **Q** So I'm going to give that to you. I'm
15 going to direct your attention to this map, which is
16 Grand Jury Exhibit Number 25. Do you recognize the
17 streets and the buildings and stuff as being the
18 Canfield Green Apartment Complex?

19 **A** Yes.

20 **Q** Okay. Using the laser pointer, can you
21 point to the building where your sister's place is?

22 **A** I would say it would have to be around, I
23 don't know, it looks different from the sky view, it
24 looks kind of different. I would say it would have
25 to be over, okay, it had to be over here.

1 (indicating)

2 **Q** So let's just, for clarity sake, West
3 Florissant is over here. (indicating)

4 **A** It was over here exactly then.

5 **Q** All right. And so you're pointing at
6 Building Number

7 **A** Yes.

8 **Q** And so what floor did she live on?

9 **A** She lives on the third floor so I could
10 see looking out of the window that I was in, I could
11 see the whole Canfield Drive.

12 **Q** So can you tell me what, where in this
13 building, I guess, obviously, there's units that
14 face this way, right?

15 **A** (Nods head.)

16 **Q** Or east, and there's units that face west?

17 **A** It was a unit that's facing directly
18 towards the street, directly towards Canfield.

19 **Q** All right. I know you don't necessarily
20 want to give her address, but this one unit that's
21 on the northern part of the building, that's
22 and then the southern part of the building is
23 was she on northern part or southern part?

24 **A** She had to be on the southern part, the
25 closest to Canfield Drive, the closest.

1 **Q** Okay. And we've heard some testimony
2 already about these apartments. These apartments
3 have a front door that you go into?

4 **A** Yes.

5 **Q** And there's also a sliding door?

6 **A** Yes.

7 **Q** And there's bedrooms that have windows?

8 **A** Yes.

9 **Q** So from the sliding glass door in your
10 sister's apartment, can you see down onto Canfield?

11 **A** Um, no, not through the sliding glass
12 doors, but through the bedroom window you can.

13 **Q** Okay. Is it a bedroom window that faces
14 west or is there a window on this side on this other
15 side?

16 **A** This is a window on this side that faces
17 right towards Canfield.

18 **Q** Here?

19 **A** Yes.

20 **Q** Or here?

21 **A** The sliding door is on that side.

22 **Q** Right.

23 **A** But the window is right there, which would
24 be my nephew's bedroom which I was staying in.

25 **Q** So the window that you are going to talk

1 about here in a minute is on the southern side of
2 the building?

3 **A** Yes.

4 **Q** And from here you can look out onto
5 Canfield?

6 **A** Yes.

7 **Q** Okay. So on the early morning hours on
8 August 9th, that evening, like the night before and
9 into the early morning hours, was Mike with you?

10 **A** Yes, he was.

11 **Q** What were you guys doing?

12 **A** Um, we really was not doing too much. He
13 was just, I don't know if he was going through a
14 phase, but we just, mostly we did a whole lot of
15 talking that night. We did a whole lot of talking
16 about God, just about the problems that we've been
17 going through. We just did a whole lot of talking.
18 Because the cable was off at that time, we didn't
19 really have nothing to do. We just did a whole lot
20 of talking.

21 **Q** Was anybody else with you?

22 **A** Yes. My sister and my sister's fiancée
23 and my two nephews, that's who I live with at the
24 house.

25 **Q** Are your nephews, are they teenagers?

1 **A** No, they're little, little kids.

2 **Q** Does your sister's fiancée live in that
3 apartment too?

4 **A** Yes.

5 **Q** And your sister lives there?

6 **A** Yes.

7 **Q** So you said that you were talking about
8 things you were going through, problems?

9 **A** Yeah, just like little problems. I was
10 having problems with my mother, he was having
11 problems just trying to find himself. Just little
12 arguments he would get into with his family, you
13 know, just basically family problems.

14 **Q** Okay. And I know you've talked about in
15 your interviews and stuff, they asked you were you
16 guys smoking any weed that night?

17 **A** Not that night I didn't smoke with him,
18 no.

19 **Q** Did you see Mike smoking any weed that
20 night?

21 **A** No, I did not.

22 **Q** Did Mike ever leave the apartment and then
23 come back?

24 **A** He did. He left for about 30 minutes and
25 came back.

1 **Q** About what time of night was that?

2 **A** It was around 11 something when he left,
3 and came back it was around 11.

4 **Q** Okay. Did you guys stay up most of the
5 night?

6 **A** Yes, we did stay up most of the night just
7 sitting up talking. I was on the phone with a lady
8 friend, he had my sister's phone, I don't know what
9 he was doing at the time, but he had my sister's
10 phone. I don't know if he was on Facebook, I don't
11 know what he was doing at that time.

12 **Q** Okay. So Mike didn't have his own phone?

13 **A** He had his own phone, but a couple days
14 prior to that his battery had went out on his phone,
15 and I guess it had fried his phone out or something.
16 He didn't have no phone at the time.

17 **Q** Okay. So what time did you go to sleep
18 that night?

19 **A** I didn't go to sleep until 5:00 that
20 morning.

21 **Q** But you did eventually go to sleep?

22 **A** Yes.

23 **Q** Where did you go to sleep, did you go to
24 bed or did you just kind of pass out in a chair?

25 **A** No, I had passed out in the love seat in

1 the living room, and I say around about 7:00 or
2 8:00 I got up and went and laid with my nephews.

3 Q Where was Big Mike when you passed out on
4 the sofa?

5 A He was on the bigger sofa, longer one. He
6 was laying there sleeping when I had woke up from
7 when I went in there to get in bed with my nephews.

8 Q Okay. Just again to clarify, I cannot
9 remember if it was my term or your term, you said
10 passed out. Were you drinking any alcohol that
11 night?

12 A No, I don't know. I was just, I'm more of
13 a staying up at night person. I'm a night owl. So
14 sometimes I just can't help it, I just pass out
15 sometimes because I stay up most of the nights.

16 Q When you say pass out, you just kind of
17 like fall asleep?

18 A I just dozed off.

19 Q Dozed off, wherever you were sitting?

20 A Yeah, basically.

21 Q So when you got up at 7:00, let me back
22 up, passed out or fell asleep, was Mike Brown in
23 your apartment?

24 A Yes, he was already sleeping by the time I
25 had passed out.

1 **Q** When you woke up like at 7:00 in the
2 morning, or whatever, and went to your nephew's
3 room, was he still in the same place?

4 **A** Yes, he was still asleep.

5 **Q** Okay. And just again, so I can clarify,
6 did Mike Brown like go to sleep, was he wearing
7 pajamas or was he wearing street clothes?

8 **A** No, he had on the same clothes that he got
9 killed in, he had on the same clothes.

10 **Q** So you went to your nephews' room and went
11 to bed?

12 **A** Yes.

13 **Q** What's the next thing you remember
14 happening?

15 **A** Uh, he came in there, my sister had asked
16 him because I was being lazy at that time, my sister
17 had asked him could he put my nephews in the car
18 because my mother came to come get my nephews and my
19 sister, and my sister is pregnant now. So she
20 couldn't carry them down the stairs, so he went and
21 put them in the car and he came back upstairs and he
22 asked me could he use my cell phone.

23 **Q** Okay. Let me stop. Remember when we
24 talked about assuming things, you only need to say
25 what you know or saw, okay.

1 I asked you what's the next thing you
2 remember, okay. So you woke up?

3 A Yeah, he woke me up to use my cell phone.

4 Q Okay. So Michael Brown came into the
5 room?

6 A Yes.

7 Q And the stuff about him helping your
8 sister, you didn't see that?

9 A I was asleep at the time.

10 Q Okay.

11 A I just woke up and there was nobody there
12 but just him.

13 Q All right. You woke up, he's in your
14 bedroom and he asked to use your cell phone?

15 A Yes.

16 Q Do you know what time it is at this point?

17 A I guess it was around, 10:00, 11:00,
18 between 10:00 and 11:00.

19 Q All right. And was Mike Brown wearing the
20 same clothes you seen him in the night before?

21 A Yes.

22 Q Was there anyone with him when he came
23 into your room?

24 A Not when he came into my room.

25 Q Did you know, did you get up from the

1 bedroom and go out into the apartment?

2 **A** No, he stepped out of the room and used my
3 phone, and tossed me back the phone and told me, me
4 and Dorian's going to walk to the store, I'll be
5 right back. That's the last thing he told me.

6 **Q** So at this point had you seen Dorian that
7 morning?

8 **A** No, he didn't come in.

9 **Q** Don't guess.

10 **A** He wasn't in my house because I was up by
11 that time moving around.

12 **Q** You didn't see him?

13 **A** No, he wasn't in the house at the time,
14 no.

15 **Q** All right. Did Michael Brown leave?

16 **A** Yes, he left.

17 **Q** All right. What did you do after Michael
18 Brown left?

19 **A** Um, I still was laying down, but I wasn't
20 asleep, I was on the phone with a lady friend of
21 mine and we were just talking.

22 **Q** Did something happen that drew your
23 attention to the outside?

24 **A** Yes. I heard, um, I say around, I say at
25 least 30 minutes later I heard a gunshot. And

1 that's what draw my attention to look out the
2 window.

3 Q Now, when you heard this, did you
4 immediately realize it was a gunshot?

5 A Yes, yes, no, I'm familiar with gunshots.
6 The difference between fireworks and gunshots. I
7 mean, it was loud, it echoed through all the
8 apartments, it was very, very loud.

9 Q Was it one gunshot or more than one
10 gunshot?

11 A I heard more than one gunshot, that's what
12 drew my attention.

13 Q Did you get up from the bed?

14 A Yes.

15 Q What did you do?

16 A I went and looked out the window.

17 Q So the window, is it in your nephew's
18 bedroom?

19 A Yes.

20 Q Is there a window covering on the window?

21 A Yes.

22 Q Blinds, drapes?

23 A Yeah, there's some blinds.

24 Q Were the blinds open or closed?

25 A They were closed, but I was looking

1 through the blinds.

2 **Q** Do you remember was the window open or
3 closed?

4 **A** Uh, I can't recall.

5 **Q** Would you, now, this would have been
6 around noon on an August day. Did your sister, did
7 she have air conditioning in the apartment?

8 **A** Yes.

9 **Q** Okay. Did she run the air conditioning,
10 did she use it?

11 **A** At the time it was broke.

12 **Q** Bolt?

13 **A** Broke.

14 **Q** Oh, it was broke?

15 **A** Yes.

16 **Q** Do you remember when you made your first
17 statement to the police? Do you remember saying the
18 window was closed, or do you not remember?

19 **A** I don't remember saying the window was
20 closed. I just know I heard the gunshot was really
21 loud, that's what got my attention.

22 **Q** I get that, I understand. My question is,
23 do you know today, do you have a recollection of
24 whether the window was open or closed?

25 **A** No.

1 **Q** You don't know, okay. But you did hear
2 the gunshot?

3 **A** Yes.

4 **Q** And then when you looked out the window,
5 what did you see?

6 **A** I seen my friend Big Mike on his knees
7 with his hands in the air.

8 **Q** Okay. So can you pick up that laser
9 pointer and with the laser pointer show me where Big
10 Mike was on his knees, where you saw it?

11 **A** I was right here, he was around this area
12 right here. (indicating)

13 **Q** Was he in the street, on the sidewalk, in
14 the grass?

15 **A** He was on the street, smack dab in the
16 middle of the street down the yellow line.

17 **Q** Okay. Now, you moved the pointer quite a
18 bit while you were doing that. If you can, I know
19 it doesn't have to be exact, but the best you can
20 recall?

21 **A** He was right there in the middle of the
22 street. (indicating)

23 **Q** So you've got the pointer right around the
24 E or L of Canfield?

25 **A** Yes.

1 **Q** Okay, all right. And so from your vantage
2 point, you could see his whole body?

3 **A** No, I could just see like the back part of
4 it from where I was standing, I couldn't see, I
5 could only see an officer.

6 **Q** Okay.

7 **A** But I could see his back with his hands in
8 the air.

9 **Q** So if Mike Brown's back was to you.

10 **A** Yes.

11 **Q** Where was the officer?

12 **A** In front of Mike Brown.

13 **Q** So use the pointer for me and point, I'm
14 going to show you how I want you to do this. So if
15 Mike Brown is here, was he facing that way, was he
16 facing that way, so point where he is and then make
17 a line in the direction that Mike Brown was facing.

18 **A** He was facing this way.

19 **Q** So he was facing like Caddiefield Road
20 right here?

21 **A** Yes, but from my vantage point, like from
22 my window, it was like his back was turned towards
23 me.

24 **Q** What about the officer, what direction was
25 he facing?

1 **A** He was directly in front of Mike Brown. I
2 say about four to five feet.

3 **Q** So he was in front of Mike Brown?

4 **A** Yes.

5 **Q** But which way was the officer facing?

6 **A** He was facing towards him.

7 **Q** He was in front of Mike, but facing
8 towards him?

9 **A** Yes.

10 **Q** Okay. What about a vehicle, did you see
11 any cars?

12 **A** The vehicle was parked a little bit
13 further up, and I didn't notice the vehicle until
14 after I got outside and got to the bottom of the
15 steps and came outside. The vehicle was up a little
16 bit, going towards West Florissant like it had come
17 from the other way.

18 **Q** Okay. So let's stop there. So you said
19 that you didn't notice the vehicle until you came
20 down afterward?

21 **A** Until I actually got down after, after he
22 was already assassinated.

23 **Q** Do you remember when you made a statement,
24 you drew a picture and you said they were right next
25 to the vehicle?

1 **A** I didn't say they were right next to the
2 vehicle, now I remember saying that, but I didn't
3 say they were right next to the vehicle. I said
4 they was parked a couple feet away from him, but it
5 wasn't right next to him, like it was going towards
6 West Florissant.

7 **Q** Do you remember the picture that got
8 drawn? I'm going to show you, I haven't marked it
9 yet and I will, but I'm going to show you a picture.
10 Do you remember this, is that your signature?

11 **A** Yes.

12 **Q** Do you remember doing that?

13 **A** Yes.

14 **Q** So you remember that this square here was
15 supposed to be the officer's car?

16 **A** Yes.

17 **Q** And then this MB, that circle is where
18 Mike Brown was, you told the officer that's Mike
19 Brown, right?

20 **A** Yes.

21 **Q** And you told the officer that was labeling
22 this, that the distance between Mike Brown and the
23 officer's car was approximately 5 feet?

24 **A** Yes.

25 **Q** Okay.

1 **A** But that wasn't close. The car was
2 pointing towards West Florissant, I didn't say it
3 was right next to him.

4 **Q** Okay. Do you know how long 5 feet is?

5 **A** It is not really that long.

6 **Q** Like I'm 5'1". So if I'm this far away
7 from you, that's like 5 feet. Was the car that
8 close to Mike Brown?

9 **A** Yes.

10 **Q** Okay. So you realize that if Mike
11 Brown --

12 **A** But if he was right here, I couldn't
13 really tell because the building is in the way. I
14 can only see what I saw was the officer and Mike
15 Brown until I got all the way to the bottom of the
16 steps and came and come across the parking lot.

17 **Q** In your statement that you said that he
18 was next to the vehicle and you helped them draw the
19 picture and you said the vehicle was behind Mike
20 Brown about 5 feet, you didn't see the vehicle
21 behind Mike Brown?

22 **A** No.

23 **Q** Okay. So that wasn't correct?

24 **A** No, until I got down there that I actually
25 saw the car.

1 **Q** What about the officer, did you see the
2 officer get out of the vehicle?

3 **A** No, by the time I got all ready, by the
4 time I looked out the window, he was already out of
5 his vehicle with a gun drawn.

6 **Q** Okay. So now the officer was close to
7 Mike Brown when you say he's in front of him facing
8 Mike Brown?

9 **A** Yes, it was point blank range.

10 **Q** Since I don't know what you mean by point
11 blank range, were they this close?

12 **A** It was about, yes.

13 **Q** So maybe 4 feet away?

14 **A** Yeah, 4 to 5 feet away.

15 **Q** Was it close enough that the officer had
16 reached out he might be able to touch Mike Brown's
17 head or face?

18 **A** Yes.

19 **Q** All right. And you say that the officer
20 had his gun drawn?

21 **A** Yes.

22 **Q** And where was the gun pointing?

23 **A** Towards the top of his skull.

24 **Q** Mike Brown's?

25 **A** Yes.

1 **Q** And at this point you say Mike Brown is
2 kneeling?

3 **A** Yes, he is on his knees. For him to kneel
4 down, he was still tall, he was at least about 6'3"
5 or 6'4".

6 **Q** He was tall?

7 **A** He was real tall.

8 **Q** So do me a favor, , so we can get an
9 idea of what you mean. Can you come across here and
10 maybe like right here so that everybody can see you.
11 Position yourself the way you saw Mike Brown when
12 you first looked out your window.

13 **A** I looked out my window, I saw Mike Brown,
14 he was on his knees like this.

15 **Q** Okay. So, for the record, you're kneeling
16 down and that your hands are at about the height of
17 your face, correct?

18 **A** (Nods head.)

19 **Q** And your palms, your fingers are pointing
20 to the ceiling?

21 **A** He was surrendering.

22 **Q** And your palms are facing forward; is that
23 right?

24 **A** Yes.

25 MS. ALIZADEH: You can go ahead and sit

1 back down.

2 Q (By Ms. Alizadeh) And now, at that time
3 could you tell if Mike Brown had been shot?

4 A See, again, that was speculation that I
5 heard. I couldn't actually you tell if he had got
6 shot, but from what I heard he did get shot. I
7 didn't know that personally.

8 Q Well, you know, it is important to talk
9 about --

10 A That why I say I didn't see him shot
11 personally, but that's what I was told.

12 Q All right. I'm not asking you what people
13 told you or what you think happened. I want to know
14 what you saw. So you said Mike Brown's kneeling
15 with his hands up and the officer is in front of
16 him?

17 A Yes.

18 Q About 3 or 4 feet away?

19 A Yes.

20 Q With his gun pointed at Mike Brown at the
21 top of his skull?

22 A Yes.

23 Q What color was the gun?

24 A I was a little too far back to tell,
25 honestly, tell what color the gun was.

1 **Q** Okay. You saw Mike Brown leave your
2 apartment that day, when you looked out and saw him,
3 can you recognize that that was Mike Brown?

4 **A** Yes, the reason why I recognize it was
5 Mike Brown is because, first off, I didn't know
6 nobody that big was that young. Like he had been
7 that big since we have been freshman. So that's
8 another reason why I knew it was him.

9 The second reason why I knew it was
10 him, I recognize him by his socks and his khaki
11 pants that he had on when he left my apartment.

12 **Q** But with him kneeling down, you mean, you
13 weren't getting a full body view of him?

14 **A** But his legs were long and him on his
15 knees and his back was towards me, I could see the
16 lower half of his body.

17 **Q** Okay. When he left your apartment that
18 day, how about, was he wearing a hat?

19 **A** Yes, yes, he was.

20 **Q** Okay. What kind of hat?

21 **A** St. Louis Cardinals hat.

22 **Q** What color was it?

23 **A** Red, it was snapback, it wasn't a fitted
24 cap.

25 **Q** All right, was it a baseball style cap?

1 **A** Yes, it was a snapback. It is the hat
2 with the snaps on the back like you can adjust it.

3 **Q** Sure. Could you see that hat on him when
4 he was kneeling down?

5 **A** No.

6 **Q** You didn't see the hat?

7 **A** He didn't have a hat on.

8 **Q** Did you see the hat at all when you looked
9 out?

10 **A** No, I didn't see the hat until I actually
11 got there close enough to see everything.

12 **Q** So when you saw him kneeling down, he was
13 wearing what you remember he was wearing what he had
14 on, but no hat?

15 **A** Yes, he had on a gray T-shirt, he had on
16 some khaki shorts, he had on some marijuana socks,
17 they were yellow with green marijuana leafs on it,
18 and he had on some white and black Nike flip flops.

19 **Q** Now, this is one of those things I want to
20 make sure that this is what you remember seeing as
21 opposed to, like that day, as opposed to after you
22 got down to the scene.

23 You remember that's what he had on?

24 **A** Yes, I know exactly that's what he had on
25 when he left my apartment that day.

1 **Q** Do you remember what your sister's fiancée
2 was wearing that night?

3 **A** No, I can't recall that. I cannot.

4 **Q** How about what your sister was wearing
5 that night?

6 **A** She was in the bed, I don't think she was
7 doing too much, she was pregnant so, she wasn't
8 really doing too much moving around at the time.

9 **Q** So, you know, , one of the things I'm
10 wanting to kind of figure out is if your memory of
11 what he was wearing is based upon the fact that you
12 saw him down at the scene when you went down there
13 as opposed to what you really remember that he had
14 on the night before?

15 **A** I know exactly what he had on cause he
16 didn't change clothes because he couldn't get into
17 his grandmother's house to get more clothes, cause
18 that's where his clothes and belongings were at.
19 Only thing he had brought to my house was some
20 stereo speakers and his laptop.

21 **Q** So he wore those same clothes for like the
22 two weeks he was staying at your house?

23 **A** No, not for two weeks, just like a couple
24 days.

25 **Q** So then did you see the officer actually

1 fire his weapon point blank at Michael Brown?

2 **A** Yes.

3 **Q** And did you see the bullet hit him?

4 **A** Yes, I seen his body drop. And when I
5 seen that, I ran outside. On my way downstairs, I
6 heard several more shots. I didn't actually see
7 them, but I heard.

8 **Q** So did you actually see Mike Brown fall?

9 **A** Yes.

10 **Q** Was he still on his knees when the shot
11 was fired?

12 **A** As soon as the bullet hit him, he dropped.

13 **Q** Okay. And you just made a motion forward?

14 **A** Yes.

15 **Q** Did he fall forward?

16 **A** Yes.

17 **Q** Was he then on his front?

18 **A** Yes.

19 **Q** On his stomach?

20 **A** Yes, on his stomach.

21 **Q** Facedown?

22 **A** When I got downstairs, he was on his
23 stomach.

24 **Q** Okay. And so you said you heard after
25 that first shot, or the second shot, you saw the

1 second shot and after that you saw him fall onto the
2 front, his front?

3 **A** Yes.

4 **Q** And then you said you started running
5 downstairs?

6 **A** Yes.

7 **Q** Okay. When did you first hear another
8 series of shots, were you already out of the
9 apartment?

10 **A** I was out of the apartment. As soon as I
11 hit the front door and got onto the balcony I heard,
12 at least, I say about three to four shots. It was
13 like a pause of me running down the steps, and then
14 when I got to the end of the steps I heard several
15 more shots.

16 **Q** Okay. At that point then did you see what
17 was going on?

18 **A** I didn't see what was going on, but I
19 could hear it. I can't honestly say I did see hit.

20 **Q** After you ran down the steps, did you come
21 out to the front of the building?

22 **A** Yes, I ran, it was a grass hill cause they
23 were getting ready to come across, I guess they was
24 getting ready to come across the grass hill.

25 **Q** Who is they?

1 **A** I guess Dorian and Michael Brown.

2 **Q** Remember, don't guess.

3 **A** When I ran out of the house, I ran over to
4 the grass hill, people were out there crying and
5 yelling. I was just like, they just kill my home
6 boy for nothing, those were my exact words.

7 **Q** Did you see Dorian Johnson when you were
8 out there?

9 **A** No, I didn't see him until I say about
10 five minutes later because I was more worried on
11 going to go tell his family what happened, but by
12 the time I tried to get down to his family's house,
13 his uncle's girlfriend was already coming up the
14 street.

15 And I don't know if she heard about
16 what had happened or if somebody had told her, but
17 she was coming and running up the street.

18 And I guess when she found out it was
19 him, she broke down in tears. And then Dorian
20 walked up to me and he started crying. And he was
21 like sick to his stomach, so he honestly threw up in
22 the parking lot.

23 **Q** Okay. So let's back up a little bit. In
24 your other statement before your first one, you said
25 that you saw Dorian crouching behind a car, a white

1 Monte Carlo, and then you later said, no, you didn't
2 really see that?

3 **A** That's what the community and what people
4 was telling me.

5 **Q** Okay.

6 **A** This is actually what I saw.

7 **Q** So when Dorian ran up to you after you
8 were already out on the street, Michael Brown is
9 already dead in the street?

10 **A** Yes.

11 **Q** That's the first time you saw Dorian that
12 whole day?

13 **A** Yes.

14 **Q** He told you what happened then?

15 **A** He really couldn't tell me. It was a
16 neighbor that honestly told me what happened.

17 **Q** Who told you what happened?

18 **A** It was a neighbor, I don't honestly know
19 his name. It was just a person I used to see. When
20 he had got killt (sic) people thought it was me.
21 People were thinking it was me. He just left out of
22 here, he just left out of here. And that's what I
23 was hearing as I was coming down the steps.

24 **Q** Okay. So when you went down to the
25 street.

1 **A** Yes.

2 **Q** How close did you get to Michael Brown's
3 body?

4 **A** I couldn't get that close. There's police
5 right there by the time I got all the way down there
6 enough to go to the scene when his family arrived,
7 it was already, the tape was up and all that. So I
8 had called my mother first, and then I had called my
9 sister, and then I called my cousin and met up with
10 my cousin.

11 **Q** So by the time you got down like onto the
12 ground level, the tape was already up?

13 **A** No, not when I got down to the ground
14 level. I didn't go close enough to his body. I
15 stopped in the middle of the grass hill and I just
16 broke down.

17 **Q** Okay. So did you see the officers putting
18 the tape up?

19 **A** No, I honestly didn't. I was down trying
20 to go tell his family what happened. I was talking
21 to his auntie actually.

22 **Q** Okay. Use the laser pointer for me and
23 show me where you walked down to when you came down
24 to see what was going on in the street?

25 **A** There is a grass hill right here. I came

1 across. (indicating)

2 Q Okay, now --

3 A Grass hill was right here. Specifically,
4 I know this grass hill. I came across and I
5 stopped. (indicating)

6 Q You're saying you came across?

7 A I came across right here. (indicating)

8 Q From up here? (indicating)

9 A Yes, I came across right here and I
10 stopped and looked, and I just broke down.

11 Q Okay.

12 A On the grass hill, and then I tried to go
13 back to Northwinds and try to go the Northwinds and
14 try to go talk to his family.

15 Q Okay. So when you came down to the scene.

16 A Yes.

17 Q Was Michael Brown's body covered?

18 A No.

19 Q Did you see the officer?

20 A I couldn't recall, but I did, there was a
21 couple officers there. I don't know if he called
22 backup at first when it first got started or
23 something.

24 Q Again, don't guess.

25 A I'm just saying, there was officers on the

1 scene almost immediately.

2 Q So by the time you got down there, there
3 was more than one officer there?

4 A Yes.

5 Q All right. Do you think you got a good
6 enough look at the officer that shot Michael Brown
7 that you would know which one is which?

8 A I couldn't even tell. The only thing I
9 can remember is he had on a black hat, and I think
10 had on glasses, that's the only thing I can honestly
11 remember.

12 Q Okay, so backup, I don't know if I
13 understood you. He had on what?

14 A A black hat, like a black regular hat and
15 some glasses.

16 Q A black hat and glasses?

17 A Yes. I guess his police uniform.

18 Q Okay. And so the officer, is that the
19 officer that shot Michael Brown?

20 A Yes.

21 Q Was he wearing a black hat and glasses
22 when he shot him?

23 A Yes.

24 Q Okay. Was he white or black?

25 A He was Caucasian.

1 **Q** With the hat on, could you tell what his
2 hair looked like?

3 **A** No, I could not.

4 **Q** And so at some point then you said you
5 went to Northwinds to tell Michael Brown's family?

6 **A** Yes, really I went up to go talk to his
7 granny. By the time I came down, his auntie was
8 already coming up the street, and I couldn't see, I
9 guess --

10 **Q** So you went to tell his grandmother what
11 happened?

12 **A** Yes. By the time I got to Northwinds, she
13 was already walking out of her parking lot.

14 **Q** The grandmother or the aunt?

15 **A** The grandmother. I had walked past the
16 aunt, I gave her a hug, she bust out crying. And
17 then I'm like, where's grandma? I don't know, I
18 think she's down there.

19 So I'm walking towards my house,
20 again, she lives directly across the street from me.
21 And by the time I got to her parking lot, she was
22 already walking.

23 **Q** So when you first talked to the police on
24 the 13th.

25 **A** Yes.

1 **Q** That was because they came to your house,
2 right?

3 **A** Yes.

4 **Q** So you never said anything to the police
5 or called them and say, hey, I saw it, I need to
6 talk?

7 **A** I did not. I was more intimidated because
8 after what I had saw and then I was at a family
9 member's house that lives in Jennings.

10 And my mother called me and she was
11 like, the police are looking for you. I'm like, for
12 what? She was like, I don't know. Even my
13 neighbors told me. They told me there was people at
14 the back door, police officers at the back door at
15 my side windows and at the front door. I don't know
16 how many it was, but people was calling me and
17 warning me. Like they said, they came to my house
18 like I'm the one that had something to do with
19 killing him.

20 **Q** Okay.

21 **A** That's how I can say how deep they tried
22 to swarm my house.

23 **Q** They didn't have a SWAT team?

24 **A** No, it wasn't nothing like that.

25 **Q** With AK-47s.

1 **A** That wasn't necessary if only thing you
2 want to do is talk to me.

3 **Q** All right. And I understand you were not
4 wanting to come talk to the police, I get that. But
5 at some point you did go and talk to the police and
6 you told them about what you saw?

7 **A** Yes.

8 **Q** And you admit today that at lot of what
9 you told them on that day you didn't really see it?

10 **A** Yes, it was more of me just finding out
11 stuff here and there.

12 **Q** , did you feel any pressure from
13 other people in the complex or Michael Brown's
14 family or did you feel like it was an obligation
15 that you had to say that you saw those things when
16 you really didn't?

17 **A** I didn't think it was, I don't think
18 nobody would lie about something.

19 So in my mind, I honestly believe
20 that's what happened.

21 **Q** Okay. You now know that you didn't see
22 those things?

23 **A** I did not.

24 **Q** At some point did you hear about the
25 autopsy that was performed by someone that the

1 family had hired?

2 **A** No, I didn't. I didn't hear about
3 nothing.

4 **Q** You didn't hear about that?

5 **A** No.

6 **Q** You originally told the officers, or told
7 the police that you saw the officer stand over Mike
8 Brown after he fell in the street and stand over him
9 and shoot him four more times.

10 **A** Yes, that is what I was told, yes.

11 **Q** And that would mean he had gunshot wounds
12 in his back, right?

13 **A** I guess.

14 **Q** He's laying on his front, right, facedown.
15 So any gunshots wounds would have to be entry wounds
16 somewhere on his backside, right?

17 **A** Yes.

18 **Q** But you didn't see that?

19 **A** No.

20 **Q** But you did hear eight more shots fairly
21 quick in succession, right?

22 **A** Yes, I don't know if it was eight, but I
23 could say it was more than five.

24 **Q** This is after he was already laying on the
25 pavement?

1 **A** Yes, after I seen him drop, yes.

2 **Q** If the officer were to have hit him with
3 those bullets, again, those bullets would of had to
4 have come, enter his body from behind, don't you
5 agree?

6 **A** Yes.

7 **Q** Okay. Um, and first of all, not first of
8 all, I wanted to tell you, and Sheila and I talked
9 to you before you came in. We're really sorry for
10 your loss of your friend, and I know that he was
11 your best friend and the two of you were very close.
12 You understand when Sheila and I were talking to
13 you, one of the things we said is we want to have
14 everybody who said they saw part of this come
15 forward so we can figure out what happened.

16 **A** Yes.

17 **Q** Okay?

18 **A** Yes, ma'am.

19 **Q** You're not in trouble, we just want to
20 hear what you say you saw and they're going to have
21 to figure out what happened, okay.

22 Is what you said today truthful?

23 **A** Yes.

24 **Q** Is there anything important that you're
25 leaving out?

1 **A** No.

2 **Q** Is there anything else that you think this
3 grand jury needs to know that maybe I didn't ask you
4 about?

5 **A** It's just about, not just, I've been
6 dealing with, trust me, I've lived out in Ferguson
7 for, I can honestly say about almost six years.
8 Harassment, yes, I dealt through that growing up
9 over there in that area.

10 I was even like pulled off of my
11 school bus one time telling me I broke in someone's
12 house. And when I asked them why would I break in
13 someone's house when I was at school, it is always
14 harassment. They pull up on you and just ask you
15 questions. Where you going and just all type of,
16 just harassment like.

17 I should be able to live, I should be
18 able to feel safe where I live. I've got nephews
19 growing up around this area. I feel like it's not
20 the right environment for kids to even have to grow
21 up like. Even Michael Brown being shot, that was a
22 regular day, people walking dogs, kids out there
23 playing, that's not the type of scene for anything
24 to go down like that.

25 And then to leave him sitting outside

1 for hours so the whole community can see it, kids
2 and all, I feel like that's the most form of
3 disrespect. Not just to Michael Brown, but to his
4 family. That's not something they should just have
5 to sit there and look at.

6 And then another thing, for his
7 memorial to be burnt down and for me to honestly see
8 that with my own eyes, his memorial going up in
9 flames. Like there was gasoline poured on it. Like
10 they tried to say on the news, I don't know if they
11 said on the news, but they said that candles started
12 the memorial to burn it down.

13 Now, I'm out there, I live out there
14 every day. The candles are always in the middle of
15 the street. There was not a candle over there by
16 the light pole for it to blow up and make that type
17 of explosion and it's on videotape. One of my
18 family members actually got a video tape of it, he
19 put it on viral, he put it on Facebook viral.

20 For me to go out and see two
21 Caucasian Ferguson officers sitting by my sister's
22 parking lot sitting on the car looking at it go up
23 in flames.

24 And it took the only African-American
25 that was out there to come put it out with a fire

1 extinguisher, that's disrespectful. And I honestly
2 feel like that.

3 And he already got killed, people
4 throwing dirt on his name and all of this, for his
5 memorial to be burnt down. I don't think that
6 that's right at all.

7 For a person that was kind hearted
8 who did nothing to nobody. Just because he was big
9 didn't mean a thing, that man had a heart of gold.
10 If he had it, he would given you his leg or vice
11 versa because that was like my brother.

12 **Q** You know, , I think what you are
13 talking about, what has happened since Michael
14 Brown's death.

15 **A** Since the death that I have been going
16 through out there at Ferguson.

17 **Q** But it has opened a lot of people's eyes
18 about what really has been going on. And I
19 understand that both before and after Michael Brown
20 died.

21 What this grand jury is going to have
22 to decide is what's going to happen involving the
23 death of Michael Brown. We can't fix the problems
24 that happened before that and we can't necessarily,
25 you know, we're not responsible in this proceeding

1 to change the future.

2 I understand what you're saying and a
3 lot of people are saying the same thing. What I
4 need to know, and they might need to know, is there
5 anything you might have left out and forgotten about
6 and now you remember?

7 **A** No, no, that's what I remember seeing.

8 **Q** Okay.

9 MS. ALIZADEH: I don't have anything else.
10 Sheila, do you have any questions?

11 MS. WHIRLEY: I don't. Grand jurors?

12 I
13 had a question. Was Michael Brown ever with you
14 when you were harassed by the police or do you know
15 of any situations where he told you a story that he
16 had been harassed?

17 **A** Not him personally, but me, yes. Not with
18 him, but we were harassed by -- because Northwinds
19 has and Canfield have security guards. We both were
20 harassed by the security guards that legally got the
21 right to hold guns and all that type of thing.

22 Police-wise me and him together, no. If I was ever
23 harassed, it was either by myself type of situation.

24 MS. ALIZADEH: , I forgot to ask you,
25 do you wear glasses?

Page 186

1 **A** No, I do not.

2 MS. ALIZADEH: Is your vision good without
3 glasses?

4 **A** Yes, my vision is very good.

5 Do you

6 know if Michael Brown --

7 **A** Excuse me, I didn't hear you.

8 Michael Brown, has any
9 kind of job during the summer, after he finished the
10 school he work?

11 MS. ALIZADEH: Did he have a job?

12 **A** No, he did not at the time, no.

13 Do you know where did he
14 get the money for the Cigarillos and the marijuana?

15 **A** Personally, no. I can't vouch for that, I
16 don't honestly know.

17 No, thank you.

18 Do you
19 know if Michael had smoked that morning on August
20 the 9th.

21 **A** I honestly don't know, I honestly don't
22 know. I don't know the night before if he had
23 smoked when he had left my house and did what he
24 did, I don't know honestly know, but me and him
25 together, we did not smoke that morning, at least

1 not with me he didn't. I can't honestly say if he
2 did or didn't, but with me personally he didn't
3 smoke.

4 You had
5 mentioned before that you guys were talking?

6 **A** Yes.

7 Talking, or early that
8 morning talking and talking over things of life,
9 life lessons or whatever?

10 **A** Yes.

11 You and Michael. And I
12 believe you had mentioned that he was, you're
13 talking about family problems or whatever that some
14 difficulties that you each were experiencing?

15 **A** Yes.

16 In your own lives. Can
17 you tell me why it was that Michael was living with
18 his grandmother at this point?

19 **A** I honestly don't know. From my
20 understanding, him and his mother was always in tit
21 for tat. But I don't know honestly why he was
22 living with his grandmother, I honestly don't.

23 It was like he was bouncing around
24 from house to house. Cause at first he was with his
25 grandmother in Pine Lawn when he graduated from high

1 school, that's where he was living, but during the
2 summer he was out there at Northwinds at his other
3 grandmother's house, which is his mother's house
4 with me basically almost every day. I honestly
5 don't know why.

6 MS. ALIZADEH: where did his mom
7 live?

8 **A** I know currently right now --

9 MS. ALIZADEH: Not now, last summer, where
10 was his mom living?

11 **A** She had just got a house I say, I have to
12 say it was about May she was living on
13 in Dellwood. It really was nothing but like about
14 five minutes away from his grandmother's house.

15 MS. ALIZADEH: But Michael wasn't living
16 with her?

17 **A** No, we would go over there sometimes and
18 go hang out with his little brother and his little
19 sister, which is basically my little cousins now.

20 MS. ALIZADEH: Did Mike ever talk to you
21 about why he didn't live with his mom? Was it
22 because he, they had problems, or was it because he
23 liked living with his friends?

24 **A** I honestly don't know what they were going
25 through between the mother and son relationship,

1 that wasn't really none of my business to, you know,
2 ask him or anything.

3 MS. ALIZADEH: He was like your best
4 friend, you didn't talk about that?

5 A But that wasn't none of my business, that
6 was his family. I couldn't really come in between
7 like put some thoughts in his head or none of that.
8 So we ain't never talk about that.

9 Q What about why he wasn't living with his
10 grandma? You said you knew.

11 A That last little week, I don't know, they
12 was just bickering and arguing a whole lot. And he
13 got mad, I guess, they had an argument, he stormed
14 out of the house and then he was at my house.

15 Q Do you know what they argued about?

16 A I don't, because I was already at home, he
17 just came and told me. She don't believe in me and
18 I don't know what she said she was going to believe,
19 I don't know if was the music thing we were doing. I
20 honestly don't know, but he was just like she don't
21 believe in me or something.

22 MS. WHIRLEY: Is this the same grandmother
23 that was in the hospital that you are talking about?

24 A Yes, yes.

25 MS. WHIRLEY: So she was in the hospital

Page 190

1 at the time?

2 **A** Yes. I don't know if him storming out had
3 something to do with her going to the hospital or if
4 it was just a whole bunch of stuff just adding up.
5 But, yeah, she was in the hospital at the time,
6 that's why he couldn't go to her house and get any
7 more clothes because there wasn't nobody there.
8 There was no family member there or nothing because
9 she was at the hospital.

10 MS. WHIRLEY: So she went to the hospital
11 after he stormed out?

12 **A** Yes.

13 MS. ALIZADEH: But she was there, she was
14 home on the day of the shooting?

15 **A** Yes, she had just came home that day.

16 MS. ALIZADEH: I'm sorry.

17 You know,
18 I think part of the responsibility of the grand jury
19 is to find the truth in all of this.

20 **A** Yes.

21 We are here also to get to
22 know Mike. We didn't know him.

23 **A** I can guarantee you if he was here today
24 you would all love him. He was a fun, outgoing
25 person. He was never uptight, I'm the one usually

1 with the attitude. He would have to tell me, he
2 used to have to tell me to calm down and stop being
3 so serious about things.

4 We didn't do nothing. We did smoke
5 marijuana, but if we did, it was in an enclosed
6 place, it wasn't like we was out in the public with
7 it, we would just smoke and play video games and
8 just chill like we normally would do.

9 One thing I did want to
10 ask if I could, was there, to your knowledge,
11 or do you know any of the family history, was there
12 any history that Michael Brown may have any type of
13 like what they call ADD, Attention Deficit Disorder,
14 hyperactivity, or anything of that nature?

15 **A** ADD is when you like can't stop moving and
16 got to move around all the time.

17 Well, yeah, lose focus.

18 **A** No, he was more of a home body. I used to
19 have to like go get him and make him put on clothes
20 and walk to the store like. And really and truly
21 his granny was overprotective of him.

22 At that time I was one of them like
23 why is she overprotective, now I know. Now after
24 the fact, I know why she was being so overprotective
25 of him.

1 MS. WHIRLEY: Why was it?

2 A Because of situations like this. Because
3 if you notice, the people that don't deserve it, it
4 usually happens to them. He didn't deserve it.

5 There's been testimony
6 that in speaking with Michael and he was giving a
7 response back to somebody, that Michael would have
8 the action of raising his head and fluttering his
9 eyes while giving a response and doing that
10 repetitively, you know, whenever he gave a response,
11 he would raise up his head and, you know, flutter
12 his eyes. Was that a common practice that you
13 noticed of him?

14 A I honestly, I never really paid attention
15 to that type of thing. I honestly didn't. I can't
16 honestly say I have. But whatever he say he usually
17 meant it and whenever he said something, it usually
18 was deep and had meaning behind.

19 All right. Thank you,
20

21 MS. ALIZADEH: I just want to ask you
22 something because we talked about, you know, knowing
23 something about Michael Brown because, obviously,
24 none of us knew him and you knew him very well.

25 A Yes.

1 MS. ALIZADEH: Have you seen or have you
2 heard that there was video that was aired that
3 showed Michael Brown stealing some Cigarillos.

4 A Me, honestly, I wasn't there. I ain't
5 never see the tape so I can't honestly speak on
6 that, I really can't.

7 MS. ALIZADEH: Okay. Would you think that
8 that was out of character for him?

9 A Honestly, I don't think that was the case.

10 MS. ALIZADEH: So you don't think that he
11 did that?

12 A No, I can't really speak on it, I didn't
13 see the tape or anything. It was just a lot of
14 speculation I heard.

15 MS. ALIZADEH: Okay. I'm saying if you
16 assume that that was him in the video.

17 A Me, personally, I couldn't see him doing
18 nothing like that, no.

19 MS. ALIZADEH: So that would be something
20 you wouldn't expect Michael Brown to do?

21 A No, huh-uh, that ain't the type of person
22 he was, at least around me.

23 MS. ALIZADEH: You've seen him high
24 before?

25 A Yes.

1 MS. ALIZADEH: Did he do things out of
2 character when he would be under the influence of
3 drugs?

4 A No, usually he would just fall asleep.

5 MS. ALIZADEH: Okay.

6 A He usually just fall asleep and I fall
7 asleep right along with him. And she would come in
8 there waking us up and kick me out of the house like
9 she always do.

10 MS. ALIZADEH: Did you ever know him to
11 have like a quick temper?

12 A No, I'm the one with the quick temper. It
13 was usually always him telling me to calm down.

14 MS. ALIZADEH: So like never heard about
15 him getting in any fights or anything like that?

16 A No.

17 MS. ALIZADEH: Okay. All right.

18 So you
19 say you don't know why he couldn't live with his
20 family, it was none of your business. I don't mean
21 to disrespect your friend, the problem I have with
22 that is you say he's your best friend and he is
23 living with your sister who is pregnant and has two
24 small children in the home.

25 A Yes.

1 : And you never thought to
2 ask him why he couldn't live with his family member,
3 did you think it could be some type of volatile
4 situation your family could be put into?

5 **A** No, cause I didn't think about it like
6 that. We was together all day anyway, so my sister
7 was the one that told me it wasn't no problem with
8 him coming over.

9 : Okay. And you did say
10 that you did --

11 **A** As long as I've known him, he was never
12 living with his mother from the get-go. He was
13 always living with his grandmother, that's how we
14 met from his grandmother's house because we went to
15 school together.

16 You don't know why his
17 grandmother was in the hospital, could it possibly
18 have been from their argument?

19 **A** I don't know. I don't know if it was
20 slowly just building up, building up, I don't know
21 if she was depressed, whatever sent her to the
22 hospital. At that point in time she was in the
23 hospital for a few days.

24 : This is his grandmother,
25 he told you he stormed out and left, he couldn't

1 live with her.

2 **A** Yes, they was arguing.

3 Again, I don't mean to
4 talk bad about your friend, you feel like that is
5 okay behavior to do with his grandmother, find it
6 hard to believe he had similar behavior with a
7 stranger?

8 **A** No, it is not like that cause I was going
9 through problems with my mother at the time also,
10 that's why I was living down at my sister's house.

11 I really don't know what their
12 problem was, but I know I was already going through
13 my own little situation to be in his life at that
14 time. I just knew he was my friend and I was going
15 to look out for him. I guess just the way I know he
16 would look out for me.

17 Regardless?

18 **A** Yes.

19 I have on page 16 of your
20 recorded statement, you said with his hands on his
21 knees like this.

22 And then later you said he was on his
23 knee, he was on his knee, he was on his knees, and
24 then today you say he was on his knees with his
25 hands up. Those are three very different.

1 **A** No, I know what I said, and I said he was
2 on his knees with his hands up. When I looked out
3 the window every single time that part has never
4 changed.

5 So you are saying that
6 what we heard is wrong, what we heard you say?

7 **A** I said every time he had his hands up in
8 the air on his knees. I can vouch for that, I know
9 specifically what I said.

10 Okay. And today you said
11 that you heard Michael tell Dorian Johnson to run
12 for his life and you saw Dorian Johnson leave. Now
13 today you are saying you didn't see Dorian until you
14 went downstairs. Did you not actually hear him say
15 run for your life?

16 **A** I didn't, that's what Dorian told me.

17 Okay.

18 **A** He said that's the last thing he heard him
19 say, "Bro, run for your life."

20 Okay. So, again today,
21 let me just check, because I don't remember you
22 telling us in today's statement that Michael was
23 pleading for his life. Because in your past
24 statement you said you heard Michael pleading for
25 his life. Please don't shoot, please don't shoot,

1 but you couldn't hear the police.

2 **A** It is just like what I told her earlier,
3 she told me not stuff that I heard and I admitted
4 the first interview was most speculation and stuff
5 that I heard either from Dorian, neighbors, it was
6 just a whole lot of talk.

7 : And that's why I'm asking
8 you because we don't know, there is three different
9 things that you said and I'm going to ask you this
10 as well, it is a hard question for me to ask, but
11 the first one you have admitted is not really what
12 happened.

13 **A** Yes.

14 And the second one, which
15 is a little less intricate, yeah, it happened, but
16 not so much. How are we, in the first statement you
17 even told somebody to look into your soul and to
18 look into your eyes, that you would never ever lie,
19 how do we know that today's statement is the truth?

20 **A** It is not a lie if the person was actually
21 there, told me exactly what happened. So I didn't
22 feel like it was a lie. I didn't feel like it was a
23 lie at all. And the way that Dorian came to me, the
24 look he gave me in his eyes, he wouldn't lie to me
25 about something like that knowing that that was my

1 best friend.

2 : So you don't feel what
3 you said on the first interview was a lie because
4 somebody you trusted told you the truth?

5 **A** I don't think it was a lie, no.

6 You don't believe you
7 lied?

8 **A** No, I don't.

9 : Thank you.

10 MS. ALIZADEH: Just to clarify then.
11 After that question, you didn't hear Michael
12 pleading for his life?

13 **A** No, that's what I was told.

14 MS. ALIZADEH: Okay. So from where you
15 were you could hear the gunshots?

16 **A** Yes, that's the only thing I could hear.

17 MS. ALIZADEH: You couldn't hear, you
18 didn't hear the officer say anything?

19 **A** No.

20 MS. ALIZADEH: You didn't hear Michael say
21 anything?

22 **A** No.

23 MS. ALIZADEH: You didn't hear Dorian if
24 Dorian was out there, you didn't hear anything from
25 him?

4 I'm sorry, _____, but are you telling us that the
5 only thing that's true about all of your statements
6 before this is that you saw that police officer
7 shoot him at point blank range?

```
9             That's the only thing
10 that's true?
```

13 . So you've
14 explained point blank shot that you saw took place
15 about 5 feet or so from the car, the police officer,
16 correct?

18 : And you also explained
19 that immediately after it happened you were down
20 there, were you able to see exactly where that
21 police car was located?

25 Could you show us with the

1 laser where you saw that car as soon as you walked
2 out?

3 **A** Michael Brown was right here, the car had
4 to be where the C was at. If he was right here, it
5 had to be in front of the C or where the C was at.

6 : So if we had photograph
7 evidence and again, the FBI, if we have evidence
8 showing the car is not in that location, how would
9 you explain that?

10 **A** Um, really and truly, where the car was
11 located really doesn't have anything to do with what
12 honestly happened because he was unarmed, he didn't
13 put up a fight, and he was assassinated for what
14 reason. So, honestly, what does the car have to do
15 with it?

16 The only reason
17 I ask that is if the car was not moved and it was in
18 that location that we've seen the photographs, then
19 you would have been able to see any altercation if
20 there was a fight by the car?

21 **A** I wasn't really, let me ask you a
22 question. If you just seen your best friend get
23 murdered, you really would be thinking about where a
24 car was located? That's an honest question.

25 I understand you. This

1 is , I know I empathize with you, really I
2 do, but I think what we're trying to determine is
3 what happened. So if the car wasn't where you think
4 it was, where I believe you believe it was, and you
5 couldn't see the car and all you saw was a split
6 second of what happened, you don't know if there was
7 an altercation between Michael Brown and the police
8 before you looked out the window, you don't know
9 that there was or was not?

10 **A** I never said that at all.

11 : That was my question to
12 you, you don't know?

13 **A** I never said that.

14 Okay.

15 MS. ALIZADEH: Any other questions?

16 (End of the testimony of .)

17 ,
18 of lawful age, having been first duly sworn to
19 testify the truth, the whole truth, and
20 nothing but the truth in the case aforesaid,
21 deposes and says in reply to oral
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 MS. WHIRLEY: It is April 16th, I'm Sheila
25 Whirley.

1 MS. ALIZADEH: April?

2 MS. WHIRLEY: I'm sorry, October 16th,
3 2014. Let's make sure we are in the right year.
4 I'm Sheila Whirley, Kathi Alizadeh is present, 12
5 grand jurors are present, and we are here with
6 .

7 BY MS. WHIRLEY:

8 Q Can you spell your name for the court
9 reporter, do that for us, please?

10 A Spelled, .

11 Q All right, You know why we're
12 here, I just like to go right to it. You know why
13 we're here, right?

14 A Yes.

15 Q Because of the Michael Brown shooting that
16 would have occurred August the 9th of 2014; is that
17 right?

18 A Correct.

19 Q Where were you working August 9th?

20 A At the Canfield Apartments.

21 Q In what capacity, what were you doing?

22 A We were trenching downspouts.

23 Q Okay.

24 A Piping out downspouts.

25 Q What company did you work for?

1 **A**

2 Q What was your job, I mean, your title,
3 your job title?

4 **A** I actually was in sales, so lawn
5 maintenance, I was helping out in the field that
6 day.

7 Q Okay.

8 **A** So more of an account manager than, you
9 know, a laborer, but I was helping out in the field
10 that day.

11 Q So you were acting as a laborer that day?

12 **A** Correct.

13 **Q** Were you a supervisor?

14 **A** Yes.

15 Q Who did you supervise?

16 **A** The laborers.

17 Q Okay. Were you working with an individual
18 or a group of people on Saturday?

19 **A** On that day, one person.

20 Q What person was that?

21 **A**

22 Q You were actually his
23 supervisor?

24 **A** In essence. He had more experience, but I
25 was lead man on the job.

1 **Q** I understand. Are you college educated?

2 **A** Yes, I have a bachelor of arts, graduated
3 from Webster University, majored in marketing, minor
4 in advertisement. And, like I said, that's the
5 sales is what I was there for.

6 **Q** All right.

7 **A** Happen to be working in the field that
8 day.

9 **Q** How long had you been working for this
10 particular company?

11 **A** Um, since November, so nine months
12 roughly.

13 **Q** Had you known , right, had
14 you known him the whole time?

15 **A** I knew him for two months at most.

16 **Q** At most. Was this your first time working
17 with him in the field as a laborer?

18 **A** I believe that was the first time we were
19 out in the field together. I don't recall being, it
20 might have been the second time out there.

21 **Q** Okay.

22 **A** We might have been out there through the
23 week. It was really the first time I worked with
24 him.

25 **Q** Tell us how your day started that Saturday

1 morning, what time did you start at Canfield Green
2 working?

3 **A** I'd say we got there about 8:00, 8:15.

4 **Q** In the morning, of course?

5 **A** Right. And we moved, we parked at the
6 office, top left up there.

7 **Q** Okay. Before you move on, we're looking
8 at Grand Jury Exhibit Number 25, and it is a map of
9 the Canfield Green Apartment Complex; is that
10 correct?

11 **A** Yes.

12 **Q** And you recognize it as that?

13 **A** Yes.

14 **Q** Where is the laser, you know how to use
15 that laser pen, right?

16 **A** Sure.

17 **Q** Okay. Now talk us through what you were
18 saying, where were you working?

19 **A** We were working right on this Building
20 here. (indicating)

21 **Q** In the very beginning when you first got
22 there that morning?

23 **A** No.

24 **Q** I want to start --

25 **A** In the morning at 8:00 when we pulled in

1 and parked right about here, you know, we did some
2 work around this building here, up to about 10:00.
3 Moved around Building and Building We kind of
4 were working on these downspouts in this area.
5 There was a big root where this tree was and about
6 11, 11-ish, that's when we first encounterer Mike.
7 (indicating)

8 Q Okay. Were you with the
9 whole time while you were working, or were you
10 working --

11 A No, we were working together. We had our
12 truck parked here initially, you know, about 10:00,
13 11:00. We were working on this corner of the
14 building.

15 Q You said you were at that location, which
16 you identified on the map as Building

17 A Right.

18 Q Near Building when you first saw Michael
19 Brown?

20 A Yeah. It was, we had moved over to the
21 middle of the building, and when we first saw him,
22 he came down, and was actually cutting some
23 roots, and that was the first time we saw him.

24 Q Where was he coming from?

25 A He came down the stairwell.

1 **Q** From that apartment building?

2 **A** Correct.

3 MS. ALIZADEH: I'm sorry, can you show me?
4 I was looking down, what stairwell?

5 **A** This one right here. (indicating)

6 MS. ALIZADEH: Okay.

7 **Q** (By Ms. Whirley) So he comes down the
8 stairwell, do you remember how he's dressed?

9 **A** Yes, he was wearing a gray shirt, jean
10 shorts, Cardinals cap, he had yellow socks with pot
11 leafs on them and sandals.

12 **Q** With pot leafs on them?

13 **A** Yes.

14 **Q** You recall him wearing jeans?

15 **A** Jean shorts.

16 **Q** Jean shorts, okay. When he comes down, is
17 he alone?

18 **A** He was alone.

19 **Q** All right. And what made you even notice
20 him?

21 **A** Uh, he mentioned something, said something
22 about cutting through a root and how he was a
23 little frustrated with having to cut through it.
24 You know, he said one of you two mad about
25 something? I'm getting a bad vibe.

1 **Q** He was talking to ?

2 **A** Yeah.

3 **Q** But you were in earshot?

4 **A** I was standing right behind him getting
5 ready to hand him whatever tool he needed to get the
6 job done.

7 **Q** I see. And when he said, he said what now
8 again?

9 **A** He said, one of you two mad about
10 something I'm getting a bad vibe.

11 **Q** And did say anything back or did
12 you?

13 **A** said something to him in the effect
14 of, it was what he told me and what he told him were
15 two different things. It was something to the
16 effect that my boss shorted me 60 cents on my
17 paycheck, you know, just making light of the
18 situation.

19 **Q** Did he say that in your presence to Mike
20 Brown?

21 **A** Uh, I didn't hear what said, but
22 that's what told me he said. That's kind of
23 hearsay, I don't know exactly what he said to him,
24 it was something to diffuse the situation. Just
25 kind of a light comment.

1 **Q** Okay. To diffuse the situation, was there
2 a situation?

3 **A** He came up and said, one of the two of you
4 mad about something, I'm getting a bad vibe.

5 **Q** Did you hear them discuss anything else?

6 **A** At that point, no. I know that they had a
7 long conversation in this area right here where the
8 truck was initially parked. I was working on
9 digging the trench.

10 **Q** But at that point, they weren't talking,
11 they didn't have a long conversation really when he
12 first came down the stairs?

13 **A** After said something, I didn't
14 really catch what said, but I heard Mike say,
15 you know, if you turn to Jesus, he'll save you,
16 whatever, something to that effect.

17 **Q** So Mike is talking about Jesus?

18 **A** Right.

19 **Q** And did they continue to talk, or what
20 happened next?

21 **A** Uh, yeah, the conversation kind of, you
22 know, started here and then went back to the
23 truck for a tool or something, and Mike followed him
24 over there. And they talk and I continued to work
25 on the hole, I don't know what all they talked

1 about.

2 **Q** You couldn't hear them?

3 **A** Not from the other side of the truck. I
4 did go over after a few minutes and kind of go, hey,
5 we're trying to work here. You know, they were
6 talking about pictures of Jesus on the wall and
7 different things.

8 **Q** Okay. Did Mike, and we know who we are
9 talking about Mike Brown, the young man that was
10 killed. Did he appear to you to be in an agitated
11 mood or aggressive, or anything like that?

12 **A** He flinched his fist a couple times and
13 looked up at the sky when they were over here
14 talking, I came around to see what's going on, he
15 flinched his fist a couple times and like looking
16 up. I kind of found it odd.

17 You know, take a step back whenever
18 we were over here in this conversation, they were
19 talking about the socks, and Mike said, you know,
20 you've got to try everything in this life, you know,
21 everything to figure out where you want to go in
22 this world. And that kind of led me to believe he
23 is probably high.

24 **Q** Okay.

25 **A** And he kind of seemed that he came down

1 when he was talking to over here, like he came
2 down from the high.

3 **Q** Describe what that looked like, him coming
4 down from a high?

5 **A** It was them talking about pictures of
6 Jesus on the wall and said something to the
7 effect of how you might have a picture of Jesus on
8 your wall, well, the devil has got a picture of me
9 on his wall. Whenever I come down, he's going to be
10 the person in charge. he's a character. I
11 don't know if you guys have seen him.

12 At the end of the conversation when
13 it was all said and done, Mike said, you know, nice
14 talking to you, and he shook hand. I could
15 kind of tell that he was grounded, you know.

16 **Q** Okay. Describe to me why you think he was
17 coming down from a high, what was he doing that made
18 you think that he was high?

19 **A** I can't say for sure.

20 **Q** Because of the socks?

21 **A** It is more of an assumption.

22 **Q** Let me ask a question or two. Did you
23 smell marijuana?

24 **A** No.

25 **Q** All right. Did you see him smoking any

1 marijuana?

2 **A** No.

3 **Q** Did you see him handling marijuana?

4 **A** No.

5 **Q** Okay. So tell me about your assumption
6 again.

7 **A** The socks.

8 **Q** Oh, the socks, okay. He said nothing was
9 wrong with smoking?

10 **A** I was up there for four weeks and it was a
11 day-to-day thing I smelled marijuana a lot around
12 all of the apartment buildings. Don't get me wrong,
13 you know, I don't want to stereotype anybody, but a
14 guy with marijuana leafs on his socks is probably
15 smoking marijuana.

16 **Q** I was curious about whether you thought he
17 appeared high though that morning when you saw him,
18 and that's why I was asking a few detailed questions
19 about it. There was nothing that made him appear
20 high except for the socks?

21 **A** Right. And the fact that he came down
22 asking if one of us were mad, you know, kind of
23 paranoid, you know.

24 **Q** To you that seem kind of paranoid?

25 **A** Right.

1 **Q** All right. You said, show us again where
2 he followed .

3 **A** So our truck was parked kind of
4 catty-corner to this building here, you know,
5 directly out. And they were on the driver door
6 here, they were over here talking. I was over here
7 digging this trench. I walked around and kind of
8 came up and heard the end of the conversation.

9 **Q** What was that, is that when they're
10 talking about Jesus on the wall you mean?

11 **A** Right.

12 **Q** And then what happened?

13 **A** He said he was, see, at this point he went
14 back up into the apartment.

15 **Q** Went back upstairs?

16 **A** Yeah, he went back upstairs. And, you
17 know, we went back to work after that.

18 **Q** Do you recall when you saw him the next
19 time?

20 **A** We were moving around this L shape here
21 and moving up into this corner and into that. And
22 he came walking from this direction. Next time I
23 saw him, he came walking from this direction with
24 that fellow with the dreadlocks. What's his name?

25 **Q** We know him as Dorian Johnson.

1 **A** Dorian, right. They came up and was
2 back over here talking to them.

3 **Q** And how long ago, tell me the timeframe
4 from when you, when he went back upstairs and then
5 you saw him later with Dorian?

6 **A** I would say 10, 15 minutes, you know,
7 somewhere roughly in there.

8 **Q** Had he changed clothes, Michael Brown, or
9 was he in the same clothes?

10 **A** Same.

11 **Q** Okay. All right. So he comes back with
12 Dorian, do they come and talk to you?

13 **A** No, they had a conversation over here with
14 . I was over in this area by then moving my
15 way around.

16 **Q** So you weren't within earshot to hear what
17 they were saying?

18 **A** Correct. And you know after a while I
19 came back over to the truck, kind of see what's
20 going on, hey, let's get back to work here and they
21 dispersed.

22 **Q** You say they dispersed, describe --

23 **A** Well, I walked over and, you know, hey,
24 let's get back to work. was like, all right.
25 The two guys, Mike said that they were going to

1 continue the conversation when they got back. And
2 that's when they went to the convenience store.

3 Q Which way did they travel?

4 A Uh, they just went up the street here.

5 Q This would be West Florissant here?

6 (indicating)

7 A Right.

8 Q Okay. And then what was the next time you
9 saw them?

10 A I never saw Darian?

11 Q Dorian?

12 A Dorian, I never saw him again.

13 Q Okay. When is the next time you saw Mike
14 Brown?

15 A He was in this vicinity right here.

16 (indicating)

17 Q And what was he doing?

18 A He was moving down the street.

19 Q Okay. Did you ever see him in a tussle
20 with a police car?

21 A Never did.

22 Q Police officer?

23 A No, I think that happened back here. And,
24 like, I said, at this point, so they went just to
25 timeframe here. So they went to do whatever, and I

1 had to go get the bobcat, which was parked up here
2 and in my process of going over here and coming back
3 and started digging some trenches with the bobcat, I
4 was in about this location here and heard a gunshot.
5 (indicating)

6 Q Okay.

7 A I heard a loud bang. I didn't know what
8 it was. It sounded like a bunch of PVC pipe hitting
9 the ground, if you know what I'm talking about.
10 I stepped out in about this location.
11 We had our truck parked right about here. At this
12 point, like I said, we were moving around. I
13 stepped out, I was about right here. I saw Mike
14 Brown come out behind the building, he was moving at
15 a pretty good clip. (indicating)

16 Q He was doing what?

17 A He was moving at a pretty good, you know,
18 kind of getting away.

19 Q Like trotting or walking fast?

20 A Right.

21 Q Okay. And what else did you see?

22 A I saw what appeared to be him getting shot
23 in the back.

24 Q Shot in the back. Why do you say it
25 appeared that way?

1 **A** Well, he was running, I heard a gunshot.
2 He was about here at this point. I heard a gunshot
3 and he kind of stumbled, and then he turned around.

4 **Q** Can you do us a favor and stand up,
5 please?

6 **A** Sure.

7 **Q** And show us, you know, what happened that
8 made you think he might have been shot from the back
9 or somewhere in the back, and then turn around for
10 us the way he did?

11 **A** It was more of --

12 **Q** Why don't you face the door?

13 **A** It was more of a, you know, kind of like,
14 I don't know how fast he was moving exactly, he was
15 going like this. I saw him, you know, kind of take,
16 you know, take a little step down and he caught
17 himself and turned around and had his hands up.
18 (indicating)

19 **Q** He had his hands all the way up like that?

20 **A** Right.

21 **Q** Sure of that?

22 **A** Positive.

23 **Q** Did he say anything?

24 **A** He yelled okay, okay, okay, multiple
25 times.

1 **Q** Okay. And at that point, what is the
2 officer doing?

3 **A** His gun's drawn, standing there pointing
4 at him. I never heard him say anything.

5 **Q** But you were within earshot to hear
6 Michael Brown?

7 **A** I heard him screaming.

8 **Q** And you never heard the officer say, did
9 it appear that the officer was saying anything, you
10 just couldn't hear it, it didn't appear he was
11 saying anything?

12 **A** Right.

13 **Q** And what was he doing, I know you said he
14 had his gun drawn, did he just stand there with the
15 gun drawn?

16 **A** Yes.

17 **Q** And never did anything else?

18 **A** Well --

19 **Q** Why don't you tell us what happened?

20 **A** So they were about right here at that
21 point kind of, you know, on the street, and Mike
22 Brown started walking back at him okay, okay, okay,
23 hands up and he just started shooting at him.

24 **Q** Okay. If I'm the officer, how was Michael
25 Brown walking toward him with his hands up?

1 **A** Like this. (indicating)

2 **Q** Okay, all right. Was he saying, stop, get
3 down, nothing?

4 **A** No.

5 **Q** Okay. And any idea how many shots were
6 fired at Michael Brown as he was walking towards
7 him?

8 **A** Six to seven, and I would say after the
9 third shot he kind of went like this and it was more
10 of a, he moved a little quicker, and then kind of, I
11 saw him falling and disappeared behind a building.
12 I was right here behind the truck at that point, and
13 then the shots must have been, you know, right here
14 going towards this building, and I'm standing right
15 here.

16 And I'm seeing, I'm like, what the
17 heck, I'm standing behind this truck and, you know,
18 they kind of come together there and he, I don't
19 know what else to say.

20 **Q** Okay.

21 **A** He fell, he fell on his face behind that
22 building, but I didn't see.

23 **Q** You saw him going down, you couldn't see
24 him hit the ground is what you mean?

25 **A** (Nods head.)

1 **Q** Later at some point you came from behind
2 that building and could see him on the ground?

3 **A** After it all happened, we walked up to
4 this knoll right about here and that's when they
5 were taping it off and everything.

6 **Q** Could you see the officer when he hit the
7 ground, from your vantage point?

8 **A** Where this car is at, I mean, they were
9 about 10 feet apart. And the officer kind of backed
10 up. He might have been standing right here at this
11 corner, the officer and I didn't see the final part
12 of that so.

13 **Q** Could you tell, and maybe you just told
14 us. I'm going to ask to make sure, could you tell
15 how far apart Mike Brown and the officer was when
16 you saw him shoot him six or seven times?

17 **A** I'd say less than 15 feet.

18 **Q** You see where we are, I'm going to walk
19 out.

20 **A** That's about it.

21 **Q** Not any further back?

22 **A** No.

23 **Q** From where you are to me?

24 **A** Right.

25 **Q** Is about how close they were?

1 **A** Yeah.

2 **Q** All right.

3 **A** And the officer was backing up as he was
4 firing.

5 **Q** As he was firing. Okay. Now, you wrote a
6 written statement, you made a written statement; is
7 that right?

8 **A** Yes.

9 **Q** And when did you write your statement?

10 **A** Uh, approximately 2:00, August 9th.

11 **Q** That day. So right after it happened you
12 wrote a statement?

13 **A** Yes.

14 **Q** Why did you do that?

15 **A** The guy I was working with, he was talking
16 to his old boss. Well, you should probably write
17 that down what happened, and then I probably should
18 too.

19 **Q** Did you guys sit down and write your
20 statements together at the same time?

21 **A** Uh, probably about as far apart as him and
22 I, but no words were spoken. It was our own
23 judgment or our own take on the matter.

24 **Q** So you didn't like talk about, hey, what
25 are you going to write, I'm going to write this,

1 what are you going to write, that kind of thing?

2 **A** Right.

3 **Q** You each wrote independently of one
4 another?

5 **A** Yes.

6 **Q** Did you look at his statement when you
7 finished writing?

8 **A** I did read it.

9 **Q** Did he read yours?

10 **A** I read it to him.

11 **Q** You read your statement to him and did
12 that make him change his statement?

13 **A** No.

14 **Q** And you reading his statement, did you
15 change yours?

16 **A** No.

17 **Q** Why don't you have a seat for us. I'd
18 like you to read that statement. You have it,
19 right?

20 **A** Yes.

21 MS. WHIRLEY: We have copies for you. I
22 just want him to read it now.

23 **A** On Saturday, August 9th, at approximately
24 12:15, I witnessed one white male police officer gun
25 down and kill one black male.

1 Initially, I heard a single shot
2 fired and peered around the corner to see a black
3 male walking away, at which time I heard another
4 shot and saw the white cop behind the black man. I
5 was about 50 to 60 yards away watching the black man
6 stumble away from the officer and turn with his
7 hands raised yelling, okay, okay.

8 Officer proceeded to unload his clip
9 into the black man, at least six to seven more
10 shots.

11 Thirty minutes before the incident,
12 fellow co-worker spoke with the black
13 man who spoke of Jesus and life and honest people.
14 Mike was his name. He was wearing a Cardinals ball
15 cap, gray shirt, jean shorts, with yellow pot leaf
16 socks and sandals.

17 At the time of the incident after
18 hearing the first and second shots, I stood there
19 like a deer in the headlights, stunned to see and
20 believe what was happening.

21 Mike said he was going to the
22 convenience store to get a few things and would be
23 right back. We were working on his building and
24 engaged in conversation. He seemed like a nice guy.

25 Q That is accurate as to how you remembered

1 it that day?

2 **A** Yes.

3 **Q** Okay. Now, you didn't mention anything in
4 your written statement about him appearing high or
5 intoxicated or anything?

6 **A** Right.

7 **Q** You didn't think about it then or what
8 made you think about it later?

9 **A** Just the pot leafs on the socks.

10 **Q** Okay.

11 **A** It was more, you know, I got to thinking
12 about it, you know, why was he questioning if we
13 were upset and why was he, not that I have a lot of
14 experience with it, I've seen it. That was the
15 evidence for me.

16 **Q** He didn't try to sell you any pot or have
17 a smoke with you or Steve or anything?

18 **A** No.

19 **Q** Okay. Did he appear at the time that you
20 saw him to be a threat to the officer when he was
21 being shot, when he was coming toward the officer?

22 **A** No.

23 **Q** Okay. Did he appear to be coming toward
24 the officer in an aggressive way?

25 **A** I mean, that's subjective.

1 **Q** I'm talking your opinion?

2 **A** See, I kind of have a mixed opinion on it.

3 **Q** Okay.

4 **A** I take the hands going down and kind of
5 moving quicker towards the cop as either I'm falling
6 to my death or okay, you've already shot me a couple
7 times, I'm coming at you.

8 **Q** So it could be either of those. So when
9 he had his hands up, what was your impression then
10 when he was saying okay, okay, okay?

11 **A** Initially I was like okay, he's giving up,
12 you know, that was my impression.

13 **Q** Okay. And did you ever see a weapon in
14 his hand?

15 **A** No.

16 **Q** Were you close enough to see if he had a
17 weapon?

18 **A** Yes.

19 **Q** How is your eyesight?

20 **A** I wear contacts, so it is 20/20.

21 **Q** You had them on that day?

22 **A** Yes.

23 **Q** And your hearing is good?

24 **A** As far as I know.

25 **Q** You hear me pretty well, right?

1 **A** Yes.

2 **Q** The other person, and his name is Dorian
3 that we talked about, did you see him at any point
4 when the shooting was going on?

5 **A** No, like I said earlier, I never saw him
6 after he was, they were going to the convenience
7 store.

8 **Q** Okay. You never, I think you already
9 answered this too, so bear with me. You never, once
10 you came back after the shooting was over and you
11 came out, what did you see as far as the scene was
12 concerned, describe that for us after the shooting
13 was over.

14 **A** All I saw was there was, at this point,
15 there was three cops. The other two cops showed up,
16 it must have been as it was happening or right
17 after. They came up and they are all staring,
18 looking at the ground. Mike Brown's laying about
19 right here, and one of the cops grabs a roll of tape
20 and starts taping it off.

21 **Q** Did you notice a police car or just a lot
22 of police cars around at that point?

23 **A** There was an SUV, I believe, right about
24 in this vicinity and that was --

25 **Q** Near the body?

1 **A** Yeah, a little past it. He bled out on
2 the street.

3 **Q** Were you there much longer after this
4 shooting occurred or did you get out of there soon
5 after?

6 **A** We got out pretty quick. and I, you
7 know, he said we probably should go, you know, being
8 two white guys, that's just my feeling. He said we
9 should probably get out of here. I think things
10 about to go -- sorry.

11 **Q** I'm sorry.

12 **A** Things are about to escalate, all kind of
13 people out here.

14 **Q** Was it escalating?

15 **A** Yeah, people coming out of the freaking
16 apartments like nobody's business.

17 **Q** Were they saying anything?

18 **A** Um, there was a fellow that came up here
19 in a red car, he pulled up about right here, he
20 jumps out and he yells, he was no fucking threat.
21 If you saw the video, goes, yeah, he had his
22 hands up. He had his fucking hands in the air, or
23 whatever he said.

24 **Q** Right. And that was you and in that
25 video?

1 **A** Yes.

2 **Q** was wearing the pink shirt?

3 **A** Yeah.

4 **Q** Okay. You're not still working for that
5 same place; is that correct?

6 **A** Correct.

7 **Q** And does it have something to do with the
8 shooting?

9 **A** Yes.

10 **Q** Tell us a little bit about that.

11 **A** Uh, essentially my anxiety was so high I
12 couldn't return to work, took off that Monday, the
13 11th, filed I didn't want to
14 miss pay for that day and my boss let me go.

15 **Q** Did he tell you why he let you go, did he
16 actually tell you he let you go because you filed
17 ?

18 **A** It was, he said it was my performance.

19 **Q** Okay. And you had worked for him for nine
20 months?

21 **A** Right.

22 **Q** Had he ever complained about your
23 performance before this day?

24 **A** No, and I wasn't a laborer, I was out
25 there making sure the job got done.

1 MS. ALIZADEH: I couldn't hear what you
2 said, that last part.

3 A I said that I wasn't a laborer, my job
4 wasn't to labor, I was out there just to make sure
5 that the job got done.

6 Q (By Ms. Whirley) Now, how did you come to,
7 since you left that, you did write a statement that
8 same day, but you left. How did you get to talk to
9 the police or the FBI about what you saw, how did
10 that happen?

11 A Uh, they showed up at my house. I had a
12 St. Louis County detective show up, and after that
13 another St. Louis County detective, along with an
14 FBI agent. And then a third time they picked me up,
15 took me down to Clayton down here and put me in an
16 interrogation room and asked me a bunch of questions
17 that I answered the best I could.

18 Q Do you know how they found out about you?
19 How they knew to come to your house?

20 A I don't know for sure, but if I had to
21 guess, I'm thinking they probably got the name of
22 the company I work for from the apartment complex
23 and so on and so forth.

24 Q They are the police, they can find out,
25 sure. When you say the first shot is what drew your

1 attention that something was going on and then I
2 believe you said you heard a second shot; is that
3 right?

4 **A** Yes.

5 **Q** And where were you when you heard the
6 second shot?

7 **A** At that point I was behind the truck which
8 is parked about where that white car is. I'm
9 standing about where the driver door is in that
10 white car.

11 **Q** And as you're hearing, I'm sure the first
12 shot got your attention as you just said?

13 **A** Right.

14 **Q** When you hear the second shot, are you
15 looking in any particular direction to try to figure
16 out what is going on?

17 **A** I was back here, I kind of came out here
18 and was over here working on something. And,
19 um, you know, I'm looking over at , you know,
20 thinking is that a bunch of pipes going on the
21 ground, which didn't make sense to me we had a lot
22 of pipe on the ground. So I didn't know what it
23 was.

24 **Q** All right. Could you see anything
25 happening when you heard the second shot?

1 **A** Yes.

2 **Q** Tell us what you saw.

3 **A** I saw Michael Brown, just Michael Brown
4 walking to the right as we are looking. He was
5 walking down the street here.

6 **Q** Like going east?

7 **A** Right.

8 **Q** Away from the officer?

9 **A** I couldn't see the officer, but yes, it
10 was away from the officer.

11 **Q** Was he walking or running?

12 **A** It was a fast pace.

13 **Q** Fast pace?

14 **A** Like we talked about earlier.

15 **Q** You heard a shot as he is moving away from
16 the officer and that's why you thought he was shot
17 in the back?

18 **A** And that's when he stumbled.

19 **Q** Okay.

20 MS. WHIRLEY: Kathi, do you have anything?

21 **Q** (By Ms. Alizadeh) I stepped out and I
22 missed part of this so I don't want to get too
23 repetitious, but did you hear when Michael Brown, at
24 any time Michael Brown was talking to
25 did you hear them talking about marijuana or weed?

1 **A** Just the comment of the socks.

2 **Q** Okay. Did you hear say
3 anything about wax?

4 **A** No.

5 MS. ALIZADEH: Did you already ask about
6 that, Sheila?

7 MS. WHIRLEY: Not about wax.

8 MS. ALIZADEH: I didn't want to repeat
9 things if that was already covered.

10 **A** I was asked that by the detectives when
11 they brought me up here, but I never heard anything
12 like that that day.

13 **Q** (By Ms. Alizadeh) So just so I can be
14 clear, you first saw Mike earlier in the morning and
15 he was by himself and he spoke to a little bit
16 and you were kind of not involved in the
17 conversation?

18 **A** Right.

19 **Q** All right. And what you heard of that
20 conversation was basically him talking about what,
21 Jesus and being angry or something, you're shaking
22 your head, but that doesn't, nobody --

23 **A** Oh, yeah, that is correct.

24 **Q** You have to say out loud.

25 **A** Yes, that's what I got from it.

1 **Q** All right. At that point did you see them
2 touch each other, shake hands, exchange pieces of
3 paper with anything, did you see them in any contact
4 with each other?

5 **A** No, just the end of the conversation when
6 Mike shook hand and said, you know, we'll
7 continue this.

8 **Q** So I'm trying to get at, there is this
9 first encounter where he's talking to and then
10 he goes, he leaves and then there is a second
11 encounter where he and Dorian are talking to ,
12 okay, right?

13 **A** Right.

14 **Q** So did Dorian shake hand after the
15 first encounter or after the second encounter?

16 **A** Dorian never shook his hand.

17 **Q** I'm sorry, Michael Brown?

18 **A** That was the first encounter, Mike shook
19 his hand.

20 **Q** Okay. And then you also talked about that
21 at some point Mike and went over by his truck,
22 on the side of Steve's truck?

23 **A** The initial conversation.

24 **Q** That was the initial conversation?

25 **A** Yes.

1 **Q** Okay. Could you see what was happening
2 when they were by truck?

3 **A** I saw them talking.

4 **Q** Okay.

5 **A** I mean, until I went over there and heard
6 them talking about pictures of Jesus, I really
7 didn't, you know, I just kind of saw them over there
8 talking.

9 **Q** Okay. So you really weren't paying that
10 much attention at that point?

11 **A** Right.

12 **Q** So when I said though, when I said could
13 you see them, what I'm trying to get at is, were
14 they at a place where your view of them was
15 obstructed by anything?

16 **A** Yeah, they were on the other side of the
17 truck.

18 **Q** Okay. So there is a time when the two of
19 them walked to the other side of the truck and you
20 can't see what's going on?

21 **A** Yeah, the whole initial, the first
22 conversation, they were on the other side of the
23 truck. I mean, I came in on the last bit of it, but
24 I really couldn't see them except their heads
25 through the windows.

1 **Q** Okay. So, and then Mike Brown leaves, you
2 said when he initially came out, did you say he came
3 out of this building, Number

4 **A** Yes.

5 **Q** And then when he left, did he go back in
6 that building or leave?

7 **A** Yes, yeah, yeah.

8 **Q** Yes? And then you said then the next time
9 you saw him he was somewhere around here?
10 (indicating)

11 **A** Right.

12 **Q** You didn't see how he came out of that
13 building --

14 **A** Correct.

15 **Q** -- at some point? So the next time you
16 see him he's around here? (indicating)

17 **A** Right.

18 **Q** Is that when he's with Dorian?

19 **A** Yes.

20 **Q** Do they walk back to your direction?

21 **A** Yeah, they walk to about right here where
22 the truck was parked. (indicating)

23 **Q** And they start talking to again?

24 **A** Yeah.

25 **Q** Do you see either of them go back into

1 this building?

2 **A** No.

3 **Q** So my question is, they could have, but
4 you didn't see it or they did not go back into the
5 building?

6 **A** I can't say, I mean, I was over here doing
7 some work, I don't know. I mean, I don't know if
8 they went back up here and they came back down here.
9 I saw them.

10 **Q** Okay.

11 **A** I just saw them. I don't know how they
12 got there.

13 **Q** Okay. And so at that point then, after
14 they left and they said they would be back, was it
15 Mike that said that or was it the other man, Dorian?

16 **A** It was Mike.

17 **Q** And then the next thing you notice, you
18 hear a gunshot, correct?

19 **A** (Nods head.)

20 **Q** And that's several minutes later, I guess?

21 **A** Yeah, I'd say 10, 15 minutes, somewhere
22 around there.

23 **Q** All right. And when your attention is
24 directed in that location or in that area, do you
25 see Mike Brown before you hear the second gunshot,

1 or do you hear the second gunshot and then see Mike
2 Brown?

3 **A** No, the first.

4 **Q** So you turn and you see Mike Brown and
5 he's, I want to be clear on how he's moving because
6 at one point you said a good clip, and then you said
7 walking and then you said walking fast?

8 **A** He was running from the cop. I mean, it
9 wasn't a run, but it wasn't a walk.

10 **Q** Okay. All right.

11 **A** He was moving away going down the street.

12 **Q** Okay. And then --

13 **A** He's a big guy, I mean, you know a run for
14 him might be a jog to me.

15 **Q** I'm not trying to be argumentative, I'm
16 just trying --

17 **A** No, I just want to explain the difference.

18 **Q** So then you hear the second gunshot?

19 **A** Yes.

20 **Q** And you said at that point you think that
21 that second gunshot hit him?

22 **A** Yes.

23 **Q** And that was because of what?

24 **A** Why I think that?

25 **Q** Yeah.

1 **A** Because he stumbled.

2 **Q** And then he turns around, okay. Now at
3 this point, have you seen the officer at all?

4 **A** Not yet. I mean, it was shortly after he
5 turned around that I saw the cop.

6 **Q** Okay. So when he turned around, is Mike
7 Brown's back to you?

8 **A** Uh, they're kind of maybe at a 45 degree
9 angle from me.

10 **Q** Okay. When he was coming in your
11 direction, whatever pace that is, I didn't want to
12 say running, okay, coming toward your direction,
13 could you see his face?

14 **A** No.

15 **Q** Is that because of your position?

16 **A** Well, I mean, I saw the side of his head.
17 I'm standing right here where that white car is and
18 he's right here and that's a pretty good distance.

19 **Q** Okay.

20 **A** I mean, I couldn't see his facial
21 expressions or whatever.

22 **Q** All right. And you said you heard Michael
23 Brown screaming?

24 **A** Yes.

25 **Q** Was that before he turned around or after

1 he turned around?

2 **A** Before I turned around.

3 **Q** No, Michael Brown.

4 **A** Oh, that was after he turned around.

5 **Q** Okay. Could you make out what he was
6 screaming?

7 **A** He was yelling, okay, he said it about
8 six, seven times.

9 **Q** All right.

10 **A** I wrote it down.

11 **Q** Okay.

12 MS. WHIRLEY: If I can just ask something
13 while you are looking, Kathi. Was his hands up and
14 he's saying, okay, okay, okay, before he was shot
15 again?

16 **A** Yes.

17 MS. WHIRLEY: So when he was being shot,
18 his hands were up?

19 **A** Yes.

20 MS. ALIZADEH: And so when he turned
21 around, he moved in toward where the officer comes
22 from in that direction, right?

23 **A** Yes.

24 MS. ALIZADEH: About how many steps or
25 feet did he move?

1 **A** In total? I would say about 20.

2 MS. ALIZADEH: 20 feet or 20 steps?

3 **A** 20 feet.

4 MS. ALIZADEH: Okay. And so at some point
5 you see the officer appear beyond the building,
6 correct?

7 **A** Yes.

8 MS. ALIZADEH: And then Michael Brown
9 turns and moves towards the officer. Does the
10 officer move then? Is he still coming toward
11 Michael Brown?

12 **A** I mean, after he turned around and had his
13 hands up, he kind of just stopped and stood there.
14 And then that's when the shooting occurred. I mean,
15 he was going, turned around and then started
16 shooting, and then Michael Brown, Michael Brown was
17 kind of moving at him like I'm giving up, hands up.

18 MS. ALIZADEH: So, now, you said I'm
19 giving up, hands up. You didn't hear him say that?

20 **A** He said, okay, okay, okay, that to me
21 means --

22 MS. ALIZADEH: I just want to be clear.
23 When you said that, that was what you are
24 interpreting, right?

25 **A** Yes.

1 MS. ALIZADEH: So what I'm trying to
2 figure out is you didn't see Michael Brown fall,
3 correct?

4 A He was falling and then he went behind the
5 building.

6 MS. ALIZADEH: So the building blocked, he
7 goes beyond the building from your vantage point?

8 A Yeah, about this area right here.
9 (indicating)

10 MS. ALIZADEH: Right.

11 A I saw him to about where that white car is
12 and then he was going down.

13 MS. ALIZADEH: So where is the officer
14 when that happens?

15 A He was about, right about this
16 intersection right here. (indicating)

17 MS. ALIZADEH: So you can still see the
18 officer when Michael Brown disappeared from your
19 view?

20 A That is correct. He was kind of going
21 straight when the officer was kind of moving back
22 and sideways, and he kind of moved at an angle. At
23 one point, the shots were this way and more went
24 almost at me.

25 MS. ALIZADEH: Okay. And once Michael

1 Brown disappeared from your view, did you ever hear
2 any more gunshots?

3 **A** No.

4 MS. ALIZADEH: I don't have anything else.

5 MS. WHIRLEY: When you mention anger, or
6 Kathi said something about angry, just to make sure
7 I'm clear, it was that was angry about
8 some work he was doing and Mike Brown said he could
9 feel anger, is that what you told us?

10 **A** Yes.

11 MS. WHIRLEY: Questions?

12 MS. ALIZADEH: I thought you said he's
13 getting a bad vibe?

14 MS. WHIRLEY: That's the words. Those
15 were my words, I said angry, but you said vibe. I
16 meant the same thing. Those are not your words?

17 **A** I'm getting a bad vibe, were you two angry
18 about something, that's what he said.

19 MS. ALIZADEH: I'm sorry, I just want to
20 say, this is very important.

21 **A** I hear you.

22 MS. ALIZADEH: All we're trying to do is
23 best figure out what happened, okay. I know it
24 feels like we are picking at you and we're not.
25 Some of this stuff is very important and if you

1 don't remember exactly, it is best to say I'm not
2 sure, I don't remember exactly. That's why when we
3 ask you exact specific things, okay.

4 **A** I'm just trying to be honest.

5 MS. ALIZADEH: Okay.

6 At the
7 point when Michael Brown turns around with his hands
8 up and the police officer, I guess, starts shooting
9 at him, did you ever see him or appear that he was
10 reaching in his shirt or reaching in his pants like
11 he had a weapon?

12 **A** No.

13 Thank you.

14 MS. ALIZADEH: Did you ever see Michael
15 Brown clutching his torso or with his hand where he
16 might have been touching his torso?

17 **A** After about the third shot, he did have
18 his hands kind of over his belly, you know, like,
19 oh, I've got shot in the belly.

20 MS. ALIZADEH: Okay. So after the third
21 shot, the total third shot, or after the third shot
22 when you saw him?

23 **A** Yeah, it would have been like the fifth
24 shot then.

25 MS. ALIZADEH: Okay. So from this

1 position his hands came down to clutch his torso at
2 some point?

3 **A** (Nods head.)

4 MS. ALIZADEH: That was about the fifth
5 shot?

6 **A** Yes.

7 MS. ALIZADEH: Did you, could you see any
8 blood or anything on him?

9 **A** Uh, no, I didn't see any blood. I did see
10 the back of his shirt, you know, like somebody
11 pinched your shirt or whatever, looked like a bullet
12 went through him.

13 MS. ALIZADEH: Okay. And when you said,
14 you said, uh, I'm shot, something like that just
15 now, was that you interpreting his actions or did
16 you hear him say that?

17 **A** No, that's my interpreting.

18 MS. ALIZADEH: I just want to make sure.

19 **A** That's the gray area. I don't know, it
20 all happened so fast.

21 MS. ALIZADEH: I understand. That's why
22 I'm asking is this something you heard or was that
23 just something that was just your impression?

24 **A** That was my impression.

25 MS. WHIRLEY: Questions, anyone?

1 After
2 Michael turned around and he's advancing towards the
3 officer and you hear the shots, was it a continuous
4 burst of shots, was there a shot and a pause and
5 more shots?

6 **A** It was continuous.

7 You think it was three or
8 four, or how many?

9 **A** It was at least six, maybe seven, like I
10 said, he unloaded his clip it seemed like. It was a
11 barrage. It seemed unnecessary.

12 Again,
13 after Michael Brown turned around, his hands are up,
14 either he started walking first or the gunshots
15 started first, that series of shots?

16 **A** He was advancing prior to the shots.

17 MS. WHIRLEY: And just to be clear, how
18 long had you worked in that Canfield area?

19 **A** Four weeks.

20 MS. WHIRLEY: Four weeks. Had you met
21 Mike Brown before that day? You may have told us
22 already.

23 **A** No.

24 MS. WHIRLEY: Had you met Dorian?

25 **A** No.

1 MS. WHIRLEY: Did you know any of the
2 Ferguson police officers?

3 A No.

4 MS. WHIRLEY: And the officer that did the
5 shooting then, you wouldn't have known him?

6 A Correct.

7 MS. WHIRLEY: You don't know any of these
8 people involved?

9 A I have no connection to anybody up there.

10 MS. WHIRLEY: All right.

11 Having
12 worked there for four weeks, like you said, and it
13 sounded a bit like PVC hitting the ground or
14 something like that. Have you ever had occasion to
15 hear another sound essentially echo off any of those
16 buildings, any loud sound or anything like that, you
17 know, when you're working you drop a tool or
18 something like that?

19 A Uh, no.

20 Nothing remarkable in that
21 respect?

22 A I mean, it was right after the 4th of
23 July, heard some fireworks, but they didn't bounce
24 off the building. I didn't hear it echoing or
25 anything. I don't quite understand what you're

1 asking.

2 I'm trying to get a sense
3 the way that's it laid out, it is tough for us to
4 kind of visualize how it is laid out. If sound
5 echos or travels through there very easily or it is
6 absorbed by the buildings?

7 **A** Well, it wasn't like a normal gunshot. It
8 sounded different and, you know, that's kind of why
9 I thought PVC to begin with, but that wasn't the
10 case.

11 MS. WHIRLEY: Anybody else?

12 . You
13 said sound different. You were there, you have
14 experience in all of those kind of things that you
15 say this is something different to you.

16 **A** I never said I was in the Army.

17 That is not what I asked.
18 You answered with him that the sound of it was
19 different to you?

20 **A** Right.

21 Different with compared
22 to what?

23 **A** It sounded far away. It sounded far away.
24 You don't have experience
25 in those kind of arms?

1 **A** I'm a hunter.

2 What is different?

3 **A** I've shot guns before, I'm not a stranger
4 to them.

5 That's what I want to
6 know.

7 **A** I know what a gunshot sounds like.

8 All right, thank you.

9 One more
10 question. Just before you heard the first shot,
11 were you operating a bobcat, making loud noise where
12 you may not have heard if there were shots before
13 that?

14 **A** That's a good point. I had just gotten
15 out of the bobcat and --

16 Turned it off.

17 **A** Turned it off and jumped out, and then I
18 heard that. It could have been more before, I don't
19 know.

20 MS. ALIZADEH: Do you wear ear plugs when
21 you are working around that?

22 **A** No.

23 (Deposition Exhibit Number 45
24 marked for identification.)

25 MS. ALIZADEH: I just want to tie this in.

1 Since you read from your statement, I'm going to
2 show you Grand Jury Exhibit Number 45. Is that a
3 copy of it?

4 **A** Yes.

5 MS. WHIRLEY: We will pass that out.

6 : Have you really been in
7 trouble with the law before yourself?

8 **A** No.

9 MS. WHIRLEY: Nothing else. Thank you
10 very much.

11 (End of the testimony of)

12 MS. ALIZADEH: This is Kathi Alizadeh on
13 October 16th, it is 3:44 p.m. and Sheila Whirley is
14 here as well. All 12 grand jurors and the court
15 reporter, , and we're going to play now a
16 videotaped statement of , a witness
17 that you heard previously testify. His statement is
18 recorded on a disc that is marked Grand Jury Exhibit
19 Number 40.

20 And, um, before we start recording, I was
21 explaining to the grand jurors that there is about
22 an hour and ten minutes of actual time where
23 is being interviewed by the police. And so
24 there is quite a bit of time where nothing is
25 happening. He will be sitting in a room by himself.

1 We are going to fast forward, as it were, on the
2 counter it will be 16 hours 17 minutes and 45
3 seconds, or whereabouts, as close as Sheila can get.

4 That will be about where the interview
5 begins, and then the interview, there's a break in
6 the interview at 1726, 17 hours, 26 minutes and 38
7 seconds. Where asked for some water and
8 the interview, there is a break in the interview but
9 the interview never resumes after that.

10 So we're going to stop it at the point
11 where he asked for water and the detectives leave
12 the room to get water, all right?

13 So, at this time, also just for the sake
14 of the recording, one of the grand jurors has
15 indicated he is expecting a phone call that he has
16 to take. So if I get the high sign during the
17 recording that he's getting a call, we will go ahead
18 and pause the video so that he can quickly take that
19 call because we have to make sure you all are
20 hearing the same thing, okay. So at this time,
21 you can --

22 MS. WHIRLEY: One last thing I wanted to
23 say, even though we're going to focus on the time
24 when the interview is being conducted, you guys will
25 have access to the whole video. So if you want to

1 watch him just sitting there doing nothing, you can
2 certainly do that at a later time.

3 MS. ALIZADEH: So at this time, , if
4 you will pause the audio while we play the statement
5 on Grand Jury Exhibit 40.

6 (Playing audio recording of
7)

8 MS. ALIZADEH: It is October 16th it is
9 about a quarter after 5:00. Kathi Alizadeh, Sheila
10 Whirley had to leave. And we are finished for the
11 day. I just wanted to make a point in stating that
12 we finished, or we watched a videotape interview and
13 after a few technical glitches, we had started the
14 interview, watched a few minutes of it in the
15 beginning when was put in the
16 interview room, and there was conversation between
17 him and a detective that come in.

18 And then we fast forward to approximately
19 16 hours 17 minutes and 45 seconds when the
20 interview began. We listened to it until just about
21 17 hours 26 minutes and 38 seconds when
22 asked for a drink of water, and then that's
23 pretty much the conclusion of it.

24 There was about five or six statements
25 after that when they brought him some water. You

1 all agreed you didn't need to fast forward to watch
2 that part.

3 Does anybody have any questions or issues
4 about this? And as always, this tape will be made
5 available for you if you wanted to go through it
6 again or watch the whole thing in its entirety, but
7 if that's fine for today, we'll conclude now and see
8 you next time.

9 (End of Grand Jury Hearing Volume XIII.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I, , a Licensed Certified Court
Reporter by the Supreme Court in and for the State

6

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

14

The said witness, being of sound mind and being

15

by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

25

is in all respects a full, true, correct and

complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9

10

11

12

13

--

14

15

16

17

18

19

20

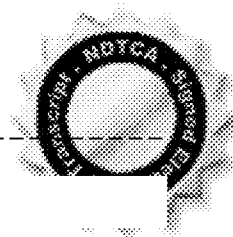
21

22

23

24

25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XIII

12

13 10/16/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave., 2nd Floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XIV

Date: October 20, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300

St. Louis, MO 63101

(314) 241-6750

1-800-878-6750

Fax: (314) 241-5070

Email: schedule@goreperry.com

Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

Page 1

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 20, 2014

VOLUME XIV

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 20th day of October, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME 14

2 MS. WHIRLEY: This is Sheila Whirley.

3 Today is October the 20th, 2014. It is
4 approximately 8:41 a.m. I'm here present with all
5 12 grand jurors and , the court reporter.

6 Kathi Alizadeh is out of the room right now, but
7 will be joining us a little later in the morning.

8 We're going to start off this morning
9 playing recorded statements. So I have three
10 recorded statements of . He was one of
11 the contractors that was at the apartment complex
12 that morning and he's already testified, but we
13 didn't get a chance to hear his statements because
14 he was present and we wanted to get the live
15 testimony going. This morning we are going to go
16 ahead and do his statements.

17 After that I anticipate we'll listen,
18 we'll have a live person that will testify and that
19 is , who says that he was in one of
20 the cars driving in when all of this took place.

21 There is also one other witness,
22 that is scheduled to testify hopefully this
23 morning, and then we will probably have recorded
24 statements toward the conclusion of the day.

25 So with that bit of an introduction, I'm

1 going to pass out the first transcript of
2 . I don't recall exactly how long this one
3 is, but I don't believe it is very long. If you
4 find any notes, I guess those are probably Kathi's
5 if you see one with notes on it.

6 There is two short interviews of
7 and then there is a longer interview with
8 the police officer. So those are the three that we
9 will play.

10 Probably an hour and a half total maybe.
11 So with that bit of an introduction, I guess we'll
12 pause the recording and go ahead and listen to the
13 statements.

14 (Playing of three interviews of
15 .)

16 MS. WHIRLEY: This is Sheila Whirley
17 again, still October 20th, 2014. The two recorded
18 statements that we just listened to were from Grand
19 Jury Exhibit Number 24.

20 I'm going to now play the interview with
21 that was conducted by two police
22 officers from St. Louis County. That interview is
23 approximately, well, it is less than an hour long.

24 There's plenty of down time in this
25 interview where he's just sitting in a room. I'm

1 going to skip through that. You have seen us do
2 that before, however, the CD or DVD will be
3 available for your viewing later if you want to see
4 the whole thing, including him just sitting there.

5 This one is not marked, and Kathi has a
6 scheme of numbers. I'm not going to give you a
7 number, we will get it marked once I find out where
8 it falls with the scheme of those things.

9 With that bit of introduction, we'll get
10 started so stop the recording.

11 (Playing of interview Number 3 of
12 .)

13 MS. WHIRLEY: That concludes the interview
14 of . They call it DCI. That's the
15 detectives and that's Detective and Detective

16 As I mentioned, I kind of skipped through
17 just to the part where there was an actual
18 interview. There was a lot of down time and the
19 interview began at 15:27 and then it pretty much
20 ended at 18:08:58. And the exhibit number for this
21 interview is Grand Jury Exhibit Number 47.

22 (Grand Jury Exhibit Number 47
23 marked for identification.)

24 MS. WHIRLEY: While we're on the record,
25 did you want to say anything at this moment?

1 MS. ALIZADEH: Good morning. I've been
2 over in court doing other cases. No, I don't.

3 MS. WHIRLEY: At this time we'll take a
4 break, thank you.

5 (Recess)

6 MS. WHIRLEY: October 20th, 2014. Present
7 is Sheila Whirley, Kathi Alizadeh, all 12 grand
8 jurors, , the court reporter, and a witness
9 . I'm not sure exactly what time it
10 is, but we'll let go on the record with his
11 statement and then swear in the witness.

12

13

14

15

16

17

18

19

20

21 of lawful age, having been first duly sworn to
22 testify the truth, the whole truth, and
23 nothing but the truth in the case aforesaid,
24 deposes and says in reply to oral
25 interrogatories, propounded as follows, to-wit:

1 EXAMINATION

2 BY MS. WHIRLEY:

3 Q All right. I've stated your name, but
4 introduce yourself and spell your name for us,
5 please?

6 A My name is

7
8 Q I'm going to stand close to the back of
9 the room so that you can speak loud enough for us to
10 have a conversation and all the grand jurors to hear
11 you. That microphone that is by you that's sitting
12 up there next to you does not help your voice get
13 any louder, okay?

14 A Yes, ma'am.

15 Q All right. So how old are you, ?

16 A I'm

17 Q And where do you live currently, do
18 you live in Canfield Green --

19 A Yes, ma'am.

20 Q -- Apartments, okay. Now, you see up
21 there, there's a laser light, I believe, looks like
22 a pen. Why don't you pick that up and there's a
23 button right there, why don't you shine it and see
24 if you can get a light to come on. You see the
25 light?

1 **A** Yes.

2 **Q** Okay. Show us where you live?

3 **A** Should I stand.

4 **Q** Yeah, feel free to walk around, stand,
5 before I ask you questions, let me make sure that
6 this map is something that you recognize as the
7 Canfield Green Apartments. And this is Grand Jury
8 Exhibit Number 25.

9 **A** Yes, ma'am.

10 **Q** Okay. Show us where you live?

11 **A** I stay here in .

12 **Q** Okay, . Now, you know why we're here
13 today, correct?

14 **A** Yes, ma'am.

15 **Q** We're here about the Michael Brown
16 shooting. Where were you on August 9th, let's start
17 that morning, tell us about your morning, how the
18 day went?

19 **A** I had left out around 8:00, 9:00 it was
20 early in the morning.

21 **Q** Was it Saturday as you recall?

22 **A** Yes, ma'am.

23 **Q** Okay.

24 **A** I had got a call from my girlfriend to go
25 home and pick up some bills so I can pay them for

1 her while she was at work.

2 Q Did you live with your girlfriend or who
3 did you live with?

4 A Yes, ma'am, I was staying there.

5 Q Okay.

6 A At

7 Q All right. So you got a call from her?

8 A Yes. As I was proceeding to come down
9 Canfield from West Florissant.

10 Q What time of day would this have been?

11 A You know, later in the day, about 11:30.

12 Q Okay.

13 A As I approached Canfield coming from West
14 Florissant, I was, I had stopped because I seen some
15 confusion going on between a young male and an
16 officer.

17 Q Okay. What kind of car were you driving?

18 A Two door .

19 Q Was there any cars in front of you or
20 behind you?

21 A Yes, ma'am. There was a white pickup
22 truck that was behind me.

23 Q And he was stopped too because you
24 couldn't move?

25 A Yes, ma'am.

1 **Q** And you said you were stopped because
2 there was some confusion going on, was it between a
3 police officer, you said, and we know that person to
4 being Mike Brown now?

5 **A** Yes, ma'am.

6 **Q** Where was the police car?

7 **A** In the middle of Canfield.

8 **Q** All right. Where you just shined the
9 light?

10 **A** About there. (indicating)

11 **Q** Okay. And what kind of car was it that
12 the police was in?

13 **A** The mobile reserve truck.

14 **Q** Like SUV?

15 **A** Yes, ma'am.

16 **Q** And how was the car, what position was the
17 car in as it was stopped there between Canfield
18 Drive, near Canfield Drive?

19 **A** He was slanted.

20 **Q** Caddiefield?

21 **A** He was facing towards West Florissant.

22 **Q** Like his front was facing this way?
23 (indicating)

24 **A** Yes, ma'am.

25 **Q** Was it, was he, you know, in the lane as

1 he should have been or was he?

2 **A** He was.

3 **Q** Breaching the lanes?

4 **A** He was in both lanes.

5 **Q** Okay.

6 **A** He was in both lanes.

7 **Q** Okay. He was in both lanes. So you
8 couldn't get around him or could you?

9 **A** I could have, but he was still in both
10 lanes. I could have eased around him if I wanted
11 to.

12 **Q** But you didn't think you should ease
13 around?

14 **A** No, I'm not moving at that moment.

15 **Q** So what are you seeing as you are sitting
16 there?

17 **A** Uh, Mr. Brown struggling to get away from
18 the officer.

19 **Q** Now, I need you to describe what
20 struggling looks like?

21 **A** Like the officer was holding onto
22 Mr. Brown, pulling him towards him as Mr. Brown
23 forcing to get back away from him.

24 **Q** All right. What was Mr. Brown's hands
25 doing?

1 **A** Struggling with the officer to let go of
2 him.

3 **Q** All right. Did you know Michael Brown
4 before this day?

5 **A** No, ma'am.

6 **Q** How long have you lived in the Canfield
7 Green Apartments?

8 **A** Since the beginning of

9 **Q** Okay. So like

10 **A** Yes.

11 **Q** And you had never met him?

12 **A** No, I don't know anybody out there.

13 **Q** You didn't know the police either?

14 **A** No, ma'am.

15 **Q** So as he's struggling, is this the very
16 first time you saw the police car in relation to
17 Mike Brown was when you saw them struggling at the
18 car?

19 **A** Yes, ma'am.

20 **Q** You didn't see what happened before then?

21 **A** No.

22 **Q** All right. So you never saw the police
23 officer drive in reverse?

24 **A** No, ma'am.

25 **Q** Okay. All right. So they're struggling

1 as you put it, did you ever see Mike Brown striking
2 the officer with his fist?

3 **A** No, ma'am.

4 **Q** How close were you to the police car, you
5 know, where the incident was occurring?

6 **A** Uh, I don't know how --

7 **Q** Can you put it in car lengths, uh, like
8 how many car lengths were you from the police car
9 and Mike Brown and the officer?

10 **A** In car lengths, I would say about four or
11 five cars.

12 **Q** Okay. So the distance between four and
13 five cars is how far you were from Mike Brown and
14 the officer?

15 **A** Yes, ma'am.

16 **Q** Could you see clearly though what was
17 going on?

18 **A** No, the only thing I could see was just a
19 struggle of Mr. Brown trying to get away from the
20 police officer.

21 **Q** Okay. And could you see the entire police
22 car?

23 **A** Yes, ma'am.

24 **Q** Could you see one side better than the
25 other side of the police car?

1 **A** Yes, ma'am, which was the side that
2 Mr. Brown was on, which would be the driver's side.

3 **Q** The driver's side of the police car?

4 **A** Yes.

5 **Q** All right. Do you recall what Mike Brown
6 was wearing?

7 **A** I remember flip flops, some high socks and
8 shorts I, can't remember the shirt.

9 **Q** Did he have on anything on his head that
10 you recall?

11 **A** No, huh-uh.

12 **Q** Do you recall, or you saying he did not?

13 **A** I don't recall seeing him with anything on
14 his head.

15 **Q** Could you see the police officer?

16 **A** No, all I could see was his arms mainly.
17 I couldn't see his face.

18 **Q** You couldn't see his face?

19 **A** No, ma'am.

20 **Q** But you saw his arms?

21 **A** Yes, ma'am.

22 **Q** What was his arms doing?

23 **A** Pulling Mr. Brown towards him.

24 **Q** Like with two arms?

25 **A** Yes, ma'am.

1 **Q** So he had two arms where on Mike Brown?

2 **A** Uh, I see he was holding onto his shirt
3 and struggling to hold onto his neck.

4 **Q** You saw the officer with his hand on Mike
5 Brown's neck?

6 **A** Uh-huh. One was holding his shirt.

7 **Q** One holding his shirt?

8 **A** Holding his shirt and struggling with the
9 other one to hold onto his neck to pull him towards
10 him.

11 **Q** Was he saying anything?

12 **A** No, ma'am, not that I recall.

13 **Q** Were you close enough to hear?

14 **A** No, ma'am.

15 **Q** All right. And what's your vision like,
16 do you have good vision?

17 **A** Yes, ma'am.

18 **Q** Do you wear glasses or contacts?

19 **A** No, ma'am.

20 **Q** What's your hearing like, is your hearing?

21 **A** I've got good hearing.

22 **Q** Good hearing? So if they were saying
23 something, I'm not clear, do you think you would
24 have heard it or you weren't close enough?

25 **A** I don't think I was close enough to hear

1 anything.

2 Q But you were close enough to see clearly?

3 A Yes, ma'am.

4 Q And then what happens after the
5 struggling?

6 A Uh, that's why I see the first shot go off
7 and Mr. Brown, I don't want to say I'm guessing,
8 Mr. Brown was hit at close range and he gets loose
9 and proceeds up Canfield.

10 Q Which way?

11 A Towards Northwinds, not going towards West
12 Florissant, going deeper into the apartments.

13 Q Let's talk about when you heard the first
14 shot. So the first shot that you heard, was the
15 officer still in the car?

16 A Yes, ma'am.

17 Q And Mike Brown was still at the driver's
18 side window?

19 A Yes, ma'am.

20 Q Was the window down?

21 A Yes, ma'am.

22 Q Did you see the officer's gun when you
23 fired the shot?

24 A Yes, ma'am.

25 Q Tell us what that looked like, what you

1 were seeing?

2 **A** A black, I say a black handgun.

3 **Q** Did the gun come out of the window or was
4 the gun still inside the car?

5 **A** He came out his window.

6 **Q** Where was Mike Brown when the gun came out
7 the window?

8 **A** Still at the side of the police door
9 window.

10 **Q** So Mike Brown was at the driver's window
11 and the gun comes out the window?

12 **A** Shots fired, when the first shot was
13 fired.

14 **Q** And the first shot, was it right up on his
15 body as you saw it?

16 **A** Yes.

17 **Q** Like I don't want, I'm sorry, I hope not
18 to touch you, but you understand like if this is
19 gun?

20 **A** Close range.

21 **Q** How close?

22 **A** Right there.

23 **Q** My hand was like maybe a foot from you?

24 **A** Yes.

25 **Q** Okay. Actually, a few inches, 6 to

1 12 inches from you?

2 **A** Yes.

3 **Q** It didn't touch?

4 **A** It wasn't too far away from him, it was at
5 close range.

6 **Q** It was out of the car window where you
7 could see it?

8 **A** Yes.

9 **Q** It appeared to you that Mike Brown was
10 hit?

11 **A** Shot, yes.

12 **Q** Why did you think he was hit?

13 **A** Because as he got hit, the officer let him
14 go, he kind of clenched and took off up Canfield.

15 **Q** I want to know what he looked like when
16 the shot went off?

17 **A** Like, I don't know.

18 **Q** You can stand up and show us as much as
19 you can.

20 **A** After the first shot got hit, it hit him,
21 he clenched and turned and took up Canfield.

22 **Q** (By Ms. Whirley) Okay, all right. And
23 which side of his body did it appear to hit?

24 **A** My right side.

25 **Q** Your right side?

1 **A** Yes.

2 **Q** Okay.

3 **A** Yeah, I say my right side.

4 **Q** On your right side, you hit your left
5 side, I mean, you tell us maybe, this is your left
6 here.

7 **A** My left, I'm sorry, my left.

8 **Q** So it appeared to hit him in the left?

9 **A** Yes.

10 **Q** Did he clutch the left, what did you say
11 he did?

12 **A** It impacted him, he kind of gave a fold.

13 **Q** Towards his left?

14 **A** Yes.

15 **Q** And he took off running?

16 **A** Yes.

17 **Q** Was he running fast or stumbling?

18 **A** Slow-ish.

19 **Q** Slow-ish, okay.

20 **A** Like he barely even gave it a pursuit. I
21 want to say that the shot affected him. He barely,
22 like, he barely gave it a run.

23 **Q** Okay. Did you hear just one shot at the
24 car window?

25 **A** Yes.

1 **Q** And then what happened?

2 **A** Uh, that's when I kind of gave it a duck
3 as I see Mr. Brown pursuing up, my passenger that
4 was with me was jumping, scared out of her mind.

5 **Q** Who was your passenger?

6 **A** I don't know her name, I just gave her a
7 ride. She stays in the apartments that's right by
8 the McDonald's, but I have told her I just want to
9 grab my bills first before I dropped her off.

10 **Q** Where did you pick her up at?

11 **A** West Florissant and like Jennings Station
12 Road.

13 **Q** Okay, but you don't know her name?

14 **A** No. I just known her from being around my
15 mother's house.

16 **Q** She saw it too, right?

17 **A** Yes.

18 **Q** Do you know if she's contacted the police
19 or anything?

20 **A** I don't know.

21 **Q** Okay. You know how we might be able to
22 get ahold of her to get her information?

23 **A** I haven't seen her I haven't had a number,
24 if I have a way to get in touch I can give her all
25 your info.

1 **Q** Let her know we want to hear what she has
2 to say too.

3 So at this point there's one shot out
4 the window at Mike Brown, it appears he's hit he
5 runs and then the officer does what?

6 **A** Uh, gets out of his automobile and pursues
7 behind Mr. Brown.

8 **Q** Is he running?

9 **A** Yeah, he gave, he ain't give it too much
10 of a run but he's running.

11 **Q** And what's his position, I mean, show us
12 is he, where is his gun at this point?

13 **A** Whose the step.

14 **Q** Uh-huh?

15 **A** In his hand pursuing behind Mr. Brown.

16 **Q** How is he holding?

17 **A** Like at his side.

18 **Q** At his side, okay. Did Mike Brown have a
19 gun?

20 **A** No, ma'am.

21 **Q** Did you see a gun rather?

22 **A** No, ma'am.

23 **Q** That's my question. Did you see a gun?

24 **A** I didn't see Mr. Brown with a gun, a
25 stick, a knife or nothing.

1 **Q** Okay. And then what happens when the
2 officer is pursuing him with the gun at his side,
3 what hand was the officer holding the gun?

4 **A** I say his right.

5 **Q** All right. And then what?

6 **A** I guess Mr. Brown was getting tired or
7 whatever the cause was, the shot must have affected
8 him, he stopped and threw his hands up.

9 **Q** Show us how he did that. I mean, at this
10 point he's running away from the officer; is that
11 right?

12 **A** Yes, ma'am.

13 **Q** Were shots being fired?

14 **A** His friend that was with him, I took it as
15 he was trying to see where his friend went because
16 Mr. Brown slowed up and looked at him like what you
17 doing, you stopped.

18 **Q** Let me back up a little bit so we can all
19 be clear.

20 **A** Okay.

21 **Q** When did you see his friend?

22 **A** At the same time I was seeing the
23 struggle.

24 **Q** What was the friend doing when Mike Brown
25 was struggling?

1 **A** He was just standing there. I don't even
2 know what was actually being said, but he was
3 standing there like he's confused on what was going
4 on.

5 **Q** Okay. Let me ask a question though. Was
6 he doing anything, the friend?

7 **A** No. As far as trying to help him get away
8 from the officer, no.

9 **Q** He was just standing at the car, where was
10 he at?

11 **A** He was behind Mr. Brown.

12 **Q** The passenger side of the driver's side?

13 **A** No, was behind him. He is with Mr. Brown
14 on the driver's side.

15 **Q** Right behind him?

16 **A** Yes, ma'am.

17 **Q** Was he behind him towards the passenger,
18 the back seat passenger or toward the hood of the
19 car?

20 **A** The back of the SUV.

21 **Q** Okay. What did he look like? Make sure
22 we are talking about the same person.

23 **A** Short guy, dreads.

24 **Q** Do you know his name?

25 **A** No, ma'am.

1 **Q** All right. So when the shot went off,
2 what did he do?

3 **A** The friend, he ducks behind the police
4 car.

5 **Q** To the rear of the car?

6 **A** Yes, ma'am.

7 **Q** And then Mike Brown then runs?

8 **A** Yes, and I seen him, he stopped and looked
9 back at his friend.

10 **Q** Who is he?

11 **A** The friend.

12 **Q** No, you said he stopped and looked back at
13 the friend?

14 **A** Mr. Brown. As he stopped, I guess he
15 realized that the officer was approaching him, he
16 stopped and threw his hands up.

17 **Q** Okay. You said that his friend was behind
18 the police car?

19 **A** Uh-huh.

20 **Q** So how did he stop and look at him?

21 **A** I don't mean to go past anybody, he was
22 jogging, but he stopped like this and if this is the
23 back of the police car.

24 **Q** Yeah, okay.

25 **A** And this is the car that was behind the

1 police car. His friend was ducking behind like
2 this.

3 Q Okay.

4 A Mr. Brown he do like, uh, he turned around
5 and looked, by the time he looked, the police
6 officer was already behind him.

7 Q Okay.

8 A And he was like this. (indicating)

9 Q So did he do like this with the officer
10 behind him?

11 A With the officer? No, he was turned
12 around facing the office.

13 Q Tell me how that happened, that's what I
14 want to know. The last thing I know, if I'm Mike
15 Brown, you're the police officer, you said that Mike
16 Brown was trotting or moving?

17 A By then he turned around and his friend
18 duck down behind the car.

19 Q Okay.

20 A And that's when the officer was
21 approaching him, he stopped and did like that.
22 (indicating)

23 Q So he wasn't facing the officer when me
24 did like this? (indicating)

25 A So as soon as he faced the officer, he

1 threw his hands up.

2 **Q** I want to know how he got to facing the
3 officer since the officer was behind him.

4 **A** Turned around.

5 **Q** Show us, please?

6 **A** As his friend like this behind the police
7 car and the other car that's behind the police car,
8 which was a black, small four door. (indicating)

9 MS. ALIZADEH: Small what?

10 **A** Black four door, small car. Mr. Brown was
11 running, he looks, the officer approached him and he
12 did like this.

13 **Q** (By Ms. Whirley) Okay. So you showed that
14 his hands are above his head?

15 **A** Yes, ma'am.

16 **Q** Raised up toward the sky?

17 **A** Yes, ma'am.

18 **Q** Did he say anything?

19 **A** Not that I know of. I was able to hear
20 him at that time, I was still in the same spot.

21 **Q** He's farther away from you now?

22 **A** Yes.

23 **Q** So show us on the map where he turns
24 around and raises his hand?

25 **A** Right up in there. Right up in there.

1 (indicating)

2 Q Is the light on? Yeah, okay. And then
3 what happens?

4 A That's when I hear another shot fired.

5 Q One shot?

6 A Yes, ma'am, and that's when Mr. Brown hits
7 the floor, hits the ground rather.

8 Q Let me make sure I'm keeping track of the
9 shots. The first shot you heard was when the
10 officer put his gun outside the window and shot at
11 Mike Brown, you said at pretty close range?

12 A Yes.

13 Q No other shots until Mike Brown runs,
14 turns around with his hands up and then he shoots
15 him again?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q And do you see any blood or anything?

20 A Uh --

21 Q On that second shot?

22 A Not until he hit the ground.

23 Q All right. Did you see any blood on fist
24 shot, I don't think I asked you that.

25 A No.

1 **Q** So on the second shot, could you tell
2 where he was hit?

3 **A** No, I was too much of a distance. I know,
4 they was facing each other.

5 **Q** How close was the officer and Mike Brown
6 when the second shot went off?

7 **A** Like this, me and you.

8 **Q** As close as we are?

9 **A** Yes.

10 **Q** We are just a couple feet apart, right?

11 **A** Yes.

12 **Q** So the officer shot him, he hits the
13 ground?

14 **A** Yes.

15 **Q** How does he hit?

16 **A** Uh --

17 **Q** I mean, what position is he in when he
18 hits the ground?

19 **A** He is like this with his hands in the air
20 and also -- like this. (indicating).

21 **Q** Okay. So his face is facedown, do it
22 again, I'm sorry, facedown and his behind is kind of
23 poked up a little bit right?

24 **A** Yes.

25 **Q** Okay.

1 **A** I heard another shot fired as he was on
2 the ground.

3 **Q** One more shot?

4 **A** Yeah.

5 **Q** And what was the officer's position could
6 you see the officer at that time?

7 **A** Yes, he was just standing up over up over
8 him.

9 **Q** Like be the officer and Mike Brown is
10 laying on the ground and what is the officer doing?

11 **A** By then he's just standing up on him, I
12 guess, calling.

13 **Q** You said you heard another shot when he
14 was on the ground?

15 **A** As far as another shot, he was like this
16 up on him.

17 **Q** While he is on the ground, facedown?

18 **A** Standing up over him.

19 **Q** He's standing up over him and he shoots
20 again?

21 **A** Yeah.

22 **Q** Where does that shot seem to go?

23 **A** Uh, for just me looking from where I was
24 at, I would say it was in the head because he was on
25 the ground.

1 **Q** You thought he was shooting him in the
2 head?

3 **A** Yeah, he was shooting him in the head.

4 **Q** You only then heard then two shots total?

5 MS. WHIRLEY: That would be three.

6 MS. ALIZADEH: Three?

7 **A** Three, yes.

8 **Q** (By Ms. Whirley) I'm sorry, you have a
9 another shot, that's three. So you overheard, thank
10 you, three shots total?

11 **A** Yes, I was caught up with what was going
12 on, that's all I heard.

13 **Q** So one at the car, one he turns around
14 with his hands up and then one when he's laying on
15 the ground?

16 **A** Yes, ma'am.

17 **Q** Those are the only shots you heard?

18 **A** Yes.

19 **Q** Okay. Did you ever hear the officer say
20 anything?

21 **A** As far as.

22 **Q** Anything at any time?

23 **A** No, not until I was proceeding to go past
24 the parking lot which is

25 **Q** So after the officer you said shoots him,

1 you thought in the back of the head?

2 **A** Yes.

3 **Q** Let me just go back a minute. You've
4 probably been watching this being covered, this
5 being covered on television?

6 **A** I, actually -- actually, I haven't. I
7 don't know what's going on behind it or anything. I
8 just know I been getting talked to or interviewed.

9 **Q** Okay.

10 **A** I try to stay clear just remember as much
11 as I can remember.

12 **Q** And that's good. And you talked to our
13 chief investigator here at the prosecutor's office,
14 ?

15 **A** Yes, and they asked me, it took a family
16 member of mine. Cause I was just going to stay away
17 from it and let them handle it, but an uncle of mine
18 was like, you should at least have somebody hear
19 what you saw or at least tell what you saw. That's
20 what I looked up number and contacted him
21 without anybody.

22 **Q** From our office, you spoke with him on the
23 telephone, correct?

24 **A** Yes.

25 **Q** And then you were interviewed by the

1 police; is that correct?

2 **A** As far as I know, yes.

3 **Q** And maybe FBI?

4 **A** Yes.

5 **Q** Have you only been interviewed once by the
6 police and FBI or were you interviewed more than
7 once?

8 **A** I was interviewed first time by
9 had set it up, the second time probably no longer
10 that know a week ago and today.

11 **Q** Today, you mean being here today?

12 **A** Yes.

13 **Q** You may not have heard since you said you
14 haven't been listening to it, but there were no
15 shots to the back of his head. So do you still
16 think he was shooting at him from the back while he
17 was down on the ground?

18 **A** Uh, okay, when he was on the ground the
19 shot was fired. I don't know whether it was to his
20 head or not.

21 **Q** And, again, there were only three shots
22 that you heard?

23 **A** That I know of, yes.

24 **Q** All right. So after the officer fired
25 that shot at him while he was know on the ground,

1 what did the officer do?

2 **A** Just stood over and, I guess, got on his
3 radio to call for help.

4 **Q** Okay. And then what did he do, were you
5 still watching?

6 **A** Yes, I was. I actually, I actually was, I
7 parked slanted. There was actually a video released
8 of the two construction workers that was up there
9 and that quick glimpse was me walking back over
10 there to see what was going on.

11 **Q** Okay.

12 **A** I had on a white and black stripe shirt.

13 **Q** Okay. Were you saying anything?

14 **A** Yes, I was like, he was no fucking threat,
15 I'm sorry for cursing.

16 **Q** Yeah, we want to hear what you said.

17 **A** I was just letting him know that he was no
18 fucking threat.

19 **Q** So that was you on the --

20 **A** It was just a quick, that's the only thing
21 I had cause somebody came to me like, cause they
22 realized the shirt that I had been wearing. I seen
23 you on CNN when they released a video of the two
24 construction workers, which was working in my
25 parking lot complex where I stay.

1 **Q** Okay.

2 **A** And it was a quick glimpse of me walking
3 past saying, he wasn't no fucking threat.

4 **Q** At that point where was the officer who
5 did the shooting when you were saying that he wasn't
6 no no fucking threat?

7 **A** He was still there until the police
8 officer came.

9 **Q** He was still where?

10 **A** Standing in the middle of Canfield.

11 **Q** Was he near the body?

12 **A** Near Mr. Brown.

13 **Q** Okay. Did he try -- appear to give
14 Mr. Brown any type of emergency help or anything?

15 **A** No, ma'am, no, ma'am.

16 **Q** But it does seem like he was calling for
17 other police?

18 **A** Yes.

19 **Q** And tell us how you got up here closer to
20 the scene, what did you do?

21 **A** Okay. By then I went around.

22 **Q** You were back here?

23 **A** Mr. Brown and the officer was where
24 Mr. Brown was laying at, and that's when I went
25 around Mr. Brown and then went to my apartment

1 complex.

2 Q Okay, slow down just a minute. Where was
3 Mr. Brown laying?

4 A I want to say right where this car is
5 right here. (indicating)

6 Q And you were where when you saw it?

7 A When I first started it was up here.

8 Q How did you get past that?

9 MS. ALIZADEH: Can I ask you to step to
10 the side and use the pointer so we can see?

11 A Yes, ma'am.

12 MS. WHIRLEY: I'm going to go over here,
13 it might make it easier if you step that way.

14 Q (By Ms. Whirley) Show us where the area --

15 MS. ALIZADEH: I didn't see where you said
16 you were when you saw this?

17 A (Indicating)

18 MS. ALIZADEH: You were right there?

19 A Yes, ma'am. And after everything was
20 over, I went on around and that's where I seen
21 Mr. Brown laying on the ground bleeding from his
22 head, I guess from the impact from the ground.

23 Q Okay. And then what?

24 A Him and the officer in the middle of the
25 street, I was able to go around to get to my

1 apartment complex where I was at in here.

2 (indicating)

3 Q Go ahead, what were you going to say?

4 A No, that's how I got around and I was able
5 to get in here. I had parked slanted and that's
6 when I came and I was up here on the little grass
7 watching everything.

8 Q You parked and came back up to see what
9 was going on?

10 A Yes, ma'am.

11 Q And that's when you said, he was no
12 fucking threat?

13 A Yes, ma'am. I was screaming it through
14 the whole thing.

15 Q And did you see any police officers other
16 than the one who did the shooting?

17 A No, not for about, I say about five
18 minutes max.

19 Q All right.

20 A And that's when I see, that's when the
21 rest of the officers came, you know.

22 Q Did you have any interaction at all with
23 Darren Wilson, the officer who did the shooting, did
24 you talk with him at all?

25 A No, ma'am.

1 **Q** Did he say anything to you?

2 **A** No, not until I went past. I go, why in
3 the fuck did you shoot him like that. And he's
4 like, you keep fucking going.

5 **Q** All right. So you go past Darren Wilson?

6 **A** Yeah, in the middle of the street.

7 **Q** You walking or in your car?

8 **A** I'm driving.

9 **Q** So as you drive past?

10 **A** Uh-huh.

11 **Q** Before you parked and got out of the car?

12 **A** Yes. I was like, why the fuck did you
13 shoot him like that. He was like, mind your fucking
14 business. I kept going. That's when I came up in
15 here and I walked across.

16 **Q** So just make sure I'm clear. You're
17 driving by, you shout out, why did you fucking shoot
18 him?

19 **A** Yes, ma'am.

20 **Q** And he said, mind your own fucking
21 business, keep going?

22 **A** Yes.

23 **Q** And then you parked the car?

24 **A** Yes, ma'am.

25 **Q** And you get out and you come up to the

1 area --

2 **A** I ain't go no farther than this.

3 **Q** That's where you say, he was no fucking
4 threat?

5 **A** I was walking across the parking lot to
6 come right here when that video was captured.
7 (indicating)

8 **Q** I'm more interested in what really
9 happened versus the video.

10 **A** Yes, ma'am.

11 **Q** Tell me what you meant, he was no fucking
12 threat?

13 **A** Um, like as far as --

14 **Q** You can have a seat for a minute.

15 **A** As far as being a threat, like if he had a
16 gun or a knife or even if he did assault the officer
17 or what happened, I didn't see him do none of that.
18 So I took it as he was no threat and you gunned him
19 down like that.

20 **Q** And you were clear, in your mind, you were
21 clear what was going on at the police car?

22 **A** Yes, I literally saw Mr. Brown struggling
23 to get away.

24 **Q** You never saw Mr. Brown's hand inside the
25 police car?

1 **A** No, ma'am.

2 **Q** What was he doing with his hand again?

3 **A** Struggling to get the officer's hands off
4 of him. As far as swinging and hitting the officer,
5 I didn't see that.

6 **Q** As he's struggling, did you ever see his
7 hands go in the officer's face?

8 **A** No, ma'am.

9 MS. WHIRLEY: Kathi?

10 MS. ALIZADEH: Yeah.

11 **Q** (By Ms. Alizadeh) So when you said you
12 drove up onto Canfield, you had a passenger in your
13 car?

14 **A** Yes, ma'am.

15 **Q** Have you ever told anybody that before?

16 **A** Yes, ma'am.

17 **Q** And so you were driving this way around
18 here? (indicating)

19 **A** Yes, coming off of West Florissant.

20 **Q** You said you stopped right about here, or
21 thereabouts. You said it was right about here?

22 **A** Yes, ma'am.

23 **Q** So how many cars were between you and the
24 officer's car?

25 **A** Total like in the middle, it was in the

1 middle of us? It was just his car and the car
2 behind him, it was me and the truck behind me.

3 Q So you're saying that there were no cars
4 between you and the police officer's car?

5 A No, ma'am.

6 Q And then you had a white truck behind you?

7 A A white pickup truck was behind.

8 Q A white pickup truck?

9 A Yes.

10 Q Did you see a blue pickup truck?

11 A No.

12 Q No?

13 A (Shakes head.)

14 Q Did you see anybody standing around here?
15 (indicating)

16 A No, not that I remember.

17 Q And so when you came about, you said there
18 was already, I'm guessing, there was already an
19 altercation going on?

20 A As soon as I approach Canfield to go to my
21 apartment complex, the struggle is already going on.

22 Q And you said Mike Brown was trying to get
23 away?

24 A Yes.

25 Q And I don't understand why you conclude

1 that, what was he doing, why did you think he was
2 trying to get away from the officer?

3 **A** Because the officer was pulling,
4 struggling.

5 **Q** Did you see Mike Brown with his hand on
6 the officer's shirt?

7 **A** As far as his arm, yes, trying to get the
8 officer's arm to release him.

9 **Q** You said the officer had him by the shirt?

10 **A** As if you were, if you were just
11 strangling, I'm going to go for your arms to release
12 my neck, that's how it was.

13 **Q** So you know Mike Brown was like 6'5", big
14 guy?

15 **A** Big guy.

16 **Q** 280 pounds or something?

17 **A** Yeah.

18 **Q** And so you're telling me if somebody had
19 ahold of his shirt, you don't think he could get
20 away?

21 **A** I'm guessing if he wanted to he could.

22 **Q** If I grab ahold of your shirt, stand up.
23 How tall are you?

24 **A** I say about 5'9", 5'10".

25 **Q** How much do you weigh?

1 **A** 170.

2 **Q** So do you think if I grab ahold of your
3 shirt?

4 **A** If you got a good enough hold, I can't
5 getaway from you.

6 **Q** If I'm sitting in the car and I grab ahold
7 of your shirt, if you just fell backwards.

8 **A** Uh-huh.

9 **Q** Don't you think that I would lose my grip
10 when the shirt would rip?

11 **A** Not if you got a good enough grip.

12 **Q** Okay. So you say that you think Mike
13 Brown was trying to get away from the officer and
14 that's what you were witnessing?

15 **A** Yes.

16 **Q** And then you said you saw the officer's
17 gun come out of the window of his car?

18 **A** Yes.

19 **Q** And fire one shot?

20 **A** Yes.

21 **Q** The gun was within half a foot?

22 **A** Yes.

23 **Q** Of Mike Brown?

24 **A** Close range, yes.

25 **Q** And that would have been pointed where on

1 his body?

2 **A** Chest, chest.

3 **Q** In his chest area?

4 **A** Yes.

5 **Q** So that would be an entrance wound in his
6 chest and it would be pretty much straight back,
7 right?

8 **A** Yes.

9 **Q** The gun, was the gun angled in anyway, was
10 the gun like this, or was it like this?

11 **A** No, it was pointed right at him.

12 **Q** And then you say Mike Brown at that point
13 pulls back and runs?

14 **A** Yes.

15 **Q** Did you see any blood when he got shot?

16 **A** No.

17 **Q** And then when he ran away and turned
18 around, I mean, could you see the blood then?

19 **A** No.

20 **Q** You said he was shot at point blank range
21 on his chest?

22 **A** Yes.

23 **Q** You telling me when he turned around, you
24 didn't see any blood?

25 **A** Huh-uh.

1 **Q** What about the other guy, did you see
2 anything in his hand?

3 **A** No.

4 **Q** Did you see Mike Brown hand him anything?

5 **A** No, ma'am.

6 **Q** And so you say that you saw Mike Brown as
7 he was running away look at his friend?

8 **A** Uh-huh.

9 **Q** Look at him kind of slow down and look at
10 him and then keep running?

11 **A** No, as he slowed down, turned around,
12 that's when he threw his hands up cause he realized
13 the officer was not that much of a distance from
14 him.

15 **Q** So you're saying it was, his friend was
16 close to him when he turned around? You said he
17 stopped about when he saw his friend is where he
18 turned around?

19 **A** Uh-huh.

20 **Q** Yes?

21 **A** Yes. I mean, he wasn't that far. No
22 further this man right here in this chair.

23 **Q** This man right here?

24 **A** Yes. That's when he turned around and
25 realized that his friend was ducked behind a police

1 car.

2 Q The friend was behind the police car, did
3 the friend ever run away or run behind another car?

4 A No. When I seen him he was ducked between
5 the police car and the vehicle that was behind the
6 police car.

7 Q Now, you have a red car, right?

8 A Yes, ma'am.

9 Q What color was the car behind the police
10 car?

11 A Black.

12 Q And so the friend was not ducked behind
13 that car?

14 A Yes.

15 Q He was behind the police car?

16 A Yes.

17 Q So when you say Mike Brown turned around,
18 the officer was right there; is that right?

19 A Yes.

20 Q Did he walk toward the officer at all?

21 A No.

22 Q He didn't come toward the officer?

23 A No.

24 Q And you say that from the point he turned
25 around is when he got shot?

1 **A** Before he turned around he had his hands
2 in the air. I didn't see him take a forward step,
3 or a back or flench like he was going to try to run
4 at him or nothing.

5 **Q** So you didn't see him move forward or back
6 after he turned around and put his hands up?

7 **A** Put his hands up, that was it.

8 **Q** And the officer was within how close?
9 Tell me to stop when I -- I'm going to walk toward
10 you, you tell me when?

11 **A** Right there.

12 **Q** Right here.

13 **A** Right there.

14 **Q** Okay. So this is probably about four,
15 five feet?

16 **A** Roughly, yes.

17 **Q** Okay. And the officer, was his hand fully
18 extended or was his hand down here?

19 **A** Extended.

20 **Q** Fully extended?

21 **A** (Nods head.)

22 **Q** All right. And you saw him then shoot
23 Mike Brown and you said in the head?

24 **A** Uh-huh.

25 **Q** In his head?

1 **A** That's why I was afraid of them being so
2 close and he just tipped right over.

3 **Q** Are you saying you saw it or you just
4 figure that?

5 **A** I saw him shoot, but I figure that it was
6 in the head, how he just limped over and just fell.

7 **Q** So you don't know where he was shot?

8 **A** No.

9 **Q** You're just guessing because he fell over?

10 **A** Yes.

11 **Q** And then once he's on the ground you see
12 the officer standing right over him and shoot him
13 while he's lying face first on the ground?

14 **A** Yes, ma'am.

15 **Q** So after the police car is a black car you
16 said, is there another car after the black car?

17 **A** Not that I remember.

18 **Q** And you're saying where this white car is
19 on the map is about where Mike Brown stopped running
20 and turned around?

21 **A** Yes, ma'am.

22 **Q** And that would have been where he fell
23 then since you said he didn't move forward or
24 backward at this point?

25 **A** Yes, ma'am.

1 **Q** Now, from where you were then you drove
2 past the officer and parked in your parking space
3 here.

4 **A** After everything was over, yes.

5 **Q** Did you ever come back up here and talk to
6 people up in this area?

7 **A** No.

8 **Q** Did somebody ever give you a business
9 card?

10 **A** No.

11 **Q** Nobody ever gave you a card, told them
12 they saw it too?

13 **A** No.

14 **Q** And you say you did another interview with
15 the FBI a week ago?

16 **A** I don't know the exact date, but it was no
17 longer than a week ago.

18 **Q** Where did that happen?

19 **A** The interview?

20 **Q** Uh-huh.

21 **A** I'm guessing at headquarters on Market.

22 **Q** Downtown?

23 **A** Yes, ma'am.

24 **Q** And the passenger that you said that was
25 in your car.

1 **A** Uh-huh.

2 **Q** So what happened to her?

3 **A** She end up taking off walking up to the
4 apartments where she was going, which is behind the
5 McDonald's, I don't know the name of the apartments,
6 but she had proceeded to go there.

7 **Q** When did she get out of your car?

8 **A** After I had parked.

9 **Q** So you -- she would have been in your car
10 when you passed by the police officer and heard what
11 the police officer said to you?

12 **A** Uh-huh.

13 **Q** You don't know this person's name?

14 **A** No, ma'am.

15 **Q** Why did you give her a ride?

16 **A** She was a familiar face, stayed by my
17 mother's house.

18 **Q** She's somebody you've seen before?

19 **A** Yes, ma'am.

20 **Q** And you know whereabout she lives?

21 **A** No, ma'am.

22 **Q** Is she African-American or white?

23 **A** She's black or African-American rather.

24 **Q** I'm sorry?

25 **A** African-American rather.

1 **Q** She is about how old?

2 **A** I say 20, 21.

3 **Q** You don't have any name for her?

4 **A** No, ma'am.

5 MS. ALIZADEH: All right. I don't have
6 anything else.

7 MS. WHIRLEY: I just have a couple things.

8 **Q** (By Ms. Whirley) When Mike Brown was
9 running, was the officer shooting at him at that
10 point while he was running?

11 **A** No, ma'am.

12 **Q** Okay. Did you ever talk to Mike Brown's
13 mother?

14 **A** I have seen her. She was out there, but I
15 didn't get to talk to her as far as like anything
16 dealing with this.

17 **Q** Did she know you were a witness to all of
18 this?

19 **A** Yes, not from me though, from other people
20 seen me out there or heard me out there yelling.
21 They must have told her that.

22 **Q** How do you know she knew that?

23 **A** I don't know that she knew if I seen it or
24 not.

25 **Q** You said from other people?

1 **A** Yes, yes, from telling.

2 **Q** What makes you think that she knew that
3 you saw it?

4 **A** Other people must have told her that I was
5 out there.

6 **Q** You never talked to her on the phone or
7 anything?

8 **A** No.

9 MS. WHIRLEY: .

10 I'm trying to
11 visualize your perspective but when the scene was
12 kind of concluding. You are still sitting in the
13 driver's seat of your car, when you are viewing, as
14 you said, Officer Darren Wilson, you said he's got
15 his gun aimed, you can see his back, are they
16 perfectly lined up, are they off to an angle, what's
17 your perspective?

18 **A** I can't understand, what's that.

19 I'm trying to understand
20 your perspective of what you saw from your car right
21 as the scene was concluded. I'm going to guess you
22 can see the back of Officer Darren Wilson, but are
23 they standing at an angle, are they perfectly lined
24 up, I guess, what is your perspective?

25 **A** I mean, where you coming from, as far as

1 after the first shot?

2 : The very end of the scene.

3 **A** The very end of the scene?

4 : Yeah. You said you could
5 see Officer Darren Wilson's back, but you were also
6 stating that you could that he see him shot in the
7 head, or you assume he shot him in the head. I'm
8 just trying to understand was that at an angle to
9 where he could see the front of Michael Brown and
10 the back of Officer Darren Wilson. Were they
11 straight on, what was your angle from your
12 perspective with respect to the vehicle?

13 **A** No, he was, whatever the officer name, he
14 was facing toward this way now on his intercom or
15 whatnot.

16 So you could see Officer
17 Darren Wilson's back?

18 **A** No, I couldn't. After everything is over
19 and Mr. Brown is on the ground, I see his face, back
20 side.

21 : You understand what I'm
22 saying?

23 Yeah, I do
24 understand what you are saying. I think you say you
25 could see Michael Brown turn around.

1 **A** Yeah, turned around. Oh, after I see
2 Mr. Brown when he turned around?

3 : Yes. Were you facing
4 Mr. Brown when he turned around and fell?

5 **A** As far as in my car, yes.

6 : And your back was to the
7 police officer at that time?

8 **A** The police officer's back was towards me.
9 Yes. The police
10 officer's back was towards you?

11 **A** Yes.

12 When he shot him while he
13 was laying on the ground?

14 **A** No, while he shot him while he was laying
15 on ground he's facing towards me.

16 : So how did he get from
17 facing Michael Brown and watching him fall, he
18 walked forward and shot him on the ground, how did
19 the officer's face get towards you, did he walk
20 around the body?

21 **A** Yes, he was just proceeding around the
22 body and got on his intercom, yes.

23 : So he was walking around
24 Michael Brown's body and then he shot him after he
25 walked around the body?

1 **A** No.

2 MS. ALIZADEH: I have a question to maybe
3 clear this up. From the point that Michael Brown
4 stops running and turns around, okay.

5 **A** Uh-huh.

6 MS. ALIZADEH: And the officer has been
7 chasing him and he's within 5 feet of him at that
8 point.

9 **A** Uh-huh.

10 **Q** He's directly in front of Michael Brown,
11 correct?

12 **A** Yes.

13 **Q** And you are behind the officer?

14 **A** Yes, facing him. That's the point where I
15 was --

16 MS. ALIZADEH: How could you see what
17 Michael Brown was doing if the officer is between
18 you and Michael Brown?

19 **A** Like you say, he was a big guy and that's
20 a nice amount of street where I can see. I saw him
21 with his hands up, yes.

22 **Q** But wasn't the officer partially blocking
23 your view of Michael Brown?

24 **A** Yes, partially, yes, he was blocking my
25 view, yes.

1 Q There is a part of Michael Brown that you
2 could not see because the officer was in the way?

3 **A** Yes, when I seen that his hands was in the
4 air.

5 Q Could you see Michael Brown's face?

6 A No.

7 Q The officer was blocking your view of
8 Michael Brown's face?

9 **A** Partially, yes.

10 Q Could you see the middle of Michael
11 Brown's thighs?

12 **A** No, no.

13 Q So the officer was blocking your view of
14 really all of Michael Brown's body except you could
15 see his hands in the air?

16 **A** Yes.

17 I think
18 you said that the distance between the officer and
19 Michael Brown, he is stopped and had his hands up in
20 the air was about approximately four to five feet?

21 **A** Uh-huh.

22 All right. And I think
23 you said that the officer had his hands with the
24 gun, right hand with the gun as it is fully extended
25 toward Michael Brown?

1 **A** Yes, ma'am.

2 : And then the officer shot,
3 he shot the gun at that time?

4 **A** He fired, yes, ma'am.

5 And that would have been,
6 I think, the second shot I think you said?

7 **A** Yes, ma'am.

8 : Okay. And then Michael
9 Brown falls forward, he is falling toward the
10 officer then; is that correct?

11 **A** He didn't like fall stumbling towards him,
12 once he shot him with his hands in air, he fell
13 right on the ground.

14 : Okay. All right. Into a
15 dead fall basically?

16 **A** Yes.

17 Okay. And so you said
18 that he never moved, you did not see Michael Brown
19 move any steps forward or any steps backward from
20 the officer?

21 **A** Yes, ma'am.

22 : At any time when you heard
23 that second shot, okay, before Michael fell, did you
24 see the officer move back, or forward or to the
25 right or to the left of Mr. Brown?

1 **A** Once Mr. Brown hits the ground, the
2 officer takes a step back.

3 A step back.

4 **A** Uh-huh.

5 My question is, I don't
6 know if you know the answer to this.

7 **A** I can answer it to the best that I can.

8 With Michael Brown being
9 6'5", and we have four to five foot difference, why
10 did Michael Brown's body not hit the officer when he
11 fell?

12 **A** I mean, I wouldn't know.

13 You wouldn't know, okay.

14 **A** I wouldn't know.

15 MS. WHIRLEY: If nobody else has
16 something, I have something.

17 You talked to the police, well, actually
18 the FBI, two agents on August the 18th. This is the
19 second interview, the first time you talked to
20 someone at our office.

21 **A** Uh-huh.

22 **Q** (By Ms. Whirley) On August 12th you talked
23 to a couple federal agents. Do you recall that, the
24 second time you interviewed?

25 **A** Uh-huh.

1 **Q** And was there too at that interview.

2 And on August the 18th, and I have a transcript of
3 it and nobody's seen it yet, but they will.

4 You told them, and tell me if this
5 refreshes your recollection or not. You told them
6 that there was one shot in the car and Mike Brown
7 was shot at four times while he was running away and
8 then he was shot two more times in the face once he
9 turned around, and then when he fell on the ground,
10 he was shot four or five more times?

11 **A** Uh-huh.

12 **Q** Do you recall saying that?

13 **A** No, ma'am. The majority of it, yes.

14 **Q** What part do you recall?

15 **A** As far as being shot at as he was
16 proceeding to run.

17 **Q** Okay. So today you said he wasn't shot at
18 while he was running, but you remember him being
19 shot at four times while he's running away now that
20 I refreshed your recollection?

21 **A** Yes.

22 **Q** Do you remember telling the officers that
23 he was shot two times in the face?

24 **A** No.

25 **Q** And you actually said face-to-face he was

1 shot, do you remember that?

2 **A** Yes.

3 **Q** Don't you remember telling the officers
4 that after he fell on the ground, he was shot four
5 or five more times while the officer stood over him?

6 **A** Yes, I remember that.

7 **Q** You remember that? Today I think you told
8 us he was shot once, right?

9 **A** Yes, ma'am.

10 **Q** What's the change for you?

11 **A** As far as like the FBI said in my last
12 interview, none of my forensic science added up to
13 it.

14 **Q** Okay. We want to know what you say. You
15 don't have to be concerned with forensic science,
16 none of us are forensic scientist.

17 **A** Yes.

18 **Q** We just want to know the truth and what
19 happened. So tell me why you changed your
20 statements as far as about how many times he was
21 shot or shot at?

22 **A** My calculation was off. How many shots
23 was fired. I had counted as far as how many shots
24 was fired, I had heard about eight or nine shots,
25 yeah.

1 **Q** And today you told us only three?

2 **A** Yes, only three that I know that he was
3 hit.

4 **Q** No, no, I asked you about the shots, this
5 is really important. I mean --

6 **A** Yes, ma'am.

7 **Q** We're here, we're spending a lot of time
8 trying to figure out what happened. And it's okay,
9 I just need to know the truth. I'm not trying to
10 give you a hard time, we just need to know the
11 truth.

12 **A** I understand.

13 **Q** You understand what I'm saying?

14 **A** Yes.

15 **Q** So which one is true, did you hear only
16 three shots total or this is like, he was shot once
17 and then shot four times and he's running away and
18 then shot two more times in the face, and then shot
19 four or five more times. That is like 10 or 11
20 shots total that you told them on August the 18th.

21 **A** Yes.

22 **Q** So was it actually three shots you heard
23 or was it 10, 11 shots you heard?

24 **A** Altogether I heard approximately about
25 eight or nine shots if I ain't hallucinating or

1 making it more than what I heard, about eight or
2 nine shots.

3 Q Now, you weren't hallucinating back when
4 you talked to the police, were you?

5 A Not that I know, no.

6 Q Could you possibly have been
7 hallucinating?

8 A What you mean?

9 Q You used the word hallucinating, what did
10 you mean by hallucinating?

11 A By how many shots was fired, I could have
12 counted more than what it was.

13 Q Do you think that's what happened, you
14 added more?

15 A Yes, how many shots was fired, yes.

16 Q Okay. And why would you do that?

17 A Uh, I mean, I heard about eight or nine
18 shots, but as far as hearing what the FBI was saying
19 and all about how they, how everything was off. I
20 try to push myself to actually concentrate on what
21 actually, how many shots was actually fired.

22 Because after all of this was over, I
23 went into a blur.

24 MS. ALIZADEH: You went where?

25 A I went to a blur of everything.

1 MS. ALIZADEH: After what was over?

2 A The whole shooting and all that.

3 MS. ALIZADEH: After the shooting?

4 Q (By Ms. Whirley) Okay. And again, this is
5 so important so I need to ask you because I'm really
6 kind of confused.

7 A Yes, ma'am.

8 Q How many shots did you really hear after I
9 refreshed your recollection, after what you told us
10 here today, what would you say as far as how many
11 shots you actually heard that day?

12 A I say about seven, eight shots.

13 Q Okay. Tell us where those shots occurred?
14 Like heard one shot at the car you said?

15 A Uh-huh.

16 Q Go ahead and tell us about the rest of the
17 shots.

18 A Well, I heard, as I'm dealing with my
19 passenger, I heard like two more shots.

20 Q What was happening?

21 A Mr. Brown was proceeding away.

22 Q He was running with his back to officer?

23 A Yes, ma'am.

24 Q When you heard two more shots?

25 A Yes, ma'am.

1 **Q** Okay, that's three.

2 **A** Yes.

3 **Q** Then what?

4 **A** That's when the officer and Mr. Brown came
5 face-to-face.

6 **Q** Okay. How many shots when he was
7 face-to-face?

8 **A** That was just the one I heard.

9 **Q** Did he appear to be shooting him in the
10 face the way you thought back on the 18th of August?

11 **A** Yes, I would have thought it was in the
12 face.

13 **Q** Okay. So that's like, now we're in four
14 shots, is that right, that's four?

15 **A** And that's when he hit ground.

16 **Q** He hit the ground and then what?

17 **A** I heard another one, two shots.

18 **Q** Okay. Now, back on the 18th you actually
19 told the police that you talked to Mike Brown's
20 mother, do you remember that?

21 **A** Uh-huh.

22 **Q** So you actually, actually I talked to her
23 the same day, but I haven't talked to her since.

24 **A** Uh-huh.

25 **Q** Did you talk to her?

1 **A** Uh-huh. I haven't heard --

2 **Q** No, no, no, did you talk to her the day of
3 the shooting?

4 **A** No, it was brief. I was there and your
5 son wasn't no threat and then after that --

6 **Q** Wait, wait, wait a minute. Okay. Now, my
7 question is, did you talk to her. Is that answer
8 yes?

9 **A** Like did I say anything to her?

10 **Q** You see how we're talking?

11 **A** Yes.

12 **Q** Okay.

13 **A** We didn't have a --

14 **Q** I'm going to ask you that. Did you speak
15 with her, let me rephrase.

16 Did you speak to Mike Brown's mother
17 at all the day of the shooting?

18 **A** Yes, ma'am.

19 **Q** Okay. Tell me how you spoke to her?

20 **A** Your son was no threat.

21 **Q** Did she ask you anything?

22 **A** No.

23 **Q** You just walked up to her --

24 **A** All she said was for me to just tell the
25 truth. Whether her son was in the wrong or was he

1 not in the wrong, that was all she said and that was
2 that.

3 Q Okay. And you said?

4 A Okay.

5 Q What did you say to her?

6 A As far as I seen her son wasn't a threat.

7 Q Okay. And then was there anything else
8 discussed?

9 A No, ma'am.

10 Q And tell us again how she knew how to come
11 talk to you about it?

12 A Other people in the complex.

13 Q How did they know that you knew anything?

14 A Some people was on the porch, I guess, and
15 some people I heard yelling out there.

16 MS. WHIRLEY: There may be more questions.
17 I just want to ask you, is there anything you want
18 us to know as far as this investigation goes that
19 you think is important to know and, you know, if you
20 want to change anything that you said, we need the
21 truth. We're not going to hold it against you at
22 this point, we want to know what really happened.

23 A Right.

24 Q (By Ms. Whirley) Is there anything you
25 want to change?

1 **A** No, ma'am. I'm just here to give you all
2 a little vision what I saw. I only remember so
3 much.

4 **Q** Okay. Is there anything else that you
5 think is important for us to know?

6 **A** No, ma'am.

7 MS. WHIRLEY: Okay. Other questions?

8 MS. ALIZADEH: So just basically,
9 , you're saying that you changed your
10 recollection of how things happened after the feds
11 told you it couldn't have happened the way you
12 originally described it, is that fair to say?

13 **A** Yes, that's when I went and try to
14 actually go on what I remember.

15 MS. ALIZADEH: And so now your memory has
16 changed?

17 **A** No, I'm remembering what I'm telling you
18 now.

19 MS. ALIZADEH: You told three different
20 stories in the time we've been here today. So I
21 want to know which one is really your memory or did
22 you see this at all?

23 **A** Yes, see, this is one of the reasons why I
24 didn't want to get involved because now I feel like,
25 y'all taking me as liar when I'm not and I was

1 there. I'm going to say once again, I know I was
2 there, I can only remember so much of what I'm
3 telling you. Whether that was two, three different
4 stories, I'm only going on so much that I can
5 remember.

6 MS. ALIZADEH: But you today said that the
7 reason that you changed your story today?

8 **A** Is because the FBI say my forensic science
9 wasn't right. So that's why I went back and try to
10 actually remember what I saw.

11 MS. ALIZADEH: So what is your memory
12 today, what is it? Were there nine shots, were
13 there ten shots, were there three?

14 **A** It wasn't nine, ten shots.

15 MS. ALIZADEH: What do you remember
16 happening as you sit here today, how many gunshots
17 did you hear?

18 **A** I can only remember when Mr. Brown got
19 shot leaving the vehicle, so when he got hit on the
20 ground.

21 MS. ALIZADEH: One shot when he was at the
22 car?

23 **A** Yes.

24 MS. ALIZADEH: And when was the next shot?

25 **A** When he was proceeding to run from the

1 vehicle.

2 MS. ALIZADEH: How many shots?

3 **A** Like two.

4 MS. ALIZADEH: Two now. Okay. And then
5 you saw him turn around?

6 **A** Yes.

7 MS. ALIZADEH: How many shots then?

8 **A** Just that one and that's when he landed to
9 the ground.

10 MS. ALIZADEH: And then he hit the ground?

11 **A** Yes.

12 MS. ALIZADEH: And then after he hit the
13 ground, how many shots?

14 **A** About two or three more shots.

15 MS. ALIZADEH: So now there's seven shots?

16 **A** Yes.

17 MS. ALIZADEH: All right. I don't have
18 anything else. Anybody else?

19 I just want to
20 proceed if you can provide any more context to that
21 statement you made right there at the end that he
22 wasn't a threat. You shared it with the officer,
23 you shared it with Michael Brown's mother, what
24 specifically was it that you personally that day
25 saw, heard, witnessed the actions that made you

1 assume that Michael Brown was not a threat?

2 **A** When he stopped and threw his hands in the
3 air.

4 : I have a couple
5 questions, this is When you first saw
6 this happen, at one point you said you were directly
7 behind the police officer's car?

8 **A** Huh?

9 : You were directly --

10 **A** In front of him.

11 : In front of the police
12 officer's car?

13 **A** Yes.

14 : And then at one point you
15 said you were maybe four or five car lengths away.
16 Did you stop four or five car lengths away?

17 **A** Before I was able to approach them, yes.

18 Okay. When you saw the
19 struggle going on even though there were no cars
20 between you, you were four or five car lengths away?

21 **A** Yes.

22 That is probably longer
23 than this whole room, right?

24 **A** Yes.

25 . At

1 least twice this room or more.

2 Twice this room. And you
3 are saying you can tell from twice the length of
4 this room that Michael Brown was trying to get away
5 from the police officer?

6 **A** Yes.

7 And the police officer
8 was pulling his shirt and his neck?

9 **A** Yes.

10 : And you could tell that
11 that far away and there's no possible way that there
12 was a struggle and Michael Brown could have been
13 frying to fight the police officer?

14 **A** No, that ain't what I saw.

15 : From that far away?

16 **A** Yes.

17 : So that leads me to
18 another question. So you're saying that the police
19 officer had his hand on Michael Brown's shirt?

20 **A** Yes.

21 : And his neck.

22 **A** Yes.

23 : And that is why he
24 couldn't get away?

25 **A** Yes.

1 : Because he had two hands
2 on him?

3 **A** Yes.

4 : And then you saw the gun
5 come out of the car?

6 **A** Uh-huh.

7 : And shoot Michael Brown
8 in the chest?

9 **A** Yes.

10 So whatever hand's left,
11 that leaves him one hand on Michael Brown to get the
12 gun?

13 **A** Yes.

14 : And then he shoots him?

15 **A** Yes.

16 : And it's at that point
17 after Michael Brown is actually injured that he's
18 able to get away?

19 **A** Yes.

20 : Why was he not able to
21 get away with all of his strength, non-injured but
22 he is able to get away injured. If the police
23 officer is that strong from a sitting position and
24 Michael Brown is over him, why was he not able to
25 get away when the police officer let go of one his

1 arms?

2 I mean, you got to understand, and I don't
3 mean any disrespect. I know what you had to see was
4 probably horrific, this is just not making sense to
5 me.

6 **A** Yeah, I got that 150 times.

7 I'm not saying you're
8 lying.

9 **A** If none of my stuff is making any sense,
10 like why do y'all keep contacting me, y'all keep
11 bothering me. I didn't want to get involved in the
12 first place.

13 : This is very important.

14 **A** I understand that and that's what drew me
15 to actually come in to say what I say and tell what
16 I saw.

17 : Can I ask you one more
18 question? Have you ever been in trouble with the
19 police?

20 **A** Yes, I've been to penitentiary and all of
21 that.

22 : Okay.

23 **A** So why would I bring myself here, why
24 would I give myself a free ticket to jail if y'all
25 want to accuse me of lying.

1 : I'm not accusing you of
2 lying, I want you to know that.

3 **A** No, I understand that. I'm just saying
4 that everybody is saying my stuff don't match up.

5 I would be true to
6 myself.

7 **A** I wouldn't bring myself here just let
8 y'all put me away from my family.

9 One more question. How
10 far up were Michael Brown's hands?

11 **A** They was in the air.

12 Were they here, where
13 they here, where they here? (indicating)

14 **A** I don't know, I don't have a direct
15 estimate, they was in the air.

16 Okay. Thank you.

17 From
18 where your position on the roadway on Canfield --

19 **A** Canfield.

20 -- Drive? The roadway
21 there, is it straight and level, or are you looking
22 on a downhill slope or --

23 **A** No, it don't do nothing but swerve.

24 It is straight and level?

25 **A** Yes.

1 It is level and curvy?

2 **A** Yes.

3 One quick

4 question. I think at one point you mentioned the
5 passenger in your car was a distraction. Can you
6 maybe go into what was distracting?

7 **A** She was yelling, screaming and jumping
8 telling me to get away from there, which I wasn't
9 going to pull off, you know, drive away from the
10 scene. I don't know what was capable of happening
11 me moving, so I just stood there.

12 A lot of chaos and
13 emotion.

14 **A** Yes.

15 Could that have distracted
16 you a little bit from the scene in front of you?

17 **A** Yes, sir.

18 Did that go on for how
19 long until you actually --

20 **A** Pulled up and parked, and that's when she
21 proceeded, she was sitting, she was watching what
22 was going on too. She proceeded to do what she was
23 doing. I didn't see her until there was a bunch of
24 police and people everywhere that she had come back
25 with some of her and her folks.

1 Okay.

2 When you
3 drove past the officer there, and you have made a
4 comment to the officer, I don't think I wrote it
5 down correctly, could you tell me what you said to
6 the officer again as you drove by?

7 **A** Why the fuck you shoot him like that.

8 Why the fuck you shoot him
9 like that. At any time did you think, I mean, if
10 you reportedly saw the officer shoot this guy in the
11 head, that he might turn and just shoot you and your
12 passenger?

13 **A** Yes, I felt that, I felt that. But at the
14 time I didn't, I mean, at the time I'm guessing he
15 didn't realize what he put himself into. So I
16 expected him like he might shoot me too, but I
17 wasn't too much worried about it. And that's why I
18 went on and proceeded to park and got out of my
19 vehicle.

20 Okay.

21 MS. WHIRLEY: Anybody else?

22 All right. , thank you for
23 coming. I know it seemed like we were really
24 questioning you.

25 **A** No, you are only doing your job. Like I

1 say, I only come here to give what I can remember.
2 Like as far as what she said, how they were saying
3 it at the FBI, if you wasn't there, just say you
4 wasn't there, but I was there and I'm not going to
5 say that. I'm not going to bring myself here to
6 give you y'all a free ticket to take me away from my
7 family.

8 MS. WHIRLEY: You were there, we don't
9 know exactly when you were there, but we certainly
10 saw on the video you talk about where you said he
11 was no fucking threat, that was you --

12 A Yes.

13 MS. WHIRLEY: -- on the video, okay. So
14 thank you again for coming and that concludes this
15 portion of the question and answer period. Thank
16 you , I'll take you out.

17 (End of the testimony of)

18 MS. ALIZADEH: This is Kathi Alizadeh. It
19 is 11:37 in the morning on October 20th. Sheila
20 Whirley is here with me as well as all 12 grand
21 jurors and the court reporter who is taking down and
22 recording what's being said.

23

24 of lawful age, having been first duly sworn to
25 testify the truth, the whole truth, and

1 nothing but the truth in the case aforesaid,
2 deposes and says in reply to oral
3 interrogatories, propounded as follows, to-wit:

4 EXAMINATION

5 MS. ALIZADEH: At this time we're going to
6 pause the recording and I will have the witness
7 introduce self and identify self and then
8 after that I will refer to by a number, by
9 Witness Number 38.

10 BY MS. ALIZADEH:

11 Q would you introduce yourself for
12 the grand jurors, please?

13 A My name is

14 Q you are a little soft spoken
15 and that microphone in front of you does not amplify
16 your voice.

17 A I'll speak louder.

18 Q If you speak loud enough that I can hear
19 you back here, I know that they can all hear you.

20 A My name is

21 Q And, how old are you?

22 A I'm years old.

23 Q And where do you live?

24 A On Canfield.

25 Q So you live in the Canfield Green

1 Apartment Complex?

2 **A** Yes, I do.

3 **Q** And how long have you lived in those
4 apartments?

5 **A** I have lived in those apartments for
6 years.

7 **Q** And so at this time, I will instruct the
8 court reporter here in a second to begin the audio
9 recording. And after we begin the audio recording,
10 I'm going to refer to you as Witness Number 38, is
11 that all right?

12 **A** Okay.

13 **Q** You understand that?

14 **A** I understand.

15 **Q** So, Witness Number 38, you just mentioned
16 to the grand jurors a bit ago that you live in the
17 Canfield Apartment Complex, correct?

18 **A** I do.

19 **Q** And can you use the laser pointer that's
20 in front of you, and I'm going to direct your
21 attention to a map, which we have marked as Grand
22 Jury Exhibit Number 25. Do you recognize the
23 streets and buildings here as an aerial view of the
24 apartment complex?

25 **A** I guess.

1 **Q** So here is Canfield Drive?

2 **A** Okay.

3 **Q** And this street runs through the complex?

4 **A** Right.

5 **Q** So to the left of the map, out of sight, I
6 guess, not on the map is West Florissant?

7 **A** Uh-huh.

8 **Q** And driving this direction or east you hit
9 the Northwinds Apartments?

10 **A** That's correct.

11 **Q** Now, do these streets look familiar to
12 you?

13 **A** Yeah.

14 **Q** Can you say, can you use that pointer and
15 show me what building you live in?

16 **A** I guess the address.

17 **Q** There are numbers on it if it would help
18 you, I can bring it closer to you if you want to see
19 if you recognize the number of your unit.

20 **A** Oh, yes, I do, sorry.

21 **Q** So using that pointer, can you point where
22 your apartment is?

23 **A** (Indicating)

24 **Q** So this apartment is the front of this
25 apartment on Canfield Drive?

1 **A** Yes, it is.

2 **Q** And is your apartment unit actually facing
3 Canfield Drive?

4 **A** Yes.

5 **Q** What floor do you live on?

6 **A** I live on the

7 **Q** We've had other people kind of, we've seen
8 pictures of the building and had people describe it
9 for us, but am I correct that there's a front door
10 to your unit that leads to like a deck area?

11 **A** Yes, porch, deck area.

12 **Q** Okay. And then there's steps, exterior
13 steps that you would take to get down to the ground
14 level, correct?

15 **A** That's correct.

16 **Q** Is there any other way out of your
17 apartment?

18 **A** One way in, one way out.

19 **Q** Okay. So on the day of August 9th of
20 2014, which was a Saturday, were you home that
21 morning?

22 **A** Yes, I was.

23 **Q** To the best of your recollection, was
24 there anything unusual or special that was going on
25 that day for you?

1 **A** A normal day.

2 **Q** And somewhere during the day, at some
3 point during the day did you leave your apartment
4 building?

5 **A** Yes, I did.

6 **Q** And where were you going to go?

7 **A** To the trash dumpster in the back.

8 **Q** And so did you have some trash with you?

9 **A** Yes, I had a bag of trash.

10 **Q** And do you recall like what time of day it
11 was?

12 **A** I'm sorry, I don't.

13 **Q** Was it light outside?

14 **A** Oh, yes.

15 **Q** And from what we know, is that August 9th
16 was a sunny day?

17 **A** Yes.

18 **Q** No rain, is that your recollection?

19 **A** No rain, sunny day, uh-huh.

20 **Q** And so when you exited your apartment, you
21 would of had to have come out the front; is that
22 correct?

23 **A** Yes, uh-huh.

24 **Q** Did you go directly down the stairs?

25 **A** Yes, I did.

1 **Q** Can you use the laser pointer and show me
2 where the dumpster is that you were taking the
3 trash?

4 **A** Let's see, that's kind of hard to say
5 because it is in the back of the building.

6 **Q** I'm going to use my finger and point, is
7 this the back of the building or is this the back of
8 the building?

9 **A** Let's see, that's kind of hard to say,
10 that's Canfield.

11 **Q** Look at me for a second. Think to
12 yourself when you walk out of the building, which
13 direction do you turn?

14 **A** I turn to the left.

15 **Q** Okay. And then you go downstairs and when
16 you go down the stairs, are you facing Canfield when
17 you come off the stairs or?

18 **A** Facing Canfield.

19 **Q** Okay. So you're facing Canfield. So what
20 direction do you turn to get to the trash?

21 **A** To the left.

22 **Q** To the left?

23 **A** Uh-huh.

24 **Q** Do you turn all away around 180 degrees.
25 So, in other words, you come down here now?

1 (indicating)

2 **A** Right.

3 **Q** Is this a walkway?

4 **A** That's a walkway.

5 **Q** Is this the walkway you take to get to the
6 trash dumpster or did you go this way? (indicating)

7 **A** Let's see, that's a little confusing. All
8 I know is I turn to the left where the parking area
9 is. I go around the building to the back by the
10 trash dumpster.

11 **Q** Okay. So you were walking in this
12 direction down this parking area? (indicating)

13 **A** I would think so.

14 **Q** Okay. So when you came out of your
15 apartment, did you see anything unusual?

16 **A** Well, saw a few people around, you know,
17 and other than two boys walking down the street.

18 **Q** Okay. So you saw two boys walking down
19 the street?

20 **A** Uh-huh.

21 **Q** And did you recognize either of those
22 boys?

23 **A** No, I didn't.

24 **Q** And when you say boys, are we talking
25 about little boys, we talking about teenagers or

1 adults?

2 **A** Well, I assumed they were teenagers, they
3 were big kids.

4 **Q** And where were they walking, what street
5 were they on?

6 **A** They were on Canfield.

7 **Q** And were they walking, if going down this
8 way is east, were they walking east or were they
9 walking that way?

10 **A** West. I would say west because they was
11 headed back towards the Northwinds Apartments.

12 **Q** So they were headed towards the
13 apartment --

14 **A** They wasn't headed towards West
15 Florissant, they was headed away from West
16 Florissant.

17 **Q** Okay. Like they had come from that?

18 **A** Yes, like they had come from the West
19 Florissant area.

20 **Q** And can you use the pointer and show me
21 where they were when you first saw them walking down
22 the street if this is your building?

23 **A** That's my building. I'm sure they was a
24 little east of my building, so I guess maybe right
25 along in there or something. (indicating)

1 **Q** Okay. There's a white car that's in this
2 map, it just happens to be there when the satellite
3 took this picture, was it around the area where that
4 car is?

5 **A** See, I didn't see a car at first until I
6 saw --

7 **Q** Okay. This car wouldn't have been there,
8 this is just a map, this was there when they took
9 the aerial shot. So you saw them and where were
10 they in the street?

11 **A** They were walking along by the sidewalk.

12 **Q** Okay. Could you see the fronts of them or
13 the backs of them?

14 **A** I guess the sides of them, you know.

15 **Q** Okay. And so were they actually in the
16 street or on the sidewalk?

17 **A** They were like along the curb sides of the
18 streets.

19 **Q** Still in the street?

20 **A** Yes.

21 **Q** And when you first saw them, did you
22 notice anything about them?

23 **A** No, I just glanced and came around the
24 building.

25 **Q** Anything about them like one was bigger,

1 one was smaller, one was older, one was younger,
2 anything like that?

3 **A** I couldn't tell their age, but one was
4 bigger, a bigger kid and the other kid, excuse me,
5 was a thinner kid, you know, uh-huh.

6 **Q** Do you remember anything about what the
7 bigger kid was wearing?

8 **A** I sure don't because I didn't focus in on
9 that.

10 **Q** Okay. And what about the smaller kid, do
11 you remember anything about him, like his hair?

12 **A** I think he had maybe like dreadlocks or
13 something, uh-huh.

14 **Q** Do you remember long dreadlocks or shorter
15 dreadlocks?

16 **A** I don't think they were long. Maybe at
17 the end of the neck or a little below that.

18 **Q** Okay. Could you hear if they were
19 speaking to each other?

20 **A** No.

21 **Q** And what did you witness next?

22 **A** Uh, next I notice the police car saying
23 something to them because he had kind of cut in
24 front of them, kind of angled his car in front of
25 them.

1 **Q** So you recognize that car as a police car?

2 **A** Yes.

3 **Q** Do you remember what kind of car? I don't
4 mean like brand or the model, was it a sedan, was it
5 a truck, was it a SUV, was it a van?

6 **A** I probably say it was something like a SUV
7 or something, a cruiser car or something.

8 **Q** All right. And so you said that the
9 officer's car, looked like it cut them off?

10 **A** Yes, he was saying something to them and
11 then he angled his car kind of in front of them.

12 **Q** Which direction was the car, was the
13 police officer's car on Canfield then?

14 **A** Yes.

15 **Q** And which direction was the police
16 officer's car facing?

17 **A** West, I would say just like he came from
18 West Florissant area too.

19 **Q** Just to clarify, this is east and that's
20 west.

21 **A** Okay.

22 **Q** And this is West Florissant over here.

23 **A** West Florissant over there.

24 **Q** Yeah, West Florissant is over here. So
25 does that change what you think about, you still

1 recognize that as where you live?

2 **A** That is where I live, yes.

3 **Q** Okay. Do you know if the officer's car
4 was actually moving and driving, would it be going
5 toward West Florissant?

6 **A** No.

7 **Q** Or toward Northwinds?

8 **A** Northwinds.

9 **Q** So did you see the officer's car moving?

10 **A** Well, I saw the officer pull up next to
11 them and he was saying something to them, I don't
12 know what. And then I saw him just kind of cut
13 angle in front of them.

14 **Q** Okay. And so is it you don't know what
15 because you couldn't hear anything from that
16 distance?

17 **A** No, I didn't hear anything.

18 **Q** Why is it that you said that he said
19 something to them, what makes you think that?

20 **A** Well, I saw him, I mean, I heard, I didn't
21 hear what he was saying, but I saw him talking to
22 the boys, you know. What he said, I don't know.

23 **Q** Okay. So both boys were at the officer's
24 car at that point?

25 **A** Yeah, they were both together walking.

1 **Q** Okay. And so then you said you saw the
2 officer then angled his car and kind of cut them
3 off?

4 **A** Yes.

5 **Q** And what did you see happen then?

6 **A** I kept on going toward the dumpster and
7 then I heard, I guess it turned out to be a shot. I
8 kind of looked over my shoulder and looked back. I
9 didn't see anything, so I kept going around to the
10 dumpster head around the corner.

11 **Q** Okay. So after the officer angled his car
12 and kind of cut the boys off.

13 **A** Yes.

14 **Q** You then continued to the dumpster?

15 **A** Yes, uh-huh.

16 **Q** Does that mean you went around to the back
17 of the building?

18 **A** Right.

19 **Q** After you continued to the dumpster then,
20 was the building in between you and the car and the
21 boys to where you couldn't see them?

22 **A** I couldn't see them, huh-uh.

23 **Q** And now you said you heard a gunshot?

24 **A** Before I turned the corner, yes.

25 **Q** And so before you turned the corner, you

1 heard a gunshot, how many gunshots?

2 **A** I'm sorry, I thought it was only one.

3 **Q** All right. And have you heard gunshots
4 before?

5 **A** Oh, yeah.

6 **Q** Did you recognize that as a gunshot or did
7 you think maybe it was firecrackers?

8 **A** I just assumed it was a gunshot.

9 **Q** Okay.

10 **A** Uh-huh.

11 **Q** And so when you said you looked back at
12 that point.

13 **A** Uh-huh.

14 **Q** And you didn't see anything?

15 **A** I didn't see anything, so I kept going.

16 **Q** And so you kept walking toward the
17 dumpster?

18 **A** Kept walking toward the dumpster.

19 **Q** And then what happened?

20 **A** And then after I turned the corner of the
21 building going to the dumpster, I heard a series of
22 gunshots. And then I ran and I ducked between some
23 cars because I didn't know what was going on, if it
24 was a battle out there or not, and I ducked between
25 the cars.

1 **Q** Can you give me an idea of how many
2 gunshots, when you said it was a series of gunshots?

3 **A** I can't say. I knew it was more than
4 five, I would say I knew it was more than that.

5 **Q** Okay. Were these gunshots in a quick
6 succession like one after another or were there
7 pauses between them?

8 **A** Seemed like one after another.

9 **Q** From the time of the first gunshot until
10 the succession of gunshots, can you give me an idea
11 of how much time past?

12 **A** No, not really because I kept walking and
13 I turned the corner of the building going to the
14 dumpster, so it wasn't that long.

15 **Q** So from the time it would take you to walk
16 and turn the corner toward the dumpster?

17 **A** Uh-huh.

18 **Q** And so you said after you heard the series
19 of gunshots, you ducked behind some parked cars?

20 **A** Yes, I did.

21 **Q** And did you see anything else after that?

22 **A** People coming out of their building.

23 After that, hearing the gunshots, a lot of people
24 started coming out of the buildings. And I stayed
25 back there for a few minutes because I didn't go in

1 the front, but people was coming on the front.

2 Q Okay. So now you know the boy that got
3 shot, Michael Brown, you know his name now?

4 A I know his name, but I did not know him
5 before that.

6 Q Okay. Did you see him get shot?

7 A No.

8 Q All right. So what about the officer,
9 when he was inside his police car, could you see
10 him?

11 A No, I couldn't.

12 Q Did you ever see that officer get out of
13 his car?

14 A See, I wasn't looking then. My back was
15 toward that.

16 Q Okay. Did you ever see the officer at the
17 scene later where you said oh, that's the guy?

18 A No, I couldn't.

19 Q Do you think if you saw him today you
20 would recognize him?

21 A No, even seeing him on television I still
22 wouldn't recognize him.

23 Q From your vantage point he was always
24 inside the vehicle?

25 A Yes.

1 **Q** When you were, when you looked and you saw
2 the boys at the vehicle after the police car cut
3 them off.

4 **A** Uh-huh.

5 **Q** What side of the police vehicle were they
6 on? The driver's side or the other side?

7 **A** Well, they were on the street curb and the
8 car came at an angle, I guess they was on the other
9 side, yeah.

10 **Q** So not the driver's side, but the other
11 side?

12 **A** The other side, right.

13 **Q** Okay. And that's because you think the
14 officer's car was headed towards Northwinds?

15 **A** Yes.

16 **Q** If the officer's car was headed toward
17 West Florissant, what side would they have been?

18 **A** They would have been on the driver's side
19 then.

20 **Q** Okay. When you turn and you saw the boys
21 at the car, were they near the front, near the back
22 bumper or near like a window?

23 **A** Near the door I would think.

24 **Q** And when you turn and look and saw the
25 boys at the car, was the car, was the police car in

1 between you and the boys?

2 **A** Oh, yes.

3 **Q** So could you see if the boys were standing
4 at the car, could you see the boys' hands and what
5 they were doing?

6 **A** No, the car was blocking it.

7 **Q** Okay. Could you see the bigger boy, was
8 his head taller than the police car, could you tell
9 he was standing there?

10 **A** You know, I don't know because I didn't
11 focus in on that, you know. I know people are
12 stopped all the time, so I'm not focusing in on
13 that. I'm trying to get to the trash dumpster, I
14 had food on the stove.

15 **Q** So did you ever make it to the dumpster?

16 **A** Yeah, eventually after I stayed back there
17 for a while and everybody started coming out of
18 their apartments, then I went to the trash dumpster
19 and then I came back around to the front of my
20 building, already they had put the yellow tape up
21 and wasn't letting anybody by. I told the officer I
22 live here in this building, I just went to the trash
23 dumpster, I have food on my stove cooking and he let
24 me beyond the yellow tape.

25 **Q** Okay. So after you came out from where

1 you were crouching or hiding?

2 **A** Uh-huh.

3 **Q** You went and put your trash in the
4 dumpster and then came, walked toward Canfield Drive
5 at that point?

6 **A** Yeah, back around to my building, yes.

7 **Q** You could see the yellow tape was up?

8 **A** The yellow tape was already up.

9 **Q** And then did you go into your building
10 after the officer let you past the yellow tape?

11 **A** Yes.

12 **Q** And then did you ever come out of your
13 building again?

14 **A** Oh, yes. I came back out because people
15 was congregating. I heard all the noise outside and
16 everything. I checked my food and then I came back
17 out on my porch.

18 **Q** So you came outside, but you didn't come
19 down to the ground?

20 **A** Oh, no, I didn't come back down.

21 **Q** So when you came out, well, let me ask you
22 this. When you came back around to get back in your
23 building, did you go in the front way?

24 **A** There's only one way in.

25 **Q** Could you see Michael Brown's body in the

1 street?

2 **A** Yes, I did.

3 **Q** Did you recognize him as the same boy?

4 **A** See, they had a cover on him.

5 **Q** Okay. So by the time you saw him the body
6 was covered up?

7 **A** Covered up, uh-huh.

8 **Q** And then later that day police officers
9 knocked on your door and asked you if you saw
10 something; is that right?

11 **A** Uh, was it that day? I think it was later
12 that day. I'm not sure if it was that day or the
13 next, a detective came up there.

14 **Q** A detective?

15 **A** Yes.

16 **Q** And you talked to him for a couple
17 minutes?

18 **A** Yes.

19 **Q** And then about a week later some FBI
20 people?

21 **A** Yes.

22 **Q** Knocked on your door?

23 **A** Yes.

24 **Q** And you talked to them for a few minutes?

25 **A** I talked to them.

1 **Q** Okay, all right. Ma'am, how is your
2 vision, how is your eyesight?

3 **A** My eyesight is not bad.

4 **Q** Okay. And you and I talk a little bit
5 before you came in here?

6 **A** Uh-huh.

7 **Q** You had told me that sometime after this
8 incident you had cataract surgery?

9 **A** That's correct.

10 **Q** Prior to having the cataract surgery, was
11 your vision impaired by the cataracts?

12 **A** My vision is about the same after I got
13 the cataracts off, uh-huh.

14 **Q** So you didn't think you had a problem with
15 your vision?

16 **A** No.

17 **Q** Did you even know you had cataracts?

18 **A** No, not until the doctor told me they was
19 growing.

20 **Q** Okay. So what about your hearing, ma'am,
21 how is your hearing?

22 **A** I have pretty good hearing.

23 **Q** Okay. And what about, so you don't need
24 anything to aid you with hearing?

25 **A** No, I don't.

1 **Q** And how about your memory, I asked you, I
2 told you I was going to ask you about your memory?

3 **A** My memory is pretty good for a person of
4 my age, I would say my memory is pretty good.

5 **Q** Okay. Is there anything about what you
6 saw that day, anything else that you think is
7 important for us to know?

8 **A** I've told you all I've seen, you know.
9 Nothing else I can tell you other than what I saw
10 that day, you know. And I just got through saying
11 what I saw that day.

12 I didn't see the whole incident, like
13 I told the detective and the FBI. All I can tell
14 you is the little bit that I did see.

15 **Q** Okay. And I told you how important it is
16 that everybody who saw something --

17 **A** Yes.

18 **Q** -- comes in and tells what they saw.

19 **A** Right.

20 **Q** All right. And since this has happened.

21 **A** Uh-huh.

22 **Q** Have you participated in any like protest
23 or vigils?

24 **A** Oh, no.

25 **Q** Do you know Michael Brown's family?

1 **A** Other than seeing them downstairs when the
2 incident happened and seeing them on television, no,
3 I don't know them.

4 **Q** How about Ferguson police officers, do you
5 know any Ferguson police officers?

6 **A** I don't know any Ferguson police officers.
7 MS. ALIZADEH: Okay. I don't have any
8 others request.

9 **Q** (By Ms. Whirley) Witness 38, hi, how long
10 have you lived in the apartments?

11 **A** I have lived there years.

12 **Q** Okay. I bet you've seen a lot change over
13 those years?

14 **A** I've seen a lot change, yeah.

15 **Q** What's the relationship with the police
16 then and the residence in that area?

17 **A** I haven't had any incidents with them, so
18 I can't say.

19 **Q** Okay.

20 **A** You know.

21 **Q** You don't know of any particular incidents
22 that have occurred there with the police?

23 **A** No.

24 **Q** Okay. When the officer, I'm going back to
25 the incident, when the officer was inside the police

1 car, I think you said you were going toward the back
2 to empty the trash?

3 **A** Yes.

4 **Q** You heard a series of shots, you thought
5 about five shots?

6 **A** Five or more.

7 **Q** Five or more?

8 **A** Uh-huh.

9 **Q** You may or may not be able to answer it.
10 What I'm trying to find out is was the officer
11 inside the car when you heard the shot or you don't
12 know?

13 **A** See, I had turned the corner when I heard
14 the shots, and then I ran and duck behind some cars.
15 So I couldn't tell you whether he was outside of the
16 car or inside, because I couldn't see. I was around
17 the corner.

18 **Q** Okay. The first shot he was in the car?

19 **A** Yes.

20 **Q** Okay. The others you don't know?

21 **A** No, I don't know.

22 **Q** And you never saw Michael Brown after he
23 was in the street talking to the officer?

24 **A** No.

25 **Q** Was he in the middle of the street?

1 **A** No, they was along the curb side.

2 **Q** When you saw him walking before the police
3 made contact, he was not in the middle of the
4 street?

5 **A** Not in the middle of the street, they was
6 on the curb side.

7 MS. WHIRLEY: All right. I think that's
8 all I have.

9 Do you recall
10 when the officer's vehicle, Darren Wilson's vehicle
11 was next to the two individuals, do you recall if he
12 had his lights or sirens on?

13 **A** No, he didn't have sirens on.

14 Any lights that you saw?

15 **A** It was daytime, you mean the lights on
16 top? No, no, no.

17 Thank you.

18 MS. WHIRLEY: Anybody else?

19 MS. ALIZADEH: Anyone else?

20 At
21 that time when you first saw the police officer and
22 his car whatever, did you see any other vehicles
23 stopped behind the police officer's car?

24 **A** No, I didn't see any other vehicles.

25 You saw no other vehicles?

1 **A** No.

2 Did you notice any other
3 vehicles coming the opposite direction, like they're
4 coming off the West Florissant direction if they was
5 stopped there?

6 **A** No, I didn't. Because I didn't really
7 focus in on that, you know, this is just an everyday
8 Saturday thing where I'm taking my trash down. So I
9 didn't see any, I just didn't focus in on that.

10 Okay. Thank you.

11 **A** Uh-huh.

12 MS. ALIZADEH: Anyone else? All right.
13 This will conclude the testimony of this witness.

14 (End of the testimony of Witness 38.)

15 MS. WHIRLEY: It is October the 20th, 2014
16 it is approximately 1:22 p.m. We are resuming our
17 evidence in the Michael Brown shooting. I'm Sheila
18 Whirley, the 12 grand jurors are present and also
19 the court reporter. Kathi Alizadeh is out of
20 the room right now, she will join us probably
21 momentarily.

22 We're going to start this afternoon with
23 two statements, as much as we can get through, of
24 . He testified here this morning.
25 And as he testified, he spoke to a chief

1 investigator from our office, his name is
2 , I think he pronounces it ,
3 the G is silent. He actually talked with
4 on the phone. That's Grand Jury Exhibit
5 Number 17.

6 And then we have another statement from
7 , which Grand Jury Exhibit Number 49,
8 where he spoke with the FBI. With that bit of
9 introduction we can stop the recording and we'll go
10 ahead and play the phone call. The phone call is
11 like 16 minutes or so, and I think that his
12 statement is less than an hour, so we'll see how
13 much we can get through.

14 (Grand Jury Exhibit Number 49
15 marked for identification.)

16 MS. WHIRLEY: All right. We're back on
17 the record. We are going to top this recording at
18 39:13, 39 minutes, 30 seconds. And then we'll start
19 up there when we meet again.

20 It is approximately 2:29 p.m. This is the
21 end. I'm Sheila Whirley, here with Kathi Alizadeh,
22 all 12 jurors and the court reporter. That
23 will conclude our day, thank you.

24 (End of Grand Jury Volume 14.)

25

1

2 State of Missouri

3

SS.

4

County of St. Louis

5

I,

,

a Licensed Certified Court

6

Reporter by the Supreme Court in and for the State

7

of Missouri, duly commissioned, qualified and

8

authorized to administer oaths and to certify to

9

depositions, do hereby certify that pursuant to

10

Notice in the civil cause now pending and

11

undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

14

by the grand jury first carefully examined and duly

15

cautioned and sworn to testify to the truth, the

16

whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

20

into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

24

is in all respects a full, true, correct and

25

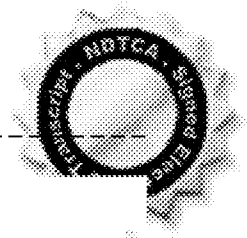
complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XIV

12

13 10/20/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XV

Date: October 23, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 23, 2014

VOLUME XV

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 23th day of October, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XV

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is Thursday,
5 October 23rd at 9:06 a.m. This is Kathi Alizadeh,
6 Sheila Whirley is also present, all 12 grand jurors
7 are present as well as , the court reporter,
8 and we need to take up a few matters before we begin
9 with witnesses today.

10 Um, I would imagine all of you, I mean,
11 most of you, if not all of you, have been aware that
12 there have been media reports out there that seem to
13 indicate that there are leaks in the investigation
14 and that reports have been leaked and testimony has
15 been leaked and so forth.

16 And first off, as I've said from the very
17 beginning, you all have to be guided by what occurs
18 in this room. We all know sometimes the media
19 doesn't get things right, but you know, if you do
20 read those things, you need to make sure you take
21 that with a grain of salt. You all have heard all
22 the evidence together, so you know what you have
23 heard and seen.

24 But I do want to say, and Sheila and I
25 have had a conference, we've had a conference with

1 Mr. McCulloch, we've had conferences with a lot of
2 others, with the County Police Department and
3 everything, and I can assure you that we know that
4 the leak, that the leaks are not coming from the
5 grand jury. There is no doubt in our minds that
6 none of you are the source of that.

7 And to tell you the truth, one of the
8 reasons that I know that is the medical examiner's
9 report is out there and I've looked at what's out
10 there, what was leaked by the Post-Dispatch, it was
11 put out there by the Post-Dispatch and I can tell
12 you it is not the copy that you have. It is the
13 medical examiner's report, but every medical
14 examiner's report that we get has a stamp on it. It
15 says not for secondary release.

16 And the report that is out there that was
17 published by the Post-Dispatch does have that stamp
18 on there, but it is not the same stamp that I have,
19 and I know it is not the same stamp that is on your
20 copy.

21 So it says the same thing, but their's is
22 in a straight line and it is different looking than
23 our stamp, the stamp that we have on our copies.

24 And the same thing with the County Police,
25 it is different than the stamp that they have from

1 their copies.

2 So wherever this came from, it did not
3 come from our office, it did not come from you guys.
4 You don't have a copy that looks like that, it did
5 not come from the County Police.

6 And the other reason why we're fairly, not
7 fairly, we're 100 percent confident that this is not
8 coming from the grand jurors or from the County
9 Police is that in the very beginning when there was
10 a supposed leak, this was a story that was broken by
11 the New York Times, but it was their Washington
12 Bureau that published the story and they cited their
13 source as a government official who had been briefed
14 on the civil rights investigation.

15 We are sharing our information with the
16 federal government because they are conducting their
17 own independent investigation and so they have all
18 the same reports and the same things that we have.

19 And so we are confident that the leak is
20 someone in probably the Department of Justice and is
21 not coming from St. Louis County Police, not from
22 our office, and not from this grand jury.

23 I know you all maybe were concerned about
24 that, but we are 100 percent confident that we're
25 all good.

1 The other reason being you all don't take
2 your things home with you. We collect your
3 materials before you leave so that being said, I
4 just want everybody to know that we still have
5 complete confidence in the grand jury and the
6 judicial system and we know that you're going to do
7 your duty and you're going to be guided by the
8 evidence that you've heard during your
9 investigation.

10 So that's the first thing. Anything else
11 that we discussed that needs to be said?

12 The other thing that we have talked about
13 at the very beginning of this process we kind of had
14 set a goal for ourselves that we were going to try
15 to complete this by mid November.

16 If you recall that was originally the idea
17 that we could extend the grand jury or that it could
18 be a six month term and that would put you at like
19 mid November. It was then again extended to
20 January, that was done just out of an abundance of
21 caution in case we didn't get done by mid November.

22 We still would like to finish by mid
23 November. I can tell you that the light is at the
24 end of the tunnel so to speak. We have discussed
25 what we have left to put on and I will tell you

1 there are approximately 15 eyewitnesses or lay
2 witnesses who we believe would have valuable
3 testimony to give. However, I will tell you that I
4 don't know, we are making our best efforts to get
5 everyone in, but I can tell you that you some of
6 these witnesses are resisting.

7 Some of them have frankly said there is no
8 way I'm coming in, no way I'm going to testify.
9 We're trying to get witnesses under subpoena, but if
10 you knock on the door and nobody answers, we have no
11 right to, you know, kick in the door and serve them
12 with a subpoena.

13 We can only do so much. So even though we
14 have potentially 15 lay witnesses that we may still
15 call, I expect we are not going to be able to call
16 all of those witnesses. We are going to do our
17 best.

18 But in the event that we want to wrap this
19 up, if we try our best to wrap this up in mid
20 November, we talked about possibly going to again a
21 three day a week schedule. That would, you know,
22 again, we're trying to get this completed and by all
23 means, there is no deadline so you all don't feel
24 that you have the time, there is no magic date,
25 there is no reason this hasn't to be done on a

1 certain date.

2 With that in mind, if you can talk during
3 your lunch break today about your November schedule
4 because we don't have any dates yet for November and
5 think about including an additional day.

6 I know you've been very generous to give
7 us two days a week, and keep in mind as well that
8 from the very beginning we've said if you all need
9 to meet in the evening or Saturday or Sunday, even
10 if it is a half day on Saturday or Sunday, we will
11 be there, we will do it.

12 The other thing that we talked about is
13 that there was a question early on about possibly
14 getting the police vehicle for you all to see for
15 yourself, which I've already investigated that and
16 we can't.

17 It's been repaired, so it has a window in
18 it now and I haven't seen it myself whether or not
19 the demarcation where the bullet hole was, I don't
20 know if that's still there. But I know that you are
21 interested in how big the vehicle is, how tall it
22 is, what it might be like to stand next to it and so
23 forth.

24 We can have that done a number of ways.
25 We can have that done a number of ways. We can

1 bring that here and made available for you in the
2 parking garage for you all to get in, examine, get
3 around. However, if we do it here, it would be wise
4 not to do it during business hours, because there's
5 really no place in the parking garage where we can
6 do this where people won't see you up and around a
7 Ferguson Police car.

8 We have construction workers in the
9 parking garage, there are county employees, we have
10 just members of the public that can park in the
11 parking garage.

12 If you would like to see the vehicle here
13 in this location, I would suggest that maybe if we
14 do that on an evening or weekend where nobody will
15 be down here, no construction workers, very few
16 county employees.

17 The other possibility is that we could
18 bring the vehicle to the St. Louis County Police
19 Academy, which is in Wellston, it is maybe a 15
20 minute drive from here. We put you all in a van and
21 take you out there.

22 They've got a secure garage and you could
23 exit there. If you recall Detective talked
24 about it, they had towed it to their garage which is
25 a secure facility here in Clayton. I can

1 investigate whether or not that garage might be
2 available.

3 The problem with that is, it contains
4 other evidence, there might be things in there the
5 County Police may say, yeah, we can't let these
6 people in here, we have other evidence in other
7 cases and it would be compromised, the integrity of
8 other investigations. So, plus I'm not 100 percent
9 sure that that garage is even still there.

10 They're in the process of demolishing
11 buildings, that might not even be available, but
12 those are a couple options bringing it here and
13 seeing it on a weekend or evening or taking a field
14 trip to the police academy to exit there. So you
15 guys can talk about that as well.

16 Sheila has a better recollection than me,
17 so I have to always ask her did I forget everything.

18 MS. WHIRLEY: She has the gift of grab.

19 MS. ALIZADEH: I do. I'm the mouth and
20 she's the brains. So you all had asked for a
21 topographical map at some point, I have one that I
22 will pass out today. Don't know how helpful it is
23 going to be for you. I looked at it, I don't know.
24 It is the only one that we can come up with without
25 actually, you know, I guess hiring a company to go

1 out there and do that.

2 And then also you had asked for the floor
3 plans of the apartments in the complex, I've got
4 that as well.

5 Also, there was a question about whether
6 or not we were going to call Dr. , the
7 pathologist who was hired by the family of Michael
8 Brown to perform an independent autopsy. It was
9 actually the second autopsy on the remains.

10 There was then later a third autopsy that
11 was done by the Department of Defense medical
12 examiners, which I expect we'll call one of them to
13 tell you what their findings were.

14 We have contacted the attorney who
15 represents the family of Michael Brown and asked
16 that they contact Dr. and invite him to
17 testify.

18 So we haven't heard back if he's going to
19 be available to do that, or if he's willing to do
20 that, but we're going to make those efforts to try
21 to get him here because I know that there was a
22 question about that.

23 What would I do without Sheila. Now, as I
24 said, we have potentially 15 more eyewitnesses who
25 may be testifying. And it's been our habit and our

1 process during this time to play for you every
2 recorded statement that a witness has made.

3 We initially were, our goal and plan was
4 to do that before the witness testified, sometimes
5 that didn't work out, but we've always gotten around
6 to playing it eventually for you.

7 As you know, sometimes these witnesses
8 make two or three recorded statements, sometimes
9 you've got, you know, statements that are in excess
10 of an hour, hour and a half, hour and 40 minutes,
11 two hours.

12 And so our question to you is we can
13 proceed in that manner as we've done in the past or
14 we're wondering if you find it helpful to listen to
15 those statements if those statements are consistent
16 with what the witness testifies to.

17 So if the witness testifies, like if we
18 put a witness on and they testify, and Sheila and I
19 who have listened to these tapes feel that there's
20 really no inconsistency in what they already said.
21 I mean, obviously, any statement there could be, you
22 know, minor inconsistencies, and that will be
23 something that she and I will discuss together about
24 whether we think that there are inconsistencies.

25 And if we feel that there are not, it

1 would be possible if you feel that that doesn't help
2 you to hear this tape statement again, that we then
3 just forgo playing that taped statement.

4 Obviously, it takes up a lot of time and I
5 know it is tiring for you all to sit here and listen
6 and read transcripts.

7 So maybe you can discuss that during your
8 lunch as well. If you think that that would be a
9 way to go to try to speed through this. I don't
10 mean speed through it in a way that's not efficient.
11 I don't want to say we're rushing through anything,
12 but if you are finding that it is not really that
13 helpful and you don't need to hear it, then we don't
14 have to play it.

15 We have it, we have all of them and, of
16 course, if at any time you would have some issue
17 with, you know what, maybe we should hear that
18 witness' statement that they made before, at any
19 time we can play it for you, okay. So that's
20 something for you to consider. All right.

21 Is there anything, you know, that anybody
22 has an issue or question about? You can discuss
23 this during your lunch and then we'll ask questions
24 during the lunch break, especially if we are talking
25 about scheduling issues and things of that nature.

1 Don't necessarily need to afford those kind of
2 things, but let me know after lunch and we have, I
3 think, two people here right now, and going to have
4 to give me a second to get somewhat organized.

5

6 MS. ALIZADEH: Yes.

7 Officer Wilson, he only
8 had one recorded statement? I know we only heard
9 one, if I'm not mistaken.

10 MS. ALIZADEH: If I'm not mistaken,
11 Officer Wilson's statement was not recorded prior to
12 him testifying. Check your folders to see if you
13 have a transcript of the testimony of Darren Wilson?

14 We have one.

15 There was supposed to have
16 been one with Detective .

17 MS. WHIRLEY: Detective did one that
18 wasn't recorded and then there was one that was
19 recorded, you have a transcript of that?

20 We have one that is
21 recorded.

22 MS. ALIZADEH: My recollection is, we can
23 certainly go back and look at the transcripts, but
24 that Sergeant testified about statements that
25 he made right at the scene when he first got there,

1 and none of that was recorded. And then
2 was the detective who went to the police
3 station and did a cursory interview and that was not
4 recorded. And then, you have one?

5 That must have been done on the 9th at
6 10:00 in the morning?

7 August 10th.

8 MS. ALIZADEH: 10th, okay. The 9th is the
9 day of. I knew it was the next morning. All right.
10 And then there was Agent who came
11 in and testified that she had interviewed him, but
12 that their interview was not recorded, I believe.

13 MS. WHIRLEY: Right.

14 MS. ALIZADEH: All right. I forgot about
15 that.

16 Again, if there is a need to bring any
17 witness back that you have already heard from
18 because now you have additional questions, you just
19 need to let us know. We put on things in a way that
20 we think was easier for you to understand the case,
21 but, you know, just the sake of when we put on a
22 witness early on in the process and then now later
23 in the process you might think well, I didn't know
24 that when I heard from that witness before, so now I
25 have a couple of additional questions.

Page 18

1 So if anyone of you feel the need to have
2 any witness who has testified previously return and
3 answer some questions, we will get them here. And
4 obviously, Officer Wilson, I cannot compel him to
5 appear before you, but he appeared previously and I
6 would reach out to his representatives to invite him
7 back if you felt that you would want to hear from
8 him again.

9 Any other questions?

10 Is there any
11 recorded testimony with Officer Darren Wilson and
12 the FBI or the civil rights investigation?

13 MS. ALIZADEH: My understanding is, no,
14 that they did not record that. If you recall it was
15 the brunette female FBI agent
16 who came in and testified that she was present and
17 interviewed him that they did not record that.

18 I know, now this is
19 reported in the newspaper or whatever, there was a
20 statement that was supposedly made by him about the
21 first two shots. In our transcripts he didn't think
22 he hit him on the second shot because he saw some
23 dirt fly up. But then it was reported later on that
24 he said he thought he did hit him with the second
25 shot. I just wondered if there was any recorded

1 evidence of him saying that?

2 MS. ALIZADEH: Not that I'm aware of. And
3 I will tell you that, you know, as you can probably
4 imagine, any news agency is not going to reveal to
5 me who the source of their information is. They
6 have this First Amendment thing, freedom of the
7 press.

8 And so while it might be -- make sense for
9 me to call them and say, hey, where did you get that
10 because we're interested and if you've heard that
11 from another source, we'd like to hear who told you
12 that, but they're not going to tell me.

13 And that might be something that if you
14 would care to have another witness back to testify
15 to ask that question, but I don't know where that
16 information came from for that particular news
17 article.

18 Two quick
19 things. One, Grand Jury Exhibit Number 2 is the map
20 that we use almost daily. I notice also it still
21 says not to scale. Do you know if you would ever
22 get one to scale or even if it is that much of a
23 difference?

24 MS. ALIZADEH: That's another thing. That
25 brings up something else. There was a question

1 awhile back about getting a transparency that maybe
2 would have the diagram images that we could lay on
3 top of the map. I did look into that and the
4 problem that I learned with doing that is that map
5 is not to scale and so just because on the map I'm
6 holding my fingers out, if the map says this is
7 137 feet, I'm just making up a number, of course.
8 There might be another place on the map that says
9 this is 150 feet. And the actual measurement was
10 accurately done, but the map might not be to scale,
11 you know, the entrance, the driveway, you know, to
12 some of these parking entrances might not be as wide
13 in real life as it appears on the diagram. The size
14 of the police vehicle is not necessarily on the
15 diagram the exact size of what it is in the street.

16 I would suggest that, you know, I have all
17 of those crime scene photos and if you ever are
18 curious about, you know, the real size of things,
19 you can sift through those photos to see if they can
20 help you determine or answer some of those
21 questions, but I can ask about the possibility of
22 having a diagram to scale.

23 It is my, this is strictly my belief based
24 upon my experience that when the police officers do
25 these diagrams, they use a computer program that, I

1 don't think they are done freehand, I think they use
2 a computer program to do these diagrams. And so to
3 do one to scale would require someone, actually, a
4 draftsman type of person, I think, to actually make
5 sure that the diagram is to scale.

6 So that would probably have to be done by
7 not the police department, we probably would have to
8 look into whether or not there could be some
9 draftsman that could do that, but I mean, I can
10 investigate that as well if you think it would be
11 helpful.

12 But as far as the transparency goes, I'm
13 afraid it might even be misleading if we had a
14 transparency and you laid it on top of the aerial
15 photograph, it might appear that oh, look, this is
16 actually not where it is in the picture because on
17 the transparency it is past the fire hydrant. Well,
18 that just might be because it is not to scale. So I
19 wouldn't want you to rely on something and be misled
20 by that.

21 Yes.

22 Prior to knowing
23 I was on this case, I remember vaguely hearing in
24 the news there was a gentleman on some sort of audio
25 phone that recorded the succession of gunshots and

1 didn't know, again, I didn't pay much attention to
2 it, I kept it in my memory. I didn't know if that
3 was something even credible or something we will get
4 to.

5 MS. ALIZADEH: Yes. That is something
6 that the police have the custody of that recording
7 and we will be putting that on for you as well.

8 And there was a question quite some time
9 ago about surveillance cameras in the complex and I,
10 believe me, before you guys even got this
11 assignment, that was one of the first questions out
12 of my mouth. Are their surveillance cameras? I was
13 told no.

14 Now, before you complete your
15 investigation, probably the very last witness that I
16 will call for you to hear from is going to be
17 Detective , because as the primary case agent,
18 he knows more about this case than any other person.

19 So there are some things that he's going
20 to testify about that he did himself and whatnot,
21 but he would be the person to ask a lot of these
22 questions to because he was in charge of the
23 investigation.

24 What was done, what did you do about this,
25 did you ever try to get ahold of this person, he can

1 answer a lot of those questions with firsthand
2 knowledge.

3 Me, all my knowledge about this comes from
4 other sources because I was not out there
5 investigating the case. So I don't want to be the
6 person to actually have you rely on what I'm telling
7 you, I'm just telling you that it is my
8 understanding that there were not, but that would be
9 a question better put to Detective about
10 that, all right?

11 Anyone else?

12 Okay. We have a witness here, the first
13 witness we are going to call and I'm not organized
14 this morning.

15 . I know
16 that had asked sometime ago would it
17 be possible for us to see where this happened. And
18 I know we had discussed it before and that probably
19 wouldn't be in our best interest to go there. I
20 think somebody had talked --

21 I think it was

22

23 About getting pictures of
24 the distance and things like that?

25 MS. ALIZADEH: That's one of the things

1 we've had that done. I think that Detective
2 when I put him on last we're going to have him show
3 you those pictures because he'll be able to point
4 out for you in the picture this apartment building
5 right here or this window right here, this balcony
6 right here, that's where witness so and so was. And
7 if you see right here, that's where witness so and
8 so was because he's the one that knows that
9 information and in very intimate detail.

10 So we do have pictures that we have the
11 police and Detective went out with them to
12 take those pictures to make sure we got the vantage
13 points. We weren't able to take vantage point
14 pictures from where the witness was that would
15 require going into people's apartments and they felt
16 that that wasn't going to be safe or welcomed.

17 So the pictures that they took are from
18 the location of where the vehicle was, the location
19 of where Michael Brown's body laying in the street
20 and then the location of the corner near a light
21 post. And those pictures are done in 360, so you
22 might be able to see from here can you see that
23 witness' balcony who says they can see this. That's
24 the best we can do as far as getting vantage point
25 pictures.

1 I guess I do have a
2 question. I know that some of these media reports
3 they're saying that he had marijuana in his system.
4 And I guess that's another way of knowing it didn't
5 come from us because we were never told that he had
6 marijuana in his system.

7 So is there still like evidence out there
8 that we haven't heard like that?

9 MS. ALIZADEH: Yes.

10 The DNA on the gun?

11 MS. ALIZADEH: Yes, there's going to be,
12 you know, our plan was to try to get through the
13 eyewitnesses and then at the end put on some of the
14 scientific evidence because frankly those witnesses
15 are there at my fingertips and are going to come in
16 whenever I tell them to come in.

17 And so I just knew that when it came time
18 to try to wrap things up, we would be able to get
19 them through in and out fairly quickly. So I do
20 anticipate that you are going to hear additional
21 evidence from experts who have tested various
22 things, all right?

23

24

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. ALIZADEH:

9 Q Do you remember the second part of the
10 oath talks about what happens here, okay?

11 A Okay. All right.

12 Q Have a seat, thank you. You're sure you
13 don't want a glass of water.

14 A No.

15 Q Can you introduce yourself to the grand
16 jurors?

17 A My name is

18 Q And, ma'am, I'm going to stand back here
19 because the microphone that is up there is not, it
20 is not going to amplify your voice.

21 A Okay.

22 Q And so you just need to keep your voice up
23 so that I can hear you back here and then if I can
24 hear you, I know that everybody back here can hear
25 you, okay?

1 **A** Okay.

2 **Q** And, ma'am, back in August of this year,
3 were you living in the Canfield Green Apartment
4 Complex?

5 **A** Yes.

6 **Q** And were you home on Saturday, August 9th?

7 **A** Yes.

8 **Q** Now, and I told you when I talked to you
9 that I was not going to ask you to give your
10 address, but there is a laser pointer that is
11 sitting right in front of you there.

12 **A** Uh-huh.

13 **Q** And if you press this gray button here, it
14 makes a laser pointer. Can you show the grand
15 jurors on the map, which is marked Grand Jury
16 Exhibit Number 25, do you recognize these streets,
17 it says Canfield Drive, and for your reference over
18 here is West Florissant, okay?

19 **A** Uh-huh.

20 **Q** And then over here is the Northwinds
21 Apartments. So that does help orient you to
22 understand the buildings that are shown on the map?

23 **A** Yes.

24 **Q** Can you put the laser pointer on the
25 building that you were living in back in August?

1 **A** (Indicating)

2 **Q** Okay. This building right here?

3 (indicating)

4 **A** Yes.

5 **Q** And can you, now, we've heard testimony
6 already how these buildings are, that there's three
7 floors to every building, correct?

8 **A** Yes.

9 **Q** What floor were you living on?

10 **A** Third.

11 **Q** So that's the top floor?

12 **A** Right.

13 **Q** And so this particular building has
14 entrances for units that would be, actually those
15 units would face the west if this is west. And then
16 there's also some entrances to the building that
17 face the east. Was your apartment facing the west
18 or facing the east?

19 **A** I'm kind of confused because the building
20 sits like this and I can see out and see Canfield
21 Court.

22 **Q** Okay. Do you know your apartment number
23 back then?

24 **A** Yeah.

25 **Q** Does it help you to look up here? Can you

1 see the number?

2 **A** Yeah.

3 **Q** And so I'm going to point, I'm not going
4 to say it out loud, but is that your apartment
5 number?

6 **A** Uh-huh.

7 **Q** This one right here? (indicating)

8 **A** Yes.

9 **Q** So you're, this little out jet right here,
10 that's like a little covered stairwell, staircase;
11 is that right? You take some exterior steps up to
12 the third floor; is that right? Is that how you get
13 in your apartment?

14 **A** Right.

15 **Q** So the front door of your apartment is
16 actually right there where that stairwell is,
17 correct?

18 **A** Right.

19 **Q** And so you have a window, you have a
20 sliding glass door that's on the front of your
21 apartment?

22 **A** Yes.

23 **Q** And then there's a window that's also on
24 the front?

25 **A** Yes.

1 **Q** And is there also a window that would be
2 around the corner?

3 **A** No.

4 **Q** No, okay. So you have a sliding glass
5 door and a window, is that like a bedroom window?

6 **A** Right.

7 **Q** Okay. So when you are looking out of the
8 front of your apartment, can you see down to
9 Canfield Drive?

10 **A** Yes.

11 **Q** All right. So do you recall on the
12 morning of August 9th, was there anything special
13 about that day, that morning that you recall oh, it
14 was, I remember it because it was, had these plans
15 to do something or was it an ordinary day?

16 **A** It was an ordinary day. I was just kind
17 of looking out the window.

18 **Q** And do you recall that this was a
19 Saturday?

20 **A** Yes.

21 **Q** Sunny day?

22 **A** Yes.

23 **Q** And does your apartment, did your
24 apartment back then have air conditioning?

25 **A** Yes.

1 **Q** And this was August 9th, and I know that
2 it got warmer in the day, but do you recall if you
3 had your windows opened or closed?

4 **A** Closed.

5 **Q** Do you normally run the air conditioning
6 in the month of August?

7 **A** Yes.

8 **Q** Okay. And so you said that you were
9 looking out the window, was there a reason you
10 looked out the window? Was there anything that drew
11 your attention outside or were you just happening to
12 be working out the window?

13 **A** I just happen to be looking out.

14 **Q** All right. And then once you were looking
15 out, did you see something unusual?

16 **A** Not unusual at first.

17 **Q** Why don't you describe what you saw?

18 **A** Um, these two boys or two guys walking
19 down the street. They were kind of out in the
20 street, but not all the way out. They weren't quite
21 to the yellow line.

22 Then I kind of stepped back a little
23 bit. Then for some reason I looked again and I saw
24 the police car pull up, and he said something to the
25 boys. They, obviously, said something back because

1 you could see the motion of their hands, but I
2 couldn't hear anything because my window was closed.

3 Then the boys kind of went on, walked
4 on and then he backed up, the cop backed up, the
5 policeman backed up.

6 Then, I guess, I'm not sure what else
7 happened after that, but I could see the one boy,
8 the shorter one, he kind of stepped a little bit
9 past the window of the police car. It was actually
10 an SUV, it wasn't just a regular car, but the bigger
11 guy was standing at the window, near the window of
12 the car. And I could see the top of his head and I
13 could see their hands moving. And so it seemed like
14 they were kind of, I guess, tussling through the
15 window of the car.

16 Then the boy, the guy broke loose and
17 began to go down the street and that's when the
18 policeman got out of the car. Then he proceeded,
19 the boy was ahead of him and that's all I could see.

20 **Q** Okay.

21 **A** Because they were past, they were past my
22 building. See, like my building is here, well, I
23 couldn't see, I could only see the police car and
24 him going so far. I could not see after it passed.
25 They I said, um, in a few seconds I heard a shot. I

1 don't know whether it was three or four because I
2 really did not necessarily count them, but I knew it
3 was more than two. Oh, my God. I don't guess, you
4 know, they were shooting. This had anything to do
5 with it and I just went on back and started to put
6 my clothes on.

7 By that time the crowd of people had
8 started, people had started to come, not a lot of
9 them but, you know, I knew something had happened.
10 So by the time I got out, it was all over. The boy
11 was in the street and the police was beginning to
12 put some cones out.

13 Q Okay. So let's, you know, we're going to
14 need to go back. We're going to go through step by
15 step and ask some more detailed questions, okay?

16 A That's fine.

17 Q So when you say you were looking out the
18 window.

19 A Uh-huh.

20 Q First off, was anybody home with you at
21 that time?

22 A No, I was there by myself.

23 Q And so when you said you happen to look
24 out the window, was it the sliding glass door or was
25 it a bedroom window?

1 **A** It was my bedroom window.

2 **Q** Are there any window coverings on that
3 window, blinds, shades?

4 **A** Blinds.

5 **Q** Are they horizontal blinds?

6 **A** Yes.

7 **Q** And were they, were the blinds down?

8 **A** No, I had it pulled up so high because I
9 was just, you know, looking out. Sometimes I just
10 look out to see what's going on, you know.

11 **Q** So did you have to move the blinds in
12 order for you to see out the window?

13 **A** No.

14 **Q** Okay.

15 **A** Because they were high enough and by me
16 being up high, I can see on the street, so.

17 **Q** And so, and that's a good point. When
18 you're on the third floor of this building, is there
19 a little rise, is this a little bit on a hill
20 somewhat, a small hill?

21 **A** The street? You mean my building?

22 **Q** Does the ground, is there any elevation to
23 this, like if you are driving up here and if you
24 walk up to your building, are you walking uphill at
25 all?

1 **A** No.

2 **Q** Okay. So it is pretty level at this
3 point?

4 **A** Uh-huh.

5 **Q** And from the third floor, from your
6 bedroom window, you could see down to the area that
7 you were seeing the police car?

8 **A** Right.

9 **Q** Okay. And so when you look down you said
10 you first saw two boys walking in the street?

11 **A** Right.

12 **Q** Did you know either boy?

13 **A** No.

14 **Q** Hadn't seen them before?

15 **A** No.

16 **Q** What about them do you recall. Can you
17 tell me anything about them?

18 **A** One was short, he had dreads, he was
19 darker skin. The other one was a big guy, over
20 6 feet. You know, he was just a big guy that's
21 basically. I couldn't say whether he was -- the
22 only thing I can say was he was a big guy and that
23 he was a lighter skin than the smaller one and that
24 the smaller one had dreads. Because of the fact
25 that I wasn't that close, I couldn't give you

1 details of what they look like.

2 **Q** Okay. You refer to them as boys. I want
3 to ask you if you have an opinion as to how old they
4 were?

5 **A** Well, I knew they were all under 25.

6 **Q** Okay.

7 **A** One of them seemed like he might have been
8 close to 18, 19 years old, the bigger one. He was a
9 big guy, he didn't really look that old. The other
10 one he looked, I don't know, maybe he could have
11 been just a year or so older than the other one. As
12 far as the size and the way they were dressed, and
13 what have you.

14 **Q** Did you, at this point now do you recall
15 any time when you have seen either of them in the
16 apartment complex before that day?

17 **A** Not to my knowledge I haven't seen them.

18 **Q** And so how about how they were dressed or
19 what they were wearing, do you have any memory of
20 what either one of them had on?

21 **A** Not specific. I really didn't pay that
22 much attention to it. All I know is that they were,
23 let's see, I really didn't pay that much attention
24 to them. Just had normal clothes on.

25 **Q** Okay.

1 **A** I wasn't specifically looking for
2 anything.

3 **Q** Sure.

4 **A** As far as they were concerned they were
5 just people walking down, two guys walking down the
6 street.

7 **Q** And was that unusual that there would be
8 two older teenagers walking down the street?

9 **A** No, no. It's an apartment complex and
10 there is apartments on each side. There are
11 families, there are a lot of youngsters living in
12 the apartment complex at this point. When I first
13 moved in, there wasn't quite as many males, younger
14 males in the apartment.

15 So you see them all day. You just
16 see them when I'm home, you know.

17 **Q** Hanging out, walking around?

18 **A** Hanging out, they're walking around, what
19 is it, they are interacting with each other.
20 Sometimes they have cars parked, they are sitting on
21 cars. I don't really pay a whole lot of attention.

22 **Q** Sure.

23 **A** It is just that particular morning, which
24 I do every morning, I just look out. It is really
25 more of a safety thing. If I'm going to leave out

1 of my house, out of my apartment, I want to know
2 what is surrounding me.

3 Q Okay.

4 A So I don't really always look at features
5 and clothing they have on, this kind of thing. I
6 know this little guy with the dreads, he was so much
7 shorter than the bigger guy.

8 Q Okay. And when you saw them, can you use
9 that laser pointer and show me where on the map here
10 the boys were when you first saw them. Were they on
11 Canfield Drive?

12 A Yes.

13 Q Can you use that and show me where you
14 first saw them?

15 A They were on this, let me see. They were
16 kind of, this map is really confusing me because
17 they were on this side of the street.

18 Q Okay. I don't know if that's, that might
19 be pointing up to high?

20 A I'm just saying they were on this side of
21 the street.

22 Q So on --

23 A They were on this side of the street.

24 Q On the south side of the street?

25 A They were on this side of the street. My

1 apartment, wait a minute, I'm getting confused. My
2 apartment is over there.

3 Q Uh-huh. Over here? (indicating)

4 A Yeah, they were on this side of the --

5 Q Over here? (indicating)

6 A That's too far over. You have Canfield
7 Drive and Coppercreek and all of this over there.
8 They were on the opposite side of the street from my
9 apartment.

10 Q Okay.

11 A There is a fire hydrant on my side of the
12 street. They were like the fire hydrant was right
13 here and they were kind of just a little bit, I'm
14 trying to think now. They were a little bit, not
15 quite even with the fire hydrant.

16 Q But the opposite side of the street?

17 A Okay. So that is kind of confusing me
18 because I'm looking at it from my side.

19 Q Sure, yeah. This is an aerial view.

20 A They were on the opposite side of my
21 apartment.

22 Q Okay.

23 A Which means that when they were coming,
24 they were coming like walking kind of like, not
25 straight, they were kind of walking at an angle and

1 they were like not all the way in the middle of the
2 street, but they were still in the street.

3 Q Okay.

4 A And when the policeman pulled up to them,
5 it kind of like blocked my view of what was going on
6 because of the size of the vehicle that the cop was
7 in.

8 Q Okay. Let's back up then.

9 A Uh-huh.

10 Q So the boys were walking on Canfield?

11 A Right.

12 Q Were they walking in that direction toward
13 Northwinds or were they walking towards --

14 A No, they were walking toward Northwinds.
15 The policeman was going toward West Florissant.

16 Q Okay. So the policeman's vehicle is
17 moving toward them and they are walking to the
18 police vehicle. They're facing each other, the
19 vehicle and the boys as the boys are walking?

20 A Yes, the police were going this way and
21 the boys were running this way.

22 Q Could you tell this was a police vehicle?

23 A Sure, it had the emblems and everything on
24 it.

25 Q Okay. Had how about the lights, you know,

1 police cars have the red lights?

2 **A** He didn't have any lights on.

3 **Q** All right.

4 **A** It seems likes he was coming from
5 Northwinds from that way, that is the way he was
6 coming.

7 He had no signal light on and then he
8 just stopped. He didn't stop all the way because he
9 still had, his car was still running, he just had,
10 like you just know how you pull up to somebody and
11 you switch to put on your brake and he was talking
12 to them.

13 **Q** Okay. So you observed the vehicle come up
14 to the boys and you said it looked like they're
15 talking. You could see their hands moving and
16 stuff?

17 **A** Yeah, that's all I could see was movement.
18 I knew that there was some kind of verbal
19 conversation going on between the three people.

20 **Q** So the car is between you and the boys,
21 correct?

22 **A** Right.

23 **Q** And so does that mean that the boys would
24 have been on the driver's side of the vehicle?

25 **A** Yes.

1 **Q** It looked like they were near the driver's
2 door?

3 **A** At that time the first beginning of it
4 they were kind of a little ways away from him
5 because he was talking to them through the window.

6 **Q** Okay. And so about how long do you think
7 this part of it last?

8 **A** A couple of seconds, not really long.

9 **Q** Could you see the officer inside the
10 vehicle?

11 **A** I could see him inside the vehicle, but,
12 you know, just the shadow of him because, you know,
13 his window on my side was up, so I could only see
14 the shadow of him.

15 **Q** So could you tell if he was white or
16 black, or male or female, or anything about the
17 officer?

18 **A** You mean when he was in the car?

19 **Q** Yeah.

20 **A** Not really.

21 **Q** What about, could you tell if there was
22 anyone else inside the vehicle?

23 **A** There was only one person.

24 **Q** All right. And so you said that this part
25 of it where they appear to be talking to each other

1 last just a couple of seconds and so what happens
2 next?

3 **A** The boys walked away.

4 **Q** Okay. And then at this point are the boys
5 just still walking casually or they running?

6 **A** They still in the street, they still just
7 walking casually.

8 **Q** They're not running?

9 **A** No.

10 **Q** Okay. So then what happens?

11 **A** The cop backs up, he backs up a just a
12 little bit and stops and gets out. He backs up to
13 catch up with them.

14 **Q** Okay.

15 **A** He catches up with them, by then the boys,
16 the little one, he's kind of away from, he was not
17 at the window, he's kind of walking away. The
18 bigger guy was having some kind of interaction with
19 the cop.

20 **Q** Okay. I think you described, initially
21 you described that you could see their hands going
22 back and forth?

23 **A** Yeah, it was like. It was like, if I'm
24 talking to you in the car and we're having a
25 discussion and something happens and you're like

1 wrestling with each other, not wrestling, you know,
2 the hands are going, you can see the hands going.

3 Q Okay.

4 A I could not see what was actually
5 happening, all I could see was the moves.

6 Q Was the police vehicle moving?

7 A No, the vehicle was stopped.

8 Q Was it rocking or anything like that?

9 A No, it didn't look like it was rocking to
10 me.

11 Q And just from your, just from what you
12 could see, could you tell or did you have an
13 impression as to might have initiated the physical
14 part of it, could you tell? Could you see the
15 officer reach his hand out of the vehicle to grab
16 the boy or you saw the boy stick his hand in the
17 vehicle first, could you tell who started it?

18 A No.

19 Q Okay. And so could you tell whether any
20 punches were exchanged?

21 A Not from where I could see because, I
22 never saw anything other than the top of the kid's
23 head and the fact that they were tussling with each
24 other. I never seen him bend or I never seen any
25 movement where there was punching or anything. All

1 I could see was like they were wrestling through the
2 window.

3 Q I want you to think and if you need to
4 close your eyes and picture it in your head, did you
5 ever see the boy that's wrestling at the officer's
6 vehicle with the officer, did you ever see, you can
7 see his head, he's taller than the car then, right?

8 A Yes.

9 Q Did you ever see his head disappear?

10 A No.

11 Q All right. And you couldn't see what was
12 going on inside of the car?

13 A No.

14 Q All right. And then how long did that
15 wrestling part last?

16 A I don't know, maybe, not long, it wasn't a
17 long confrontation. Maybe about ten seconds or
18 something, I'm not sure, that's just a guess.

19 Q And then what happened next?

20 A The boy broke away and started to leave.

21 Q Okay. Now, at this point had you heard
22 any gunshots?

23 A No.

24 Q So when you say the boy broke away, you
25 mean the taller, bigger boy?

1 **A** Yeah.

2 **Q** And I know you said that the smaller boy
3 kind of was not right at the driver's window, but
4 was kind of off to the side?

5 **A** Well, he was out of my sight.

6 **Q** Okay.

7 **A** I don't know where he went, but he was not
8 in my sight, which means he could have just went
9 further down the street and would have been out of
10 my view.

11 **Q** Okay. So you don't know what happened to
12 him?

13 **A** What happened to the other boy?

14 **Q** Right.

15 **A** No. All I know is he's walking away.

16 **Q** And at this point did you notice any other
17 cars that were on Canfield Drive?

18 **A** I didn't see any other cars.

19 **Q** And so you say that the boy broke away and
20 then what happened, what did he do?

21 **A** He just walked away and he walked out of
22 my view.

23 **Q** When he broke away, did he, so if I'm the
24 boy and this is the police vehicle. And, obviously,
25 they were close enough that they were touching each

1 other at the point where they were wrestling?

2 **A** At the window, yeah.

3 **Q** Okay. So when you said the boy broke
4 away, did he step backwards or did he turn back from
5 the vehicle and walk away or did you see any of
6 that?

7 **A** Um, all I saw was whatever they were
8 engaged in, obviously, must have been over or
9 somebody was able to get their hand off of each
10 other and the boy walked away.

11 **Q** Okay.

12 **A** He kind of walked away not real slow, but
13 not real fast.

14 **Q** Okay.

15 **A** And that's when the policeman got out of
16 the car.

17 **Q** Okay. So now at this point, when you say
18 the boy broke away and started walking not real
19 fast, but not slow, which direction was he going?

20 **A** Toward what is the name of those
21 apartments?

22 **Q** Northwinds.

23 **A** Northwinds.

24 **Q** Okay.

25 **A** He just proceeded in the direction he was

1 going before the incident with the policeman.

2 Q Okay. So at this point you see the
3 officer get out of the patrol car?

4 A Uh-huh.

5 Q Or the patrol vehicle. Could you see him
6 at that point enough to tell if it was a man or a
7 woman, white or black?

8 A Yeah.

9 Q Was it a man?

10 A Yes.

11 Q White or black?

12 A White.

13 Q Could you tell if he's wearing a
14 policeman's uniform?

15 A Yes.

16 Q At this point could you see that he had a
17 gun?

18 A I don't remember.

19 Q Okay.

20 A Seeing him with a gun, I'm not sure.

21 Q Did the police officer get out of his
22 vehicle immediately after the bigger boy started to
23 walk away or was there any because before he was out
24 of the vehicle?

25 A It took him, he had to like open the door

1 and get out.

2 Q Okay.

3 A So I'm saying whatever time it took him to
4 get, because if you are sitting in a vehicle you
5 have to step out, get out, and he come out kind of
6 almost at a run. He come out kind of fast.

7 Q And at the time that the officer came out
8 of the vehicle, did he then move in the direction
9 that you saw the boy moving in?

10 A Uh-huh, that same direction.

11 Q At the time that officer got out of the
12 vehicle and you said started, you said kind of
13 started to go kind of fast, kind of run?

14 A Uh-huh.

15 Q Could you still see the big boy?

16 A No.

17 Q When the officer began running in that
18 direction on Canfield, could you see if he had a
19 gun?

20 A I could see his left side and I don't
21 know, I'm not sure if he had anything, but he held
22 his hand like he had something in his hand and I
23 could not see it.

24 Q You are motioning with your right hand.
25 So did it appear to you that he might of had

1 something?

2 **A** He might have had something, but I did not
3 see it. It can if you get out you have something in
4 your hand, you carry in your hand a little bit
5 differently, so I don't really see it then.

6 **Q** Okay. Did the police officer then move
7 quickly or return out of your sight?

8 **A** Out of my sight.

9 **Q** And then how long after you lost sight of
10 police officer did you hear some gunshots?

11 **A** A couple seconds.

12 **Q** You said it was more than two, could have
13 been four?

14 **A** It could have been. It was kind of
15 shocking to hear it because it was such a minor,
16 thought minor thing that I saw before the gunshots.

17 **Q** Okay.

18 **A** And so I know I heard pow, pow, pow, and
19 then I just said, you know, how you say it, I don't
20 believe this, can't be a shooting back here.

21 **Q** So at this point everything that you see
22 at this point are you still looking out the same
23 window?

24 **A** No, I left the window.

25 **Q** From the time you first looked out the

1 window and you saw the officer and the bag boy out
2 of your the window?

3 **A** I moved away from the window.

4 **Q** When did you move away from the window?

5 **A** After the policeman went down and when I
6 heard the shot.

7 **Q** Okay. But before then had you been at the
8 window the whole time, from the time when you first
9 saw the boys talking to the time you moved away, or
10 did you like step away and get your cell phone and
11 then come back to the window?

12 **A** No.

13 **Q** You were at the window the whole time that
14 you said you were watching this. Do you understand
15 my question?

16 **A** Yeah, I understand your question. What
17 I'm trying to say was, when I saw the boys, I kind
18 of backed away from the window a little. When I
19 kind of just look back, I didn't really go back, I
20 kind of look back and that's when I saw the police
21 car. That's the only time I'm at the window until
22 the cop moved.

23 **Q** Okay. And now you said after you heard
24 the shots, you didn't see the shooting, you said you
25 got dressed?

1 **A** Yeah. I just had on some shorts and
2 things in the house, so I couldn't go out like that.
3 I just put on my pants and went out.

4 **Q** You went outside?

5 **A** Yes. I'm hearing the shots and then I'm
6 seeing people, you kind of could hear too, you know.
7 I heard the shots and then I said, I saw people, you
8 could hear people by then, people were kind of
9 screaming.

10 So I could hear them through the
11 window. So that's when I put my clothes on to go
12 out.

13 **Q** Okay. So other than the shots, you
14 couldn't hear anything that was going on between the
15 boys and the officer?

16 **A** No.

17 **Q** You didn't hear anybody yelling or say
18 anything that maybe you couldn't make out?

19 **A** No.

20 **Q** And so when you left your apartment, did
21 you go down to Canfield Drive, did you see the boys?

22 **A** I had just come out of my apartment, still
23 in the apartment lot. I had never left the parking
24 lot where I could see. I wasn't going to get too
25 close to that, so I stayed back.

1 **Q** Could you see someone lying in the street?

2 **A** Yeah.

3 **Q** And did it look like the same big boy that
4 you had seen?

5 **A** Same one.

6 **Q** Could you tell?

7 **A** Yeah, I could tell. It was the same one.

8 **Q** Okay. Did you, when you got down there.
9 Already officers at the scene down there or the
10 police hadn't gotten there yet?

11 **A** That's kind of questionable. I saw this
12 one white cop, blond hair, he looked like the same
13 one that was in the confrontation. He was putting
14 out some cones, put some cones down to make sure
15 that traffic gets, you know, doesn't get through
16 there. And then after that I saw another policeman
17 coming.

18 **Q** Okay. Was it in a police car?

19 **A** Yes.

20 **Q** Did he come from the direction of West
21 Florissant or from the northbound direction?

22 **A** Uh, looked like to me the car was, I'm not
23 sure. I didn't really pay a whole lot of attention
24 to that. All I saw was the two of them standing on
25 the side, the one was like here, my apartment was

1 over here and they was on the other side of the
2 street because they were further down. From further
3 down from where I was.

4 Q Okay. How long did you stay out in that
5 area in the parking lot area that day?

6 A About an hour or so.

7 Q Could you hear people talking, people that
8 gathered, people were coming out of their
9 apartments, right?

10 A Coming out of their apartments. There was
11 too many for them. After a while they were coming
12 from other apartments on the other side.

13 Q Did it appear to you that the people that
14 were beginning to gather, were they becoming angry
15 or agitated?

16 A They were more, more like in shock. You
17 just don't see a body laying in the street every
18 day, you know. There were some people there that I
19 think must have been family members that were real
20 upset. I didn't see anybody who was actually
21 violent.

22 Q Did anyone that was out there ask you if
23 you had seen anything?

24 A No.

25 Q Did you hear anybody saying anything about

1 don't talk to the police?

2 **A** No.

3 **Q** Was it later that day that a police
4 officer knocked on your door?

5 **A** No.

6 **Q** Where is it that you saw the police
7 officer?

8 **A** Never.

9 **Q** No one ever knocked on your door?

10 **A** No.

11 **Q** Anybody leave a card for you?

12 **A** Later on, much later on.

13 **Q** And would that have been like the next
14 Saturday?

15 **A** I saw them, but they never put a card on
16 my door.

17 **Q** But you talked to the FBI?

18 **A** No.

19 **Q** You didn't talk to the FBI?

20 **A** No.

21 **Q** Who did you talk to?

22 **A** I have a son who is in law enforcement.

23 Found out my daughter called him to let him know. I
24 told him I saw that, but I really didn't want to be
25 involved in it. And we went downtown to see and

1 talk to the FBI. The never came to my house, ma'am.
2 The police nor the County Cops, Ferguson Police
3 never asked me any questions.

4 Q Okay. So you did talk to the FBI and talk
5 to them about what you saw?

6 A Yes.

7 Q Was there any other law enforcement
8 officers that you talked about what you saw?

9 A No.

10 Q Any other people besides that came and
11 talk to you about what you saw?

12 A No.

13 Q Do you know any Ferguson police officers?

14 A No.

15 Q Do you know any members of Michael Brown,
16 you know, Michael Brown was the boy that was killed?

17 A Right.

18 Q Do you know any members of his family?

19 A No.

20 Q Anybody in his family or representing his
21 family, ever try to come and talk to you?

22 A No.

23 Q Is there anything else, let me ask you,
24 ma'am. You are wearing glasses today?

25 A Uh-huh.

1 **Q** Do you need those glasses to see?

2 **A** No, ma'am.

3 **Q** I'm not going to test you.

4 **A** The only thing these are for is for me to
5 read.

6 **Q** Yeah, I got the same so. So you can see
7 distance without your glasses?

8 **A** Without my glasses.

9 **Q** And what about that day, do you remember
10 if you had your glasses on?

11 **A** No.

12 **Q** You don't remember or you didn't?

13 **A** I didn't have it on.

14 **Q** You didn't?

15 **A** No.

16 **Q** How about your hearing, do you have any
17 problems with your hearing?

18 **A** No.

19 **Q** Is there anything that maybe I haven't
20 asked you so far that you think is important for the
21 grand jurors to know about what you saw that day or
22 what happened after that?

23 **A** Not really, except for the fact that I'm
24 kind of living in fear. I don't know whether to
25 stay where I am because it wasn't a good place to

1 stay. It wasn't the best in the first place, but
2 now it's like you get all kind of elements, people
3 are always there, it is just bad.

4 Q Have you, do you think that people in that
5 area know that you've seen this, do you talk to your
6 neighbors about it?

7 A No, and the reason for that was that's the
8 only reason why I agreed to make a statement was,
9 and that's why we did it the way we did it. He said
10 it was the safest way. He didn't want to put me in
11 harms way was for me to go to the FBI rather than, I
12 told him I wasn't going to talk to Ferguson.

13 Q And why is that? Did you have any prior
14 experiences with the Ferguson Police Department that
15 would make you feel that way?

16 A No, but I seen things.

17 Q Okay.

18 A And, um.

19 Q You've seen things that make you leery of
20 talking to Ferguson?

21 A Yes.

22 Q And is that, let me ask you this. The
23 thing that you saw, do you know if it had to do with
24 that same police officer?

25 A I really did not know the police officer

1 that was involved in the shooting. I have to kind
2 of give you a background on me. I don't have a lot
3 of interaction with policemen.

4 I think I've gotten a ticket twice
5 and they were completely out of my area. Anything
6 else, I just don't get involved with them. I do
7 what I'm supposed to do, try to follow what I'm
8 supposed to do. I work, I work most of the time,
9 I'm gone five days a week, most of the time working.
10 And when I'm home, when I'm there in that apartment,
11 I stay in my apartment, I mind my own business.

12 I know of maybe one or two of the
13 neighbors that's in the apartments. I speak to them
14 and I keep going.

15 But I sit in my apartment, I see the
16 police coming down the streets. I have a problem
17 with them doing 50, 60 miles an hour coming down the
18 complex where you've got children and people walking
19 all the time and it is five, six, seven, eight cops
20 and they're all speeding down the street. Less than
21 five minutes later you see them coming back. You
22 see them, they all pull up into the parking lot and
23 there will be, oh, I don't know in these funny
24 looking suits and playing cards.

25 They surround the parking lot to go

1 in, and they go into some apartment, and I don't
2 know which one, and then they come back out. I
3 mean, it is just a lot of things that go on.

4 Frankly, I'm really not use to this.
5 This is my first experience with an apartment. I've
6 always lived in a house and never lived in an
7 apartment before.

8 And the things that go on, you know,
9 make me kind of leery of the police because they,
10 when they come in, if you come to go get in your
11 car, get back in your apartment, get back in your
12 apartment. When there is really nothing going on.

13 If you got a warrant for somebody to
14 go in or something, you know, it is for you to talk
15 to people. The little bit that I did do interaction
16 that I did see with them, the tone, the way they
17 talk to you, the way they approach you.

18 I had a couple of them knock on my
19 door because they was looking for somebody. You
20 knock on my door and you want me to give some
21 information, there is certain way you talk to me.
22 I'm not violating anybody.

23 **Q** You feel that the police officers --

24 **A** Sometimes I think they're bullies.

25 **Q** And disrespectful?

1 **A** Disrespectful, very disrespectful.

2 **Q** And so I understand, is that some of the
3 reasons why you didn't feel comfortable talking to
4 Ferguson. Is it Ferguson Police Department that you
5 have that feeling about or is it all police
6 officers?

7 **A** Not all, Ferguson.

8 **Q** And, again, just to clarify, did you ever
9 witness the officer involved in the shooting?

10 **A** No.

11 **Q** Ever see him behave in that manner?

12 **A** No, I never saw him. To know him, I never
13 seen him.

14 MS. ALIZADEH: I don't have any questions.
15 Sheila?

16 MS. WHIRLEY: Yeah, hi.

17 **A** Hi.

18 **Q** (By Ms. Whirley) When you were interviewed
19 by the FBI, that would have been August the 12th, a
20 couple days after this occurred; is that right?

21 **A** Right.

22 **Q** A few days, I guess. When you talked with
23 them, I've read your statement, it indicates that
24 you thought, it appeared to you that Michael Brown
25 was trying to get away from the officer when you saw

1 what was going on in the car. Do you still have
2 that opinion?

3 **A** Yeah, they were, I mean, they were just
4 like, you know, I mean, it is like tussling with
5 each other. And he was like, I guess, he was trying
6 to get away and he finally was able to break away
7 and that's when he walked away.

8 **Q** Okay. It appeared to you that the police
9 officer was actually holding onto Brown as he was
10 trying to get away?

11 **A** Yeah, he was holding, I mean, they was
12 tussling. They were just tussling. And it was like
13 one was trying to hold the other, you know what I'm
14 saying?

15 **Q** I do. And at the time that you were
16 talking to the FBI, you thought it was the officer
17 that was trying to hold onto Brown?

18 **A** Yes.

19 **Q** And Brown was trying to get away, that's
20 what it appeared to you?

21 **A** Uh-huh.

22 **Q** When you saw the officer, once Brown did
23 get away, you said he was kind of, the first you
24 said running, but more walking fast?

25 **A** Walking fast.

1 **Q** Okay.

2 **A** He was a big guy and when he broke loose,
3 he just like went at a fast pace, but not in a total
4 run.

5 **Q** I understand. And he was going in the
6 opposite direction of the officer?

7 **A** Right. Same direction he was going when
8 the policeman approached him.

9 **Q** Approached him, okay. And then you saw
10 the officer get out of the car and I think in your
11 statement you said it appeared that he was running
12 after Brown and his gun was drawn, does that sound
13 familiar that his gun was drawn?

14 **A** I'm trying to mentally see.

15 **Q** Sure, that's what we want you to do.

16 **A** Because it has been a while. I don't
17 really want to deal with it.

18 **Q** I understand.

19 **A** When he got out of the car, he jumped out,
20 I could see him when he was getting out of the car,
21 okay. When he got out of the car, wherever his gun
22 was, he must of had to reach for it because when he
23 got out, I could see his hand on this side and then
24 when he got so far, I could see the beginning of the
25 gun, like he had something in his hand.

1 **Q** Okay. And it looked like a gun?

2 **A** Yeah.

3 **Q** In his right hand?

4 **A** Yeah.

5 **Q** You are motioning with your right hand.

6 **A** Yeah, with his right hand because it was
7 all on that side. That is why nothing is really
8 totally just say clear because he was on the
9 opposite side of me and I'm looking at him from this
10 side.

11 **Q** Okay.

12 **A** From this side.

13 **Q** From the passenger side?

14 **A** Yeah, because he was on the passenger side
15 of the car.

16 **Q** Who is on the passenger side of the car?

17 **A** The cop when he got out, he got out of the
18 passenger side of the car.

19 **Q** Okay. He didn't get out of the driver's
20 door?

21 **A** I mean, I'm sorry, the driver's side of
22 the car. I'm saying on the passenger side of the
23 car.

24 **Q** So your window is facing the passenger
25 side of the car?

1 **A** Passenger side of the car and he's on the
2 driver's side.

3 **Q** Driver's side?

4 **A** That's what I meant to say.

5 **Q** Okay. But you could see the tussle from
6 where you were looking?

7 **A** I can see movement.

8 **Q** Okay.

9 **A** That's why I say it is not clear to me who
10 was doing what.

11 **Q** Okay.

12 **A** All I can see is the top of Michael
13 Brown's head and then I can see figures or --

14 **Q** Can you see their hands?

15 **A** You can, yeah, because I can see them
16 tussling through the car, it is like movement.

17 **Q** Okay. Can you see --

18 **A** You can see Michael's arms and things up
19 here and you can see him moving.

20 **Q** Did you ever see Michael Brown's hands go
21 for the officer's weapon?

22 **A** All the way inside the car?

23 **Q** Yes.

24 **A** No, I didn't see that. I'm not saying it
25 didn't happen, but I did not see that.

1 **Q** Okay. And the other guy that was with him
2 who has identified as Dorian Johnson, where did you
3 see him once Michael Brown walked fast away from the
4 car?

5 **A** I didn't see him.

6 **Q** You didn't see him any more?

7 **A** Huh-uh. He had already went past my view.

8 **Q** Before Michael Brown left?

9 **A** Before he broke loose.

10 **Q** Before he broke loose, okay. Did you hear
11 any shots while the tussling was going on?

12 **A** No.

13 **Q** So at what point did you hear, I think you
14 heard two shots; is that right?

15 **A** I say I counted two and then after that I
16 just didn't count any more.

17 **Q** Okay. At what point did you count two
18 shots, what was going on when you counted hearing
19 two shots?

20 **A** I started hearing two shots, the policeman
21 had already gotten out of my view and next thing I
22 heard was shot.

23 **Q** Okay. So Michael Brown was walking fast
24 away from the officer?

25 **A** Uh-huh.

1 **Q** The officer get out with his gun drawn and
2 was following him, is that when you heard two shots?

3 **A** Right, I heard the shots after that.

4 **Q** Okay. And then after that did you hear
5 some additional shots? Like was there a pause
6 between the first shot you heard and then more shots
7 were fired?

8 **A** I'm trying to think if it was a pause. It
9 was a very little pause between the shots that I
10 heard.

11 **Q** Okay. You heard a certain amount of
12 shots, a very little pause and then some more shots?

13 **A** Uh-huh.

14 **Q** And then I think I read that you heard
15 someone yelling after you heard the last shots?

16 **A** Yeah, there was somebody yelling, but I
17 don't know who it was.

18 **Q** Okay. I think you just said you couldn't
19 make out --

20 **A** I heard some yelling and then I guess
21 that's when whoever heard the shots that was closer
22 to him must have started to come out of their
23 apartments.

24 **Q** But you didn't see any of that?

25 **A** I didn't see anything, but I could hear.

1 By then you could hear some sounds from people
2 hollering because then it was over with.

3 Q Okay.

4 A So you hear the aftereffect of people
5 realizing something has happened they are coming out
6 screaming and hollering, and there was a lot of
7 screaming and hollering.

8 Q How did you know that it was over with,
9 like what happened to let you know it was over with?

10 A You didn't hear any more shots.

11 Q Okay. So when you heard those last shots,
12 then you heard someone yelling?

13 A Uh-huh.

14 Q And no more shots?

15 A No more shots.

16 Q No more shots, okay. When you got dressed
17 and went back out or went out, where did you go when
18 you went out. Did you go like on your porch, did
19 you go down to the street, where did you go?

20 A I come down into the parking lot.

21 Q Can you show us here on the map if it is
22 visible or if you can figure out where you were?

23 A There's a parking lot, see this parking
24 lot here?

25 Q Use the laser pen.

1 **A** This really confuses me.

2 **Q** And if you can't do it, it's okay.

3 **A** When you come out of my apartment, there's
4 a parking lot and a parking lot there and there's a
5 parking on the side, which is like they got there
6 looks like that's the parking on the side, but there
7 is also parking in between.

8 **Q** Okay.

9 **A** I just come down and walked out of my
10 apartment and walked over toward.

11 **Q** Canfield Drive, this is Canfield Drive.

12 **A** But I didn't leave the parking lot, I
13 stayed back on the parking lot because they were
14 already, by the time I got down they were putting
15 out cones.

16 **Q** Okay.

17 **A** So I just stayed back. I was able to see
18 even with me standing back, you can see the boy in
19 the street. All I had to do was walk so far and
20 then I could see down the street.

21 **Q** Okay. So they were putting cones out by
22 the time you came?

23 **A** Uh-huh.

24 **Q** So you saw other police officers and
25 police cars by the time you came downstairs?

1 **A** Well, when I first came downstairs I only
2 saw one policeman and then another one showed up and
3 then another one showed up.

4 **Q** Shortly thereafter?

5 **A** Uh-huh.

6 **Q** But at the time of the altercation, the
7 shooting occurred, you only saw one officer?

8 **A** I saw only one police car.

9 **Q** One police car. Were the people, you said
10 they started coming out, when you came out when they
11 were putting out cones, is that when you saw a lot
12 more people coming out?

13 **A** People started coming out. Boy's laying
14 here, on the side I am, you could see them flowing
15 from back here. And then they started from that
16 side, and then all of the sudden they were coming
17 out, because see, there is apartments back there.
18 So they were coming out, they were coming around
19 into where, where my apartment is into that parking
20 lot.

21 And then there wasn't, I'm trying to
22 think how long after all this happened that I saw
23 his mother come out. She was easy to recognize, she
24 had the blond hair.

25 **Q** Did you know his mother?

1 **A** No.

2 **Q** Never met her before?

3 **A** I heard, the people were saying she kept
4 hollering, my baby, my baby, you know she was the
5 mother.

6 **Q** Right.

7 **A** And they were trying to hold her. There
8 was just a lot of people, a lot of people and a lot
9 of screaming.

10 **Q** Can you show us on the map where you saw
11 his body fall? You didn't see it fall, but where it
12 was when you came out? If you can. Can you tell on
13 this map where his body rested, Michael Brown's
14 body?

15 **A** It is kind of hard for me to say because.

16 **Q** Can you hit that little button. If you
17 cannot --

18 **A** Canfield Drive, why is Canfield Drive up
19 there. Copperfield, should be, I thought that
20 was --

21 **Q** Coppercreek?

22 **A** I thought that was on the other side of
23 where I am, but anyway, he was -- like my apartment
24 is right there, I'm right here, he was down from me
25 somewhere in here. (indicating)

1 **Q** Okay, all right.

2 **A** Cause see right here, right here on this
3 end is the dividing line where my view gets, but not
4 there, but you know what I'm saying?

5 **Q** I do.

6 **A** As you come out of my apartment you come
7 there, right there, I can't see after that.

8 **Q** Okay.

9 **A** That's the end of, like the apartment ends
10 there and then I can't see any more from there. I
11 have to come out of my apartment and come to the end
12 of the parking lot and look down the street.

13 **Q** One thing you mentioned that it was such a
14 minor incident to end up, I think, in somebody being
15 dead?

16 **A** Right, it was.

17 **Q** Tell me what you mean by that?

18 **A** Here is two guys walking down the street.
19 They're in the street. The policeman pulls up and
20 says something to them. They say something back,
21 they start to walk away. Then the police backs up
22 and then there is a confrontation between him and
23 one of the guys. Then the next thing you hear is
24 shots.

25 I mean, it was such a small incident

1 if they were in the streets, he didn't want them in
2 the streets and he told them get on the sidewalk.
3 That should have been it.

4 Q And if they didn't obey and get on the
5 sidewalk, then what are your thoughts?

6 A What are my thoughts?

7 Q Yes.

8 A I don't think he should have died from it,
9 he could have arrested him.

10 Q Okay.

11 A Jaywalking, and that's basically what it
12 was if that's what it was. It just seemed to me it
13 was just such a, I mean, that's just my point of
14 view that it was such a minor incident, the boys
15 didn't have a gun, there was no big deal on just
16 jaywalking and just to me it seems a waste of life
17 to me, that's just me.

18 MS. WHIRLEY: Okay. Questions?

19 MS. ALIZADEH: I just want to clarify some
20 things.

21 Q (By Ms. Alizadeh) Ma'am, I totally
22 understand and agree that as we sit here now some
23 several weeks later and we have learned a lot about
24 what happened that day, it does seem like a waste,
25 it seems terrible that this happened. A couple of

1 questions I have for you though is that when you
2 were looking out your window, you said you could see
3 the hands going back and forth?

4 **A** Right.

5 **Q** Do you remember telling the FBI agents
6 that you could see Michael Brown's hands in the
7 police vehicle?

8 **A** In the window of the vehicle.

9 **Q** Right. Inside the vehicle, past the
10 window. If the window were up, the hands were
11 inside, correct?

12 **A** Yeah, if they're wrestling, there's
13 confrontation, I'm in your window, my hands are in
14 your window.

15 **Q** Okay. From your vantage point, because
16 when Sheila asked you if you could see Michael Brown
17 going for or trying to grab the officer's gun and
18 you said no.

19 **A** I didn't see that.

20 **Q** So what I want to clarify is, are you
21 saying that didn't happen because you could see what
22 was happening, or are you saying, you know, I can't
23 tell what was going on in the car so I didn't see it
24 go on, but I don't know what happened?

25 **A** That's what I'm trying to tell you. All I

1 could see was their hands going back and forth.

2 **Q** Okay.

3 **A** I never saw anybody reaching for a gun or
4 reaching into the car to try to get his gun. In
5 that case from what I could see, if he had to, if he
6 reached into the car, he would of had to have been
7 in some kind of way, no way he could have stood up
8 straight and reach in the car without me seeing it.

9 **Q** Okay.

10 **A** And all I ever saw was the top of his head
11 and them wrestling through the thing. I never saw
12 him bend to reach in the car, I never saw the
13 policeman reaching in his gun holster to get his
14 gun, all I saw was them wrestling at the thing.

15 **Q** Okay.

16 **A** Now, but that don't mean that I didn't,
17 there's something I could have missed something, but
18 I did not see anything beyond that.

19 **Q** Okay. When you first saw the boys, and
20 you just said today you really don't recall what
21 they were wearing in particular. You could see
22 their hands when they were walking, right?

23 **A** Uh-huh.

24 **Q** Did you see anything in their hands?

25 **A** I don't remember seeing anything in their

1 hands, no. I don't recall seeing anything in their
2 hands.

3 Q And now, I mean, we know today, we know,
4 and nobody is disputing that Michael Brown, we know
5 he did not have a weapon, okay. I'm not trying to
6 imply that he did when I ask you these questions,
7 but when you saw him, you couldn't tell if he could
8 of had a weapon in a pocket, in a waistband, from
9 your vantage point you wouldn't be able to tell
10 that, would you?

11 A No.

12 Q And once he ran out of your sight, and if
13 you're here and this building right here, this one
14 right here, once they run past a certain point, you
15 can't see beyond that building to what happens,
16 right?

17 A No.

18 Q And so whatever happened after they ran
19 out of your sight, you can't say one way or another
20 what happened; is that right, is that fair to say?

21 A Fair to say.

22 Q Okay. So at the time, and today I know we
23 know a lot more today than, obviously, people knew
24 as it was going on. But at you sit here today, I
25 know you said it just seemed like such a minor

1 incident, the officer should have arrested him for
2 jaywalking?

3 **A** No, no, that's what I'm saying. I was
4 just saying in the real world or in a good scenario
5 what I saw just seemed like such a minor thing for
6 it to end up the way it did.

7 **Q** Okay.

8 **A** That's all I'm saying.

9 **Q** Okay.

10 **A** Just seemed such a waste. I'm not saying
11 what happened when it got past me because I can't
12 testify to that, I don't know anything about that.

13 **Q** And exactly what was happening inside that
14 car, you really couldn't tell?

15 **A** No, and when I made the statement to the
16 FBI I told them that. I could not see inside the
17 car.

18 **Q** Okay.

19 **A** All I could see was them wrestling at the
20 window.

21 **Q** And from your vantage point, you did not
22 see him, Michael Brown, I mean the big guy, it
23 didn't look to you like he was reaching far enough
24 in the car to where he would be reaching for a
25 weapon?

1 **A** No, but then if I'm looking at you, there
2 might be some things that I don't see.

3 **Q** Uh-huh.

4 **A** Some things that my memory don't record.
5 I'm not going to say what did or did not happen. I
6 can only tell you what I saw.

7 **Q** If, I'm not saying this is true or not,
8 I'm just asking you to think about this. If the
9 officer had drawn his weapon and he was holding his
10 weapon closer to his, the door. In other words, if
11 he has a right handed holster, and then if he had
12 removed a weapon and had it closer to the door,
13 would Michael Brown have been able to, given what
14 you were judging from his height and from what you
15 saw where his head was and everything, could he have
16 touched or reached the weapon if that were the case?

17 **A** Well, I guess if the policeman had the gun
18 up in his, up high enough where he didn't have to
19 bend to get it or to move his body to get it, I'm
20 assuming that could have happened, that could
21 happen. I don't know that.

22 **Q** And I think that, I don't want to imply
23 that you are saying it did or did not happen because
24 I think it is clear that you don't know.

25 **A** No, I don't.

1 **Q** And that's fair, but when you said you
2 didn't see him, it couldn't have been like he was
3 reaching for his gun, are you basing that assumption
4 on if the officer still had the weapon in his
5 holster on his right hip, you never saw Michael
6 Brown go far enough in the vehicle to actually
7 remove, try to get the gun off of his right hip,
8 would that be fair to say?

9 **A** Yeah, that would be fair to say. I can
10 say that, that I didn't see that.

11 **Q** Okay. But if the gun were already out of
12 the holster and maybe being held across the
13 officer's body, is it possible then from where
14 Michael Brown was, that he could reach the gun
15 without having to lean in the way you would of
16 thought he would have to lean?

17 **A** Could be. If I was in the same position
18 and you could see me and he put it up high enough
19 for me to do it within arms reach, I guess I could
20 do it to.

21 **Q** And, again, I'm not saying one way or
22 another, I'm just asking you because I think you
23 made certain assumptions when you were saying he
24 couldn't reach the gun and that's based upon you
25 believing that the officer's gun was still in his

1 holster that he couldn't reach it?

2 **A** Yeah.

3 **Q** Okay.

4 MS. ALIZADEH: I know you all have a lot
5 of questions.

6 MS. WHIRLEY: Just one thing. My question
7 wasn't could he reach the gun, was it did you see
8 Michael Brown struggling with the officer over the
9 gun?

10 **A** No.

11 MS. WHIRLEY: That's my question.

12 MS. ALIZADEH: I understand, Sheila.

13 MS. WHIRLEY: I was making it clear.

14 MS. ALIZADEH: I didn't know if she meant
15 that didn't happen because I saw, I could see it and
16 it didn't happen, or if her answer was I didn't see
17 that.

18 **A** Well, see what I was saying when I say
19 that I didn't see him reaching in the car, I did not
20 see that. All I saw was them tussling at the
21 window, I never saw him reach in, or anything like
22 that.

23 Now, that's not saying that what you
24 said about the gun as far as the policeman was
25 concerned that it was in a different position, but

1 when the question was asked of me was, did he reach
2 in to try to take the cop's gun. And I said, no, I
3 did not see that.

4 MS. ALIZADEH: Okay. I think that's, and
5 these are all just points we are trying to clarify.

6 **A** Uh-huh.

7 MS. ALIZADEH: I'm absolutely not trying
8 to imply one thing or the other. So questions?

9 Did
10 you ever at any time see him stick his head inside
11 the police car?

12 **A** No.

13 When you,
14 the first time you saw the two guys walking and the
15 police approaching them and you say you saw the
16 police drive away and proceeded on or the young man
17 proceeded on. When the police came back, could you
18 tell if he came back in a speedy way or did he just
19 back up normally?

20 **A** What happened was, he said something to
21 the boys. The boys said something to him. The boys
22 proceeded to walk away. The policeman must have
23 thought for a second, he backed up to go back to
24 where they were.

25 That's what happened. I mean, he

1 didn't speed up any because they only had gotten a
2 few feet from him when he decided, when I guess he
3 wanted to have some more to say to them, he just
4 backed up.

5 Okay, thank you.

6 **A** Uh-huh.

7 When you saw
8 Michael Brown's head on the top of the SUV, do you
9 know if he was wearing anything on his head?

10 **A** I think he had a hat on, a cap or
11 whatever, you know.

12 Thank you.

13 MS. ALIZADEH: Ma'am, I'm just asking you
14 if you recall when you talked to the FBI agents, and
15 these were two women agents, right?

16 **A** Right.

17 MS. ALIZADEH: Do you remember telling
18 them that you saw, and I'm talking about when the
19 vehicle backed up, that you saw the vehicle jerk and
20 back up a short distance?

21 **A** Yeah, he did. Cause when he backed up he
22 jerked, like he put his foot on the brake or
23 something.

24 MS. ALIZADEH: I was trying to clarify
25 when you were asking about and I wanted to know what

2 **A** If the policeman probably wanted to say
3 something, he didn't want them to get away. So what
4 he did when he put it, just when he backed it up, he
5 just put on his brakes real hard, real fast and the
6 car kind of jerked.

7 MS. ALIZADEH: From your position, did it
8 look like he came close to hitting the boys or did
9 his vehicle contact either boy when he backed up?

10 **A** I didn't see that.

11 MS. ALIZADEH: Okay.

12 You
13 said you don't know if you want to continue to live
14 there any more. Do you feel it is because of the
15 police or because of the residents and the danger or
16 everything?

17 **A** I'm going to move anyway.

18 Okay.

19 **A** I've got a lease and I can't move right
20 now. I mean, my family's having major problems.

21 Yeah.

22 **A** There's a lot of things that make me want
23 to move. Too many young people, too much riffraff,
24 there is shooting, they get out at night, on
25 weekends and shoot up in the air and all that stuff.

1 The police has been called several
2 times for it. The apartment managers or owners, or
3 whoever they are, does nothing about it and all of
4 that is violations. They should have been gone, but
5 they do it.

6 I'm getting too old to be putting up
7 with the riffraff. They are a bunch of youngsters.
8 Youngsters are in a learning phase, they do all
9 kinds of crazy stuff. And I just want to live
10 somewhere where I don't have to live with all of
11 that, okay.

12 Has nothing to do with the cop
13 shooting the kid or the kid causing the shooting,
14 whatever it was, had nothing to do with that. But
15 the aftermath of this is what I'm talking about.

16 I don't want to live years, all of
17 the sudden somebody come and either take my life or
18 shoot me up or beat me up, and I'm abiding by all
19 the rules or as many of them as I can. I'm not
20 going to say I'm perfect. We all do things that we
21 shouldn't do, all right.

22 MS. ALIZADEH: Any other questions? Okay.
23 This will conclude the testimony of this witness.

24 (End of the testimony of)

25 MS. ALIZADEH: This is Kathi Alizadeh on

1 October 23rd, 11:07 a.m. Present in the grand jury
2 is Sheila Whirley and all 12 grand jurors and ,
3 the court reporter.

4 The next thing we're going to do is play a
5 statement for you. The statement is from a witness
6 named . I believe it's,
7 , I'll verify that.

8 She had previously talked to the County
9 Police, but this is a statement you're going to hear
10 is a statement that was done yesterday, I believe,
11 at FBI headquarters. I can't be sure, but the
12 statement is being taken by, the questioning is
13 being done by , who is the attorney for the
14 Department of Justice. You have heard her voice on
15 several statements. You will also hear the voice of
16 , who is the assistant United States
17 attorney who you probably heard his voice on several
18 statements.

19 And there is also an FBI agent who is a
20 female who is a female who pipes in a couple of
21 times during the statement. I'm not sure as I sit
22 here today because I listened to this last night
23 because I got it last night because it happened
24 yesterday afternoon.

25 I can't recall if they identified who the

1 FBI officer, but this was a statement done
2 yesterday.

3 The statement lasts an hour, and hour 40
4 minutes, 38 minutes. So it might be that we break
5 after hearing the first hour of it. Since it is a
6 little after a 11 now, and then you guys can have
7 your lunch, then we would resume and let you listen
8 to the last part of it and then have the witness
9 testify in the afternoon, all right.

10 With that being said, , because we
11 don't have a transcript, I would like you to
12 transcribe the interview. But we can pause the
13 recording since we've marked this disc that contains
14 the interview as Grand Jury Exhibit Number 50.

15 (Grand Jury Exhibit Number 50
16 marked for identification.)

17 : I don't know street names,
18 but I can give you detail directions that I went.

19 MS. : Oh, that's fine, I'm just
20 going to go ahead and just kind of do a little
21 introduction, okay.

22 It is October 22nd, 2014. It is
23 approximately 2:14 p.m. This is special agent
24 at the FBI field office, 2222 Market
25 Street, St. Louis, Missouri. I am here with USA

1 , DOJ prosecuting attorney
2 and we are interviewing?
3
4 MS. : And, , can you spell,
5 is it, your name for me?
6 It's capital
7
8 MS. : Do you have a middle name?
9
10 MS. : What's your date of birth?
11
12 MS. : And your social security
13 number?
14
15 MS. : What is the best contact
16 number for you?
17 That's area code
18
19 MS. Is that your cell phone?
20 : Yes, I'm straight cell.
21 MS. : What's that?
22 : I'm straight cell.
23 MS. : Oh.
24 : No landline.
25 MS. : What's your address.

1

2

3

4 MS. : Okay. All right.

5 MS. So before we begin, you

6 introduced as , is that okay if I call you

7 that?

8 : Yes.

9 MS. : Okay. I want to let you know

10 we talked a little bit when you came in. We're just

11 trying to figure out what the truth is and so we

12 don't want to talk about what you may have heard

13 from other people or what you have seen on TV or

14 read or anything like that, just what you know,

15 okay. This investigation, like any other, where we

16 are just trying to get at the truth.

17 We have to let you know that, we tell this

18 to everybody, if you lie to a federal agent, and

19 you, (inaudible) it is a crime. You are better off

20 not saying a word and just not talking to us if you

21 plan on lying and sitting in here and telling us

22 lies.

23 With that in mind, we just ask you, we are

24 going to ask you to tell us what you remember. If

25 you don't know something, or don't remember, that's

1 perfectly fine. Just, you know, as I said, our goal
2 is to figure out what happened, okay?

3 : Right.

4 MS. : We don't want you to think if
5 one way or the other (inaudible) of what you have to
6 say, you are just a piece of the puzzle, okay?

7 : Okay.

8 MS. : Can you just tell us, we know
9 what you originally said in your first statement,
10 but we as prosecutors wanted to get to meet you. So
11 can you just rundown what you saw and experienced on
12 August 9th?

13 : Um, okay. You want me to
14 start from where I started at QT?

15 MS. : Well, yes, I know you stopped
16 at the QT, but you were on your way somewhere to
17 begin with?

18 : I was on my way to visit a
19 friend from high school that I thought lived off
20 Florissant, but turned out lived in Florissant.

21 MS. : Okay.

22 : I ended up in Florissant --
23 or on Florissant Road.

24 MS. : Okay.

25 Once I realized that I was

1 lost, this is before I had my GPS. I stopped at the
2 QT. 270 is up here and I stopped at the QT and I
3 asked for directions. And I didn't follow them very
4 well, instead of making a right out of QT, I made a
5 left. And I realized I went the wrong way, so I
6 made another immediate left.

7 But then I seen the apartments, my friend
8 lived in an apartment. I thought, well, maybe I was
9 in the right spot after all.

10 And I went down that street and I passed
11 two streets and then a parking lot and went into the
12 second parking lot, which is technically the same
13 one because it loops around a building. And I
14 pulled in there and I made a left and I parked there
15 and then I walked back out in front of that building
16 to ask for directions.

17 MS. : Okay.

18 : And then that's when I seen
19 the officer's SUV for the first time, it is a bigger
20 vehicle, for the first time. And he was talking to
21 two African-American gentlemen.

22 And then he started to leave and then he
23 put the car in reverse and said something, and I did
24 not hear what was said. And then the next thing I
25 know, the heavier set African-American was in the

1 car from approximately the waist up. And then I
2 heard the gun go off, I didn't hear any kind of
3 conversation. I heard noises, but not what was
4 being said.

5 I heard the gun go off, I only remember
6 one gunshot. The skinnier African-American took off
7 running and the heavier set one that they call Mike
8 Brown stood up, and I seen him pull his shorts up
9 and take off running.

10 The officer got out of the car and had his
11 left hand on the left side of his face and the gun
12 in his right hand. And his right hand was shaking
13 and he was stumbling from one foot to the other, and
14 I don't know what he said. All I heard was, or I'll
15 shoot.

16 And then that's when Michael Brown, the
17 heavier set, turned around and face-to-face with the
18 officer and he had his hands out extended like this,
19 or whatever, kind of like, you know, what are you
20 going to do.

21 MS. : Okay.

22 : He wasn't saying anything at
23 that time that I heard. And then the officer had
24 his gun, was drawn and pointed at him, and that's
25 when Brown started to charge, you know, kind of like

1 a football, like this, with his hands out.

2 MS. And your hands are clenched.

3 Right, his hands were
4 clenched at this time. He was slightly bent, but
5 not much. It was kind of like a football charge
6 not, you know, and then that's when the gunshots
7 started.

8 I don't remember the sequence or the
9 order. I know that the gun went off a couple of
10 times and then stopped and then went off again.

11 And then when the last gunshot went off,
12 which was in the head, that's when I started to get
13 freaked out and I got in my car and I left. As I
14 was leaving, I couldn't go out the same parking lot
15 I had come in, they had, that was all blocked. So I
16 zigzagged through the parking lot and I popped out
17 the third one over here, and I made a right and went
18 through the neighborhood.

19 I got lost in there for about 20 minutes,
20 but I ended up on a street that goes in a complete
21 circle and then I made a right and popped out on a
22 side road next to QT, which is where I asked the
23 person at QT again where the nearest highway was.

24 MS. : So let me go back and ask you
25 some questions I have.

1 : Okay.

2 MS. Starting with the QT. When you
3 went and asked for directions, did you go inside or
4 did you ask somebody in the parking lot?

5 : I asked somebody at the gas
6 pump.

7 MS. Both times or first time?

8 : Both times.

9 MS. : And did you go inside at all.
10 : No.

11 If we got surveillance
12 video from the gas pump, you would be on it?

13 : Yes.

14 MS. : Okay. And so when you drove,
15 you said you ended up by an apartment complex. You
16 thought it was your friend's apartment complex, what
17 made you think that?

18 : Because she had said she
19 lived in apartments right off Florissant. And I
20 thought she meant right off Florissant, she meant in
21 Florissant. I never did find my friend.

22 MS. : Okay. Before you were
23 describing it you said that you thought that you
24 noticed these apartment complexes and you went in
25 thinking that was where she lived and then you got

1 out and asked for directions again. At what point
2 did you still think you were at the apartment
3 complex?

4 : No, once I got in there
5 because once I got past the first two streets and I
6 started to go around the bend, it didn't look like
7 the pictures that I had from her, and that's why I
8 was confused.

9 MS. : What is your friend's name.
10 :

11 MS. : Do you have a phone number for
12 her?

13 : I do, it is at home. She's,
14 we met when

15
16 MS. : So you said in high school,
17 right?

18 : We met my freshman year of
19 high school.

20 MS. Okay.

21 MR. : She was one of the
22 ?

23 : Correct.

24 MS. : What school did you go to?

25 :

1 It was early '80s I guess.

2 MR. : you
3 went to?

4 : Yes.

5 MR. : is her name?

6 : Yes.

7 MR. : How do you spell her last
8 name?

9

10 MS. : And how do you spell
11 with an I or a Y?

12 :

13 MS. : Have you spoken to her since
14 this?

15 Just a couple times. We
16 were really, really close when

17 And then
18 they had that situation

19 , what do you call,

20 , and we let her

21

22 so she wouldn't have to deal with
23 it. We went through a lot together, so.

24 MS. : You said you never made it to
25 her house that day, did you call her afterwards?

1 : I emailed her and told her.

2 MS. : What did you tell her?

3 Just that I had gotten lost.

4 I didn't tell anybody anything except for my

5 ex-husband, which he --

6 MS. : Who is --

7 : He's being obnoxious.

8 MS. : What do you mean?

9 : Well, he told me not to come
10 in here at all.

11 MS. : Why?

12 : Just because we have three
13 .

14 MS. : Meaning what?

15 : He doesn't, he has cable, I
16 don't. He hears about the death threats and
17 everything and just says that he doesn't want his
18 mixed up in it.

19 MS. : So why did you decide to go
20 against his suggestion?

21 : Because the one thing my
22 father taught me before he passed away regardless,
23 you always tell the truth and you always admit to
24 whatever, if it's the truth.

25 Unfortunately, I have been in trouble once

1 before by the law.

2 MS. : Okay. How did you get in
3 trouble, what was that?

4 : I grabbed a black checkbook
5 instead of a brown checkbook or blue checkbook.

6 MS. : Did you get convicted of
7 anything?

8 : Yes, because my dad, even
9 though it was an accident, it is still my signature
10 and the adult thing to do would be to accept
11 responsibility, so I pled guilty.

12 MS. : What did you plead guilty to,
13 what was the charge?

14 : You know, I really am not
15 100 percent sure. I think it was check fraud is
16 what it would have gone down.

17 MS. : How long ago was that?

18 : In '07, I believe.

19 MS. Did you --

20 : I didn't do any time. I
21 explained the situation to the judge and the judge
22 said since I was taking responsibility, he would
23 give me just probation.

24 MS. How long were you on probation
25 for?

1 : Three years.

2 MS. : Was it a felony.

3 : It was considered two
4 felonies, but they did an SIS.

5 MS. : Okay.

6 : So that as long as I didn't
7 get in trouble throughout the three years that it
8 wouldn't be on my record.

9 MS. : Okay.

10 MR. : Did you have any trouble
11 during that three years?

12 No.

13 MR. : Have you had any other kind
14 type of problems at all like that?

15 : I haven't even got so much
16 as a ticket so, before or after.

17 MS. : So when you pulled into the
18 parking lot in this complex, you got out of your car
19 to ask for directions, was there somebody that you
20 were going over to ask directions or were you just
21 looking for somebody?

22 : I walked up to the first
23 gentleman I seen, he was kind of a heavy set guy
24 with a green shirt, and had his hair in braids and
25 it was real short.

1 MS. : Okay. Why did you park your
2 car and walk up to him as opposed to just drive up
3 to him?

4 : It's just what I do.

5 MS. : Okay.

6 : It is easier for me just to
7 park, get out, and then I can sit and conversate and
8 I was able to have a cigarette.

9 MS. : I guess, you know, if it is all
10 good but --

11 : I've always done it.

12 MS. : And that's fine. I'm talking
13 about the reality of life is you are in a
14 neighborhood that you don't know and you are getting
15 out of your car and walking up to somebody you don't
16 know, and I don't know, you are more trustful than
17 the average person, or maybe I'm more skeptical than
18 the average person, especially a woman in a
19 neighborhood that you don't know.

20 : I just always have. I don't
21 know, I could be down in the city or whatever and
22 ask for directions, and I will get out.

23 MS. : Okay. So you get out --

24 : I don't get lost any more,
25 my mom bought me a GPS.

1 MS. : Okay. You get out of the car
2 and you see this guy, and at what point did you
3 notice the police car?

4 : I didn't notice him until
5 they were talking the first time. And no, I didn't
6 hear anything that was said the first time around.
7 He was just kind of driving up next to him.

8 MS. : Did you get the opportunity to
9 ask this guy for directions or was your attention
10 diverted to the police car?

11 I started to ask him, and
12 then I lit a cigarette, and then my attention became
13 drawn to the police car. That's why I had to ask
14 directions again at QT.

15 MS. : Was the guy you are talking to,
16 was he watching was going on also?

17 : Yes.

18 MS. : So you look over and you see
19 the police car and you say that, when I say car, I
20 mean SUV, and you see some sort of interaction
21 between the police officer and who?

22 : The, well, I know it is Mike
23 Brown now, at the time it was a heavy set
24 African-American and a skinny African-American.

25 MS. And did you --

1 Oh, I'm sorry, I didn't mean
2 to interrupt you, when, um, he backed up, when he
3 first tried to get out, the heavier set one did push
4 the door shut, but so did the skinnier one. And the
5 skinnier one lost a bracelet on the ground, it is a
6 gold bracelet.

7 MS. : Okay.

8 : I'm sorry.

9 MS. : You're fine, totally fine, okay
10 I know in your last statement you said one of the
11 things you kept saying was I'm not a very good
12 witness.

13 I'm not.

14 MS. Let me tell you this as a
15 prosecutor. A good witness is somebody who is
16 truthful. And that's all it takes to be a good
17 witness, right, nobody should be a professional
18 witness, right. Because we just ask about what we
19 see going on in our daily lives.

20 I kind of want to get that out of your
21 head, just focus on the fact that all we want is the
22 truth, right, so and that's ultimately what we are
23 getting at. However, you characterize yourself good
24 or bad, that doesn't matter either as long as you
25 tell the truth, okay.

1 : Okay.

2 MS. : Back up to when you saw the SUV
3 and you said you saw interaction and you can call
4 him Mike Brown, you know their names now?

5 : I know their names now.

6 MS. So then you can call them Mike
7 or Dorian, whatever you feel comfortable.

8 : Okay.

9 MS. : You see the SUV and you see the
10 interaction, who was interacting with whom?

11 : They both were interacting
12 the second time.

13 MS. : So the initial thing that you
14 see.

15 : The initial time I only seen
16 the officer say something to Mike Brown.

17 MS. Okay. How do you know the
18 officer was talking to Mike Brown.

19 He was closer and Mike was
20 responding. And it was definitely conversation, I
21 just have no idea what was said.

22 MS. : Okay. Was Mike Brown going in
23 the same direction or opposite direction of the SUV.

24 : When I looked over there
25 they were side by side.

1 MS. Okay. Where was Dorian Johnson
2 relative to the SUV?

3 The first time?

4 MS. : Right, in this initial, when
5 you initially see him.

6 He was off about 3 feet.

7 MS. : Was he closer to the back of
8 the SUV or the front of the SUV compared to Mike?

9 Compared to Mike, I would
10 say the back, but I don't really remember.

11 MS. : Okay.

12 : I don't, I honestly, I mean,
13 I didn't give it a whole lot of thought until after
14 Mike Brown went into the car.

15 MS. : We understand that. Our job is
16 to push you and see how much detail we can get out
17 of you.

18 : Right.

19 MS. : If you don't know, you don't
20 know, that's why we are asking all of these
21 questions.

22 MR. : When did you first see Mike
23 and Dorian?

24 From the first time that
25 they were communicating.

1 MR. : Okay.

2 I paid absolutely no
3 attention, there was a ton of people there.

4 MR. : You didn't see them until
5 they were actually, until the police car was
6 actually beside them and they were communicating
7 with the policeman?

8 Correct. I'll stick with
9 that because I might have seen them, I just didn't,
10 it's not dawned, I can't say for sure or anything,
11 you know, I didn't give them any of my attention.

12 MS. : How long were you there
13 before you saw that?

14 It was like instantly.

15 MS. So you didn't notice when you
16 were driving in, you didn't notice anything?

17 No. I didn't pay, I mean, I
18 was staring so much at the building addresses and
19 where there were the most people that I could get
20 out and ask for directions.

21 MS. : So if you saw anybody close to
22 the road, you would have stopped and get out of the
23 car.

24 : I would have stopped and get
25 out of the car so I could have a cigarette, and

1 actually get step by step instructions. I'm not
2 good on directions. So I couldn't get ahold of
3 anybody, I didn't have of my cell phone on me at the
4 time so.

5 MS. : Okay. So you see, you are at
6 the part where you see some sort of interaction
7 between the police officer and Michael Brown,
8 because your statement is based upon what you,
9 yourself, saw. You could tell there was some sort
10 of interaction, correct?

11 : Correct. I didn't realize
12 that the officer was even an officer. When I first
13 pulled in, or whatever, he was coming this way, I
14 guess, and I never even acknowledged that he was an
15 officer when I pulled in.

16 MS. : What sort of vehicle was he in?
17 Looks like one of those like
18 van or SUV type.

19 MS. Okay.
20 Big vehicles.

21 MS. : Was it marked?
22 : Yes, it had police and then
23 underneath it said Ferguson.

24 MS. : So then what about when you say
25 you didn't realize he was an officer?

1 : I wasn't paying any
2 attention. I was so focused on staring at the
3 building numbers that when I pulled in, or whatever,
4 and I passed and there was a lot of people standing
5 right here, I just pulled in right away. It wasn't
6 until I got out and walked this way, or whatever,
7 that I realized that, you know, that it was even an
8 officer. I was going to wait and just get
9 directions from the guy because the officer was
10 already busy.

11 MS. : Okay. My next question was,
12 did you consider getting directions from the
13 officer.

14 I didn't, no, because he was
15 already occupied.

16 MS. : Okay.

17 And he looked very occupied.

18 MS. : All right. So after you see
19 this interaction between Michael Brown and the
20 officer, then what's the next thing you see?

21 : After the first altercation?

22 MS. : We are just talking about step
23 by step.

24 : Okay.

25 MS. You're getting out of your car,

1 you see him before you spoke to the man about
2 directions; is that right?

3 : Correct.

4 MS. : And then what?

5 : And then the officer goes
6 up, you know, like he's going to drive away, he
7 doesn't really go too far, just a few rolls of the
8 tire, or whatever. And then he comes back, or
9 whatever, you know, comes and backs up. And Dorian
10 and Michael Brown, Brown walked up to the car and
11 words were exchanged and then Brown entered into the
12 vehicle from the waist up.

13 MS. : Let me ask you when you say
14 words were exchanged, what do you mean by that?

15 : The officer's mouth was
16 moving. I have no idea what was said.

17 MS. I'm just asking why you chose
18 that phrase.

19 Right.

20 MS. : You use that phrase exchange,
21 the officer's mouth was moving, was there any --

22 : I did not hear Mike Brown.

23 MS. : Were you able to see Mike
24 Brown's face at that point?

25 : No, he was facing, because I

1 was here on the sidewalk and the officer's car was
2 kind of cockeyed or crooked, or whatever, and Brown
3 was right at the window.

4 MS. : Your vantage point was of the
5 driver's side?

6 : Correct.

7 MS. Based on what you are
8 describing now. Okay. And so you see words were
9 exchanged and then what happened?

10 : The officer had words.

11 MS. : Okay.

12 : I seen him talking, but I
13 don't know what he had said. And then the next
14 thing I know, Mike Brown was lunging into the car,
15 like dived in and it was only from the waist up that
16 he was in the car.

17 MS. : What was your reaction when you
18 saw this?

19 : My honest reaction?

20 MS. : Yeah, absolutely.

21 I was cussing. At the time
22 I was just like, I actually even said to the guy, is
23 he F-ing crazy.

24 MS. : You can use the language, we
25 have heard worse, we've said worse.

1 : I said, is he fucking crazy.

2 MS. : Okay.

3 : And then it just starts
4 happening, I didn't say anything more than that.

5 After the gun went off, I did say damn and then I
6 said shit, and then I got really nervous.

7 MS. : I don't need a litany of curse
8 words you used. I just kind of want to understand
9 your reaction to what is going on. So you see, you
10 said lunge in and from how far down his body?

11 : To about his belt, naval.

12 MS. : Okay. And that's when, and
13 your reaction was one of, I guess, surprise, right?

14 : I had never seen anybody
15 treat an officer like that way before.

16 MS. : What was Dorian doing at the
17 time?

18 At that time he punched the
19 car door shut because he punched it with his wrist
20 and he punched it with his wrist, something gold
21 fell off his hand out of his right wrist I think.

22 MS. Let me ask you this. At what
23 point did the door open to get punched shut by
24 Dorian?

25 When did it open?

1 MS. : Yeah.

2 : After I heard the gunshot.

3 MS. : Okay. So when you're saying,
4 maybe I'm getting confused. When you are talking
5 about Dorian punching the door shut, that's after
6 the gunshot?

7 Before the gunshot.

8 MS. : Okay.

9 Once the gunshot went off,
10 Dorian took off.

11 MS. Okay. Let's back up a little
12 bit.

13 : I'm sorry.

14 MS. : No, no, no, don't apologize.
15 When you see the officer saying some sort of words
16 to Michael Brown, Michael Brown is by the door, was
17 the door open or closed?

18 : At that time the door was
19 shut.

20 MS. : Okay.

21 He attempted to open it,
22 because it did open, it did unlatch.

23 MS. : He, meaning who?

24 : The officer unlatched the
25 door.

1 MS. : How do you know it unlatched?

2 It started to open, you
3 could tell that it was definitely in the process of
4 opening.

5 MS. : Okay. And then how did it
6 close?

7 With Michael Brown's hands.

8 MS. : You are showing --

9 The base of his hands, he
10 shoved it shut the first time, and then the second
11 time he, I can't, I don't know. I don't know if it
12 was his fist or with his gut.

13 MS. : You are saying the officer
14 tried to open the door twice in a row?

15 : Correct.

16 MS. When did Dorian get involved
17 with that?

18 : That was right after the
19 second time he went up and punched the rear view
20 mirror.

21 MS. : Punched, meaning what?

22 : With his wrist, with his
23 right wrist.

24 MS. : So you are showing the side of
25 his hand?

1 The side of his wrist.

2 MS. : The side of his wrist?

3 : In a fist motion.

4 MS. : Okay. And then what did you

5 say about something gold?

6 : Something gold fell off

7 Dorian Johnson's wrist, the skinnier one.

8 MS. : Okay.

9 : And it fell on the ground.

10 MS. : And after that happened, is

11 that when --

12 : That's when the gun went

13 off.

14 MS. : When did Brown lunge into the

15 car.

16 : Okay. I'm sorry, you are

17 making me nervous.

18 MS. : I don't want to make you

19 nervous.

20 After the second time Brown

21 shoved the door shut, the second time, I don't know

22 if it was with his fist or with his, you know, with

23 his gut. And Dorian Johnson was standing there at

24 that time, he looked like he punched the rear view

25 mirror, but he ended up knocking something off his

1 right wrist and it fell on the ground.

2 He went to bend down to pick it up and
3 that's when Mike Brown jumped into the car head
4 first, but only went up to his naval into the
5 window.

6 MS. : Were you able to see what the
7 officer was doing when Mike Brown did that, when he
8 went through the window?

9 : He was getting punched.

10 MS. : How can you tell?

11 : Because Mike Brown's fist
12 kept going up and down. You knew he was getting
13 hit, even though he was all the way back.

14 MS. : When you say he was getting hit
15 all way back, you talking about who?

16 : The officer was being shoved
17 back.

18 MS. Okay.

19 As Brown was laying on top
20 of him from the waist up and Brown's fist was going
21 up and down on the side.

22 MS. : How were you able to see this
23 if when I asked you before you said Brown's body, a
24 lot of it was blocking the doorway of the car?

25 : He was in the car from here

1 up, bent over and the officer was laid back in the
2 car and Dorian was almost completely on top of him.

3 MS. : Dorian was?

4 : No, the heavier set one.

5 I'm going to stick with that if that's all right.

6 MS. : Whatever makes you feel --

7 I really don't know which
8 one is which.

9 MS. : I want you to describe this to
10 me in the way that is most comfortable for you.

11 Okay. I don't want you to think we are trying to
12 get any certain way out of you.

13 I need to go with the
14 heavier set and the skinnier one.

15 MS. : Okay. I don't want you to be
16 nervous at all. If at any time you don't want to
17 talk to us, we are not forcing you to.

18 : Right.

19 MS. : I don't want you to feel
20 uncomfortable or we're making you nervous, we just
21 want to know what happened, okay?

22 Right.

23 MS. : And you tell us in the easiest
24 way that you can, all right.

25 : All right.

1 MS. : If you want to use bigger one
2 and little one, that's fine.

3 Okay.

4 MS. : The bigger one you said was in
5 the window and the officer you said was leaning
6 back?

7 Right. And there's about
8 this much of a gap between Brown, the heavier set
9 one's body and the thing of the car, the window.

10 MS. : So there is a gap --

11 There is just enough of a
12 gap that you could see the heavier set one's fist
13 going up and down into the officer's face.

14 MS. : Okay.

15 Or into the officer's body,
16 put it that way because I didn't know where the
17 officer was getting hit until after the officer got
18 out.

19 MS. : All right. And so while this
20 is going on, what's your reaction?

21 At this time I was really
22 scared, but I was just kind of standing there, it
23 almost seemed fake at some point or whatever, and
24 now and then just disbelief.

25 MS. : Was the guy next to you, was he

1 saying anything to you?

2 At that time, no.

3 MS. : Were you standing next to him?

4 I was standing exactly next
5 to him.

6 MS. : Do you know his name?

7 No.

8 MS. : Did you ask him his name?

9 I didn't really care about
10 names at that point.

11 MS. : Okay. Did you know anything
12 else about him other than?

13 Green T-shirt, heavy set,
14 and braids.

15 MS. : Okay. Do you know, do you
16 happen to know the address near where you were
17 standing, did you look at the numbers?

18 No, but when you pull into,
19 down there and as soon as you go around the bend and
20 you start to see the buildings, it is the very first
21 building on the right.

22 MS. : Okay. All right. So let's go
23 back. You see the bigger one, these punching
24 motions and then what's the next thing that
25 happened?

1 : That's when I heard the gun
2 go off.

3 MS. : Okay.

4 And Dorian Johnson, the
5 skinnier one, took off towards the street that QT is
6 on.

7 MS. : Okay.

8 Heavier set one took off in
9 the opposite direction down towards into the
10 complex.

11 MS. : Okay.

12 And then the officer opened
13 the door, and he had his left hand on the left side
14 of his face and the gun was in his right hand, and
15 he was wobbling from foot to foot and he looked
16 confused, you know. He was kind of stumbling, or
17 whatever, like he wasn't with it, does that make
18 sense?

19 MS. : You're fine.

20 : He obviously had just got
21 hit.

22 MS. : You said obviously got hit
23 based on what?

24 : The way he was acting, it
25 just looked like he was dizzy.

1 MS. : Okay. When you say his left
2 hand, was it above his ears on his face?

3 : Get out of the car, right
4 hand was on the gun, so yeah.

5 MS. : Where was his hand, on his
6 face?

7 : Now, you got me confused. I
8 want to say the left side of his face, but now you
9 got me confused.

10 MS. : I don't want to confuse you.
11 It was like right up here.
12 (indicating)

13 MS. : You showing his entire palm.
14 : Yeah, he just had it up to
15 his head.

16 MS. : Up to his head?
17 Yeah.

18 MS. Was his palm from his mouth all
19 the way up.

20 Correct.

21 MS. : From what I can flap his head
22 from what you remember.

23 From what I remember.

24 MS. : Okay. And then what happened?
25 : And then he wobbled from

1 foot to foot, I don't know what he said. I remember
2 hearing or I'll shoot, but that's all I remember
3 hearing. And then that's when the heavier set one
4 turned around and faced him. And they were still
5 that distance away.

6 MS. : Had the officer, when the heavy
7 set one turned around, had the officer run or pulled
8 forward in his car or was he still by his war.

9 : He was still by his car. He
10 didn't go towards, Dorian, I didn't see him head
11 that way towards the heavier set one until after the
12 heavier set one turned around and proceeded, you
13 know, started to come this way.

14 MS. : Okay. So describe when the
15 heavier set one turned around, describe what he was
16 doing?

17 He turned around and he put
18 his hands out like this. (indicating)

19 MS. : That's, now, your hands are
20 here, your hands are kind of out at your sides.

21 It was like a football
22 thing.

23 MS. : Okay.

24 : They weren't like this.
25 (indicating)

1 MS. Your hands are clenched?

2 Right.

3 MS. : Out, but not up, is that fair
4 to say?

5 Correct.

6 MS. : They are out, but a little bit
7 higher than waist high?

8 : Correct.

9 MS. : And did he put his hands out
10 like that before or after he turned around?

11 : After he turned around.

12 MS. : What were his hands doing?
13 That's the easier way around it.

14 He looked like he was having
15 an attitude, he looked like my .

16 MS. : How so?

17 : What are you going to do.

18 MS. : That expression or that motion
19 he as he turn around.

20 : Correct.

21 MS. : What was your vantage point,
22 was your vantage point on him when he turned around,
23 was he facing you?

24 : At this time, yeah, when he
25 turned around, he was facing the officer, which

1 would have been facing this way. I was more in the
2 middle of the building and he was more at the
3 entrance of the parking lot.

4 MS. : When he turned around to get a
5 view of Michael Brown's front.

6 Correct. Left side, partial
7 front like, you know, like the side view.

8 MS. : Okay. As he was running away,
9 do you remember what he was doing with his hands?
10 : Just running, I mean it was.

11 MS. : You just demonstrated a
12 running.

13 Just running, yeah.

14 MS. : And his arms are pumping back
15 and forth?

16 : He pulled his pants up once,
17 I know that.

18 MS. : Did his pants appear to be
19 falling to you?

20 Yes.

21 MS. : How so, can you describe that?

22 He was half mast.

23 MS. Meaning what?

24 : His rear end was hanging
25 out.

1 MS. : Okay.

2 : He pulled them up twice
3 cause when he first got out of the car, when the
4 altercation stopped at the vehicle before he took
5 off running, he pulled them up as well.

6 MS. : Okay. Then he pulled them up
7 again as he running away?

8 And then he pulled them up
9 again as he was running down the street and then he
10 turned around and then after that he never pulled
11 them up again.

12 MS. : You said his hands were in like
13 a running position?

14 : Correct.

15 MS. : So then what happened?

16 After he turned around, he
17 was like that and then --

18 MS. : When you say like that, that's
19 the what you are going to do about it look?

20 What are you going to do
21 about it look.

22 MR. : When you do that, you've got
23 your hand and fists and are leaning forward.

24 He started with the attitude
25 and then he immediately went down into like that

1 football with the fist.

2 MS. : Okay. So what are you going to
3 do attitude his palms are open?

4 : Correct.

5 MS. : And then you said he shifted
6 into this like fist, like --

7 Well, because at this time
8 the officer actually had the gun pointed right at
9 him. I mean, it was obvious that he was getting
10 ready to do something.

11 MS. : Who was getting ready to?
12 The officer. I mean, when
13 the hand was on the gun, the hand was on the
14 trigger, he was ready to go.

15 MS. : Okay.

16 And he was focused. He no
17 longer had that confused just got smacked look, I
18 mean, he was determined to, you know, not --

19 MS. : So when this is all happening,
20 you are watching it. So the officer is in one
21 position and Michael Brown, the big one, is in
22 another position. Where are you, who are you
23 looking as you are describing what Brown is doing --

24 When Brown turned around
25 with the, what are you are going to do about it, or

1 whatever. And then I looked at the officer who had
2 his gun, and by this time he come to the back of the
3 SUV. I did not see him go there, when I turned back
4 to him he was already there.

5 And I looked back at the heavier set one,
6 and he had, by this time bent down in the football
7 position and had his fist made and he began to
8 charge at the officer.

9 MS. Okay.
10 : More of a head type first
11 thing.

12 MS. : Can you describe anything about
13 the heavier set guy, what he looked like, what his
14 facial expression was?

15 : At that time he just looked
16 like he was on something.

17 MS. : What makes you say that?
18 The officer just started
19 shooting him and he didn't do anything. He didn't
20 flinch, he didn't wiggle anyway and he just didn't
21 stop, he just kept going.

22 MS. : Okay.

23 And that is when I said to
24 the guy in the green shirt, I said, oh, my gosh, is
25 he ever go to F, you know, quit.

1 MS. : What did you say?
2 : I said, is he ever going to
3 fucking stop.

4 MS. : What did the man in the green
5 shirt say to you?

6 : If he said anything, I don't
7 know. I mean, it was more of just talking his
8 direction.

9 MS. : Okay.
10 : I mean, he just kept going.
11 And then the gun stopped and he was still alive and
12 if he would have just laid down, and then there was
13 like --

14 MS. : What?
15 A lot of blood.

16 MS. : Okay. So let's go back. The
17 guy starts charging at the officer and when did the
18 officer start firing the gun?

19 : After he turned around and
20 started charging after him.

21 MS. : Do you remember, did the
22 officer give any commands or say anything?

23 He did say something, but I
24 don't know what.

25 MS. : How about the big guy, the

1 heavy set guy?

2 : The heavier guy sounded like
3 he was grunting.

4 MS. : Okay.

5 Now, whether he was talking
6 and I wasn't understanding him, I don't know. To me
7 it sounded like grunts.

8 MS. Were there any pauses in the
9 shots?

10 Yes.

11 MS. : What sorts of pauses?

12 I don't remember the
13 sequence, but I know that there was at least what
14 seemed like a lifetime, but it was probably just a
15 few seconds between up until the last two shots I
16 mean, the shots kind of went boom, boom, four almost
17 right in a row it seemed like, but then there was
18 just enough of a pause and it was just, he wouldn't
19 stop.

20 MS. : What was he doing?

21 He was still going after
22 him, he was still charging, he was bent down more.

23 MS. : And we're talking about the
24 heavy set guy?

25 Correct.

1 MS. And what was the officer doing
2 while the heavy set guy is charging at him?

3 At that time he was, he was
4 standing completely still and he was in focus mode.

5 MS. : At any point did the officer
6 either come forward or come back?

7 He actually came back it
8 looked like, about two steps, there right before the
9 last two shots. It looked like he went back a
10 couple steps and then up one step and then it was
11 just boom, boom.

12 MS. : Tell me about the last shot?

13 That last shot, I didn't
14 like the last shot.

15 MS. : Okay. What about it?

16 Too much blood. And then he
17 went down and he went down face first and I just
18 wanted to leave, so I left.

19 MS. : Okay. Did you the guy go down
20 right away after the last shot?

21 : After the last shot, it was
22 like two shots, the first one he started to go down
23 and the second shot he was down.

24 MS. : Do you see where either one of
25 those shots hit?

1 The final shot, you know, I
2 didn't actually see where it hit, I just seen all
3 the stuff that come out.

4 MS. : Come out of where?

5 His head.

6 MS. : Did you notice any other
7 injuries?

8 I'm not saying there wasn't,
9 I can honestly say --

10 MS. : Okay.

11 I didn't pay any attention
12 if there was.

13 MS. : I understand you wanted to get
14 out of there, but you were at this point still
15 standing on the sidewalk, correct?

16 Correct.

17 MS. : So what did you do, did you
18 turn to the guy in the green shirt and say anything?

19 No, I just left, but I was
20 stuck in that parking lot.

21 MS. : Did you go right back to your
22 car.

23 : No, I went directly back to
24 my car. Not the spots that were up against the
25 building, but the spots that were facing that way.

1 MS. : Okay.

2 I know you are probably
3 turned around. When you come down you have the
4 first building here, you miss that first parking lot
5 and you have that second entrance. When you pull in
6 to the right and I parked facing into the
7 neighborhood.

8 MS. : Okay. Did you ever see that
9 other kid, again?

10 He went down towards the
11 street that QT is on.

12 MS. : West Florissant.

13 Yeah, I don't know the
14 street name.

15 MS. The street that you came
16 from?

17 : Correct. He took off his
18 shirt and he stripped down to a, my calls them
19 wife beaters. I don't know, the tank tops.

20 MS. : Did you see him actually?

21 : Yeah, he took that off right
22 away.

23 MS. : When did he, I know you said he
24 ran away, when did he reappear, when did you see him
25 again?

1 : He reappeared real close to
2 that guy in the green as I was leaving the parking
3 lot because when I was in the parking lot, I backed
4 up this way with my rear end towards the heavier set
5 body and I started to go this way, and he was like
6 right there at that time, he had just reappeared.

7 MS. : So how much time had passed
8 from the time of the final shot and to the time that
9 you saw this kid reappear?

10 : 15 seconds, 30 seconds. I
11 guess. I don't know. It is in 20, 30 feet for me
12 to get over to my car.

13 MS. : Okay. Did you notice him
14 changing his shirt?

15 He had taken his shirt off
16 and he had drawn it over his left shoulder.

17 MS. : You are positive it was him
18 or someone that looked like him?

19 No, I was positive.

20 MS. : And then what you are saying.

21 : Correct.

22 MS. : At any point did you see any
23 other police officers around?

24 There were two officers that
25 arrived, but I won't want to swear to when they

1 arrived. I remember two showing up, I remember one
2 having his gun drawn, but not firing his gun but I
3 don't remember because I don't remember when they
4 showed up.

5 MS. : What about the officer that
6 fired the shot, after he fired that last shot, what
7 did he do?

8 He looked like he was going
9 to throw up. He didn't look good. I mean, he just
10 didn't look, um, I don't know.

11 MS. : Not how he looked, like what
12 did he do, what were his actions?

13 : What was his actions?

14 MS. : He just fired the last shot and
15 what did he do?

16 I don't know, I was leaving.

17 MS. : He fired the last shot, you saw
18 the big guy fall to the ground.

19 Correct.

20 MS. And then what do you remember
21 about the officer?

22 Nothing really. I mean, he
23 just kind of, I mean, the shot went in and I left.
24 I didn't focus on anything or anybody any more after
25 that.

1 MS. : Okay. So you left, you went
2 back to the QT and asked for directions, correct?

3 : But I had to go through the
4 neighborhood.

5 MS. : When you asked for directions,
6 what did you ask for directions to?

7 To nearest highway, I wanted
8 any highway.

9 MS. : Okay.
10 And the guy told me to make
11 a right here and just go till you get to 270.

12 MS. : And why didn't continue to go
13 to your friend's.

14 I just wanted to go home. I
15 didn't want anything to do with anybody.

16 MS. : Okay.
17 I get on 270 and actually
18 went the wrong way and again, and then got off and
19 went back the other way.

20 MS. : When you got home, what did you
21 do?

22 When I got home, what did I
23 do. I locked myself in my house for like two weeks.

24 MS. : Why?
25 : Don't want to go outside.

1 MS. : Why?

2 : Just, that was just a lot of
3 stuff.

4 MS. : Can you explain to us what you
5 mean?

6 There's just a lot of blood.

7 MS. : A lot on the roadway that day?

8 Uh-huh. There was just,
9 this was just a lot.

10 MS. : I know, I don't know whether
11 I'm asking you a hard question or I'm asking a
12 question that should be obvious, explain to us what
13 you mean. You said you have kids, right?

14 : We have , but I only
15 have that still live in my home.

16 MS. : Okay. So when you say you
17 locked yourself in your house for two weeks, did you
18 literally not go out for two weeks?

19 No, I didn't leave my
20 complex for two weeks. I didn't have any
21 communication with anybody or go out. I took my
22 kids to and from school and took them to their
23 activities right there in

24 MS. : Did anybody in your family or
25 anybody that you know that you talked to anyone

1 about what you saw?

2 : I talked to my ex-husband,
3 but he swears up and down he doesn't remember the
4 conversation. So I don't know. But my ex-husband
5 is heavily medicated, so I can fully understand him
6 not.

7 MS. : Heavily medicated with what?

8 : He's and
9 he's on like three or four different medications.

10 MS. : Okay. When did you tell him
11 what happened?

12 : Almost immediately after
13 because I gave him step by step instructions on how
14 to get there and everything that happened.

15 MS. What do you mean?

16 : I told him everything. And
17 the first thing he said was, you know, better not
18 tell nobody.

19 MS. : Why not?

20 Because he doesn't want
21 anybody to cause any problems for the .

22 MS. : Why did you think your
23 would have problems?

24 By this time, I mean, this
25 was because that happened Saturday, this would have

1 been Sunday, and by this time you already had death
2 threats on whoever did it, I guess, is what he says.
3 I don't know, we don't have cable.

4 MS. You don't have cable, but do
5 you have the internet?

6 : Yes.

7 MS. : Do you look at the news at all?

8 : I did for about the first
9 week and then it drove me nuts and that's all there
10 is.

11 MS. : Did you consider reporting what
12 you saw to either St. Louis County or the FBI, it
13 took you a while to come forward?

14 It's been a long time. I
15 didn't consider it, not really at first.

16 MS. : Why?

17 : Because I didn't want
18 anything to do with it. In my opinion, and this is
19 just my opinion, I felt like the officer does his
20 job and it just kept going on, and on and on and on,
21 and it was like.

22 MS. : Yeah, well, I guess this is my
23 question. You said you were (inaudible) you know
24 where the attention was?

25 That is where I learned the

1 name and which one was which.

2 MS. : So not only was there a lot of
3 attention nationally and all of that, there was
4 actually riots going on and not far away from where
5 you live, right?

6 : Yeah, I -- I knew, I heard
7 about them.

8 MS. : My next question is right when
9 you came in earlier, you know, from your dad to come
10 in and do the right thing and that's why --

11 There is a difference.

12 MS. : All right. So explain it to
13 us.

14 You do what's right and
15 that's what ultimately made me come in. But at the
16 time I just, I mean, at the time I just didn't want
17 to be in the middle of it. I still don't want to be
18 in the middle of it.

19 MS. : I don't think nobody ever does
20 no matter what the investigation, right, whether it
21 gets media attention or not. But so -- so giving
22 what you're saying where your dad, you know, tells
23 you and all of that and doing the right thing, but
24 you're saying it never even dawned on you to come in
25 and report it?

1 I didn't say it didn't dawn
2 on me, I mean, yeah, because it's, you don't get
3 into the middle of an officer and his job. Do you
4 know what I mean? Does that make sense?

5 MS. : I understand what you are
6 saying, but yet --

7 : That's what finally broke me
8 was the fact that it just kept going and going and
9 going. Every time you logged onto Facebook or any
10 of the news websites, that's all there was. Nothing
11 existed but Ferguson.

12 MS. : Okay. What prompted you to
13 call St. Louis, that's what you did, right, you
14 called St. Louis County too, right?

15 Correct.

16 MS. : So what prompted you to call
17 them?

18 I actually called a few
19 times before that and then I guess I made a comment
20 that went too far.

21 MS. : What sort of comment?

22 I have no idea. I called
23 Clayton and made the comments, you know, about the
24 situation.

25 MS. : Like what, like what sorts of

1 comments? You don't have to tell me like word for
2 word.

3 : Just that the officer had
4 done his job and that, you know, he had been hit. I
5 don't know word for word, because this is back in
6 August.

7 MS. So you called Clayton, you
8 called Clayton where?

9 : From my cell phone.

10 MS. Okay. Did you call the police
11 department?

12 Clayton nonemergency police
13 department.

14 MS. : Okay. You did this how soon
15 after the shooting?

16 : Probably within the first
17 day or two, well, Tuesday, so one, two, I believe
18 the first three or four days.

19 MS. : This is why I'm confused.
20 Because first you are saying you didn't really
21 consider reporting it, but yet you were calling
22 information out and then commenting. So tell me
23 what's going on --

24 But when I commented, I did
25 not give them my name. I did not want anything to

1 do with it, it is a different type of violence, it
2 is a different type of people.

3 MS. : What do you mean?

4 The situation is scary.

5 MS. : We are not judging you at all,
6 we just need to know.

7 It is not the environment
8 that I grew up in.

9 MS. : What do you mean by that?

10 : It is just not the
11 environment I grew up in. I grew up, you know, from
12 the day I got at five. I grew up right
13 there by and that's where
14 I spent my whole childhood,

15 It was just different, you know.

16 I remember the day I got stopped for
17 jaywalking when I was 13 and the officer threatened
18 to turn me over my knee and take a belt to my rear
19 end, and that was just the way times were back then.
20 And we didn't dare tell them no, it was yes, sir, or
21 we caught it, you know, we got it. If we got in
22 trouble outside the house, we got in trouble inside
23 the house for disrespecting our elders or something
24 else.

25 So to me up there it is just not --

1 MS. You don't think there is any
2 repercussions for their actions, for anyone's
3 actions.

4 : What do you mean?

5 MS. : Well, you said an officer
6 stopped you for jaywalking and if you did something
7 wrong, you respected it. But if you got in trouble
8 there, you are getting in trouble at home.

9 Right.

10 MS. : And you're saying that's
11 different because people in North County don't have
12 responsibilities for their actions?

13 : It is not so much North
14 County as it is the times.

15 MS. For anyone?

16 The situation that I had
17 witnessed is not the same as what it was, is not the
18 environment that I live in.

19 MS. So you didn't want to tell us
20 --

21 : I didn't want anything to do
22 with it, I still don't. I know it doesn't make any
23 sense. I want to tell you because it is the right
24 thing to do. I don't because I don't want to get in
25 the middle of it.

1 MS. : And you're not alone, that's a
2 common feeling, like I said, for anybody that ever
3 witness's something. You have to spend the time
4 talking to police officers as well as prosecutors.

5 You guys are nice, but you
6 make me nervous.

7 MS. : I'm glad we are nice. Why do
8 we make your nervous?

9 Police make me nervous, and
10 you are higher than the police, that makes me a
11 little extra nervous.

12 MS. : We are trying to find out what
13 your motivation might be. As prosecutors,
14 especially, we have to try to figure out what kind
15 of case we have, if we can put a case together.
16 When we speak to witnesses, everybody has a reason
17 why they say something whether they're telling the
18 truth or they have other motivation behind it.

19 So when we have somebody who is telling us
20 what you are, takes you five weeks to come forward,
21 we just want to understand what was going through
22 you in those five weeks. That means you ultimately
23 say I am going to tell you who I am.

24 Honestly, this may sound
25 corny, but I did a lot of praying.

1 MS. : Okay. Tell us about that.

2 That's different from what you are saying now to us,
3 I didn't think about it, if you were praying about
4 it, you were thinking about it.

5 : I did do a lot of praying,
6 especially at night. And I had been staying up till
7 3, 4, or 5 in the morning. And then I wouldn't be
8 able to get up in the morning.

9 MS. What would you dream about,
10 what was your issue?

11 : Just going over what I had
12 seen step by step every night and just asking, you
13 know, I did go in and tell them this or I could go
14 in and tell them that, and not really have to get
15 involved.

16 And then the next day I would pray and I
17 would go like, I can't do that. Cause if I go in
18 there and tell them what I seen, you're going to
19 want to know everything.

20 MS. : So what were you concerned
21 about telling us?

22 Just, you know, I don't want
23 to tell you any of it.

24 MS. : Okay.

25 : I mean, it was just praying

1 do I tell them that I seen it, or did a friend see
2 it, or I don't know, I kept going back and forth.
3 But when I pray, I'm not one of these, my ex-husband
4 is Catholic. I'm not one of those, you know, the
5 rosary and the cross and the holy water. You know,
6 I lay in bed at night and stare at the ceiling and
7 just talk.

8 MS. : Okay. What ultimately made you
9 decide it was actually time to come forward?

10 Just seeing my dad. Not
11 seeing him physically, I mean, he's deceased.

12 MS. : Okay.

13 Just remembering that he,
14 you know, you do what, you do respect. That's it,
15 end of the line. You can screw up in life, we're
16 human, but you are to respect the law, you respect
17 your elders, you were always to speak the truth and
18 if you know something, then you are to come forward.

19 And it is not tattling, it's, you know.

20 : Did you say at the beginning
21 you talked to after this?

22 Correct.

23 : What did you tell her?

24 I told her I got lost up in
25 the Ferguson area and that's all I said. She never

1 really asked and we agreed that we would get back
2 together, but we never have, but she --

3 : Does she know at all about
4 this, about the shooting?

5 : I didn't tell anybody except
6 for my ex-husband.

7 : Why did you tell him?

8 I had already told my
9 ex-husband and he told me not to tell anybody and
10 then I never told anybody after that. I mean, I
11 live right next door to several county officers and
12 I never told them either so.

13 : And , she went to high
14 school with you?

15 : Correct. Not the earlier
16 grades, it is whenever, I think they call them
17 whenever they bring, you have no idea.

18 So it would have
19 been like 83, '84 when they started

20

21 : Okay. This is at

22

23 Correct, that's where we
24 met.

25 : is that

1 correct?

2 Correct.

3 : Was she the same year as you
4 in school?

5 Yes, but I had been held
6 back a year, so technically she would have been a
7 year younger. The way my birthday fell, I should
8 have graduated when I was 17, but because I was held
9 back in the first grade, I became 18.

10 : Okay. You mention you have
11 her number at home?

12 Correct.

13 : You have her email address
14 also?

15 At home, yes.

16 : You said you sent her an
17 email also after that?

18 Yes.

19 : Did you say anything in the
20 email about this?

21 I emailed her the day I got
22 lost. I got lost and I will get in touch with her
23 in a few days.

24 : Do you still have that
25 email, do you know?

1 : That way we don't have to
2 start it over and all that.

3 : Okay.

4 (Break in the interview.)

5 MS. ALIZADEH: At this point they take a
6 break for a few minutes. It is 12:06. said
7 your lunch was supposed to be here at noon. She's
8 not here, so I think she might have gone to go get
9 it. Do you want to fast forward past the break and
10 keep listening until she gets here or you want to go
11 to the bathroom and kind of --

12 How much time is left?

13 MS. WHIRLEY: We got through 55 minutes.

14 MS. ALIZADEH: About another 40 minutes.

15 MS. WHIRLEY: Do you know where to pick up
16 at?

17 (Continue recorded interview of
18)

19 When I get nervous I have a
20 tendency of cracking my knuckles, so I apologize in
21 advance. You are going to hear a lot of that later
22 on.

23 : So we just have some more
24 questions to just help us understand some stuff.

25 Okay.

1 : So can you describe again how
2 you left the complex after the shooting?

3 : Yeah. When I left, I went
4 first, second entrance, I went from here and went
5 over this way. I don't know, I'd have to look at a
6 map because I don't remember, you know, zigzag
7 because I popped out in the third parking lot is how
8 I popped out.

9 : You said something about a
10 circle that you went around?

11 : Right, well, I went to the
12 right and then I know I went to the left, and then I
13 went down a bunch of different streets and I ended
14 up on the street that went like this.

15 : Okay, a circle.

16 But you can drive around it
17 and if I remember correctly, it was a parking lot,
18 like you can park, but you drive around it. And
19 then there's some buildings right here and I turned
20 that way and then I made a left and that street
21 dropped me off on the side of QT.

22 : Here is the problem that we
23 have.

24 That's what I remember.

25 : You are saying you came into

1 the apartment complex from the direction that QT WAS
2 in, right?

3 Right.

4 : And you pulled out of the
5 lot and then you saw all of this?

6 Well, I couldn't, I'm sorry,
7 what?

8 : And you saw all of this that
9 we've talked about, right. You go back to your car
10 and then when you went to leave there, did you turn
11 the opposite way of the way you came in or did you
12 go back the way you came in?

13 I couldn't go the way I came
14 in.

15 : Why is that?

16 : It was blocked.

17 From the police incident,
18 the shooting incident?

19 Right. Here is the building
20 and the entrance and another, you know, you had the
21 parking lot here and here, or whatever, and building
22 right here. And the officer's car was here and the
23 heavier set Brown was like here, there was no
24 getting in and out of this parking lot.

25 : Okay. So where you were in

1 the parking lot was past where the body was and
2 where the police car was, so you had to go the
3 opposite direction of the way you came in?

4 Right, I had to go out, I
5 popped out over here in this third parking lot.

6 : Uh-huh.

7 Or whatever..

8 : Okay.

9 Well, you couldn't go in or
10 out. You couldn't go back the way that you came
11 into the apartment complex; is that right?

12 I couldn't go back to the
13 street QT was on, no.

14 Okay, that's what I'm asking.
15 So you couldn't go back the way that you came. So
16 you went the opposite direction --

17 : I went into the --

18 : You went further into the
19 complex?

20 Correct.

21 And then back there you were
22 able to find a way out onto the street where QT is.

23 Right, correct.

24 : And that was around a circle
25 drive?

1 I remember the circle drive.
2 I don't know all the different streets I took.
3 Because I zigzagged through there for about 15 or 20
4 minutes going up and down streets. I remember a
5 couple that dead end into parking lots and you go
6 down it and just dead end into a building, and then
7 I would turn around and go back.

8 You never came back there, I'm
9 sorry.

10 MS. : I'm sorry, you said dead end
11 into a building, what kind of building?

12 Apartment building. If you
13 go down and you make --

14 MS. How many story apartment?

15 I don't even know. I just
16 turned around.

17 MS. : It was at least two or three
18 stories?

19 I just turned around. I
20 went down to that stop and I made a left and then I
21 know I made the first left and that's where I
22 couldn't go. Because I had to turn around and I
23 went back and I went, I don't know where I went.

24 MS. : Was it all Canfield
25 Apartments, they all look pretty similar?

1 At that point, yeah, they
2 all look the same to me. I don't know, I just
3 wanted out of there. But I didn't go back to the
4 street that QT is on the same way I went. I ended
5 up way over here.

6 MS. : I just want to explain to you
7 a little bit, you understand that part of what we do
8 here is we have to evaluate, you know, basically
9 every statement a witness gives us, correct?

10 : Correct.

11 MS. So part of us doing that is
12 just why we are going through that with you is just
13 saying, okay, you were here and turned around and we
14 know you were here.

15 Because sometimes people will say how does
16 she know what happened she actually was never there,
17 she doesn't live in the area. What we are trying to
18 establish right now is that you, in fact, were
19 there, okay?

20 Okay.

21 MS. : That's just why we are
22 asking.

23 Okay. I can't give you step
24 by step instructions.

25 MS. : That's not what we are

1 asking.

2 I just know for a fact that
3 it wasn't the same way I came in.

4 : Our job as prosecutors, you
5 know, we're trying to decide, you know, we're among
6 the people who would decide whether this case is
7 charged or whether it is not or whether it would go
8 to trial or not, okay?

9 : Okay.

10 So we have to evaluate
11 witness as we sit here.

12 : She's making me nervous like
13 I told her the wrong way.

14 : Oh, no.

15 I only know I went that way.

16 : We're not worried about the
17 details when you turn left or right whatever.

18 : Okay.

19 : There are a few things that
20 do concern us some, okay, and just to be upfront
21 with you.

22 Okay.

23 : We want to let you know that
24 basically what you are telling us is that you went
25 further down into the apartment complex and you were

1 able to get out that way without going back the way
2 you came?

3 Correct.

4 : There is no way out that
5 way, that's the thing. We've got investigators who
6 have been up there plenty and know all of those
7 streets and --

8 Yeah, there is because when
9 you go around that thing, there is buildings and
10 buildings and you go right through that parking lot.

11 : Uh-huh.

12 And it pops out on a street
13 that goes along the QT.

14 MS. : Right now, here is kind of a
15 map of the area. I think that's the circle you are
16 talking about, here is Canfield Drive, here is the
17 way -- you can't get, there is a blockade here and
18 there is a blockade there. The only way to get out
19 once you go down this street is to go all the way
20 down here.

21 And it has been that way a long time, long
22 before August 9th and it is that way today. You
23 cannot get out through that circle.

24 Okay. Well, I came out
25 right there because QT is right there.

1 MS. Right, correct, but you
2 cannot get there from these two streets, it is
3 impossible.

4 And there is around the
5 corner I went somewhere because --

6 MS. The street, the QT goes here
7 and you cannot get to those streets. There are
8 blockades, because we've had investigators try to
9 get out on Canfield and you just can't.

10 I don't know, I know for a
11 fact I popped out on the side of QT.

12 MS. : Okay.

13 I can't change that because
14 that's where I popped out at. How I got there, I
15 don't know, but that is how I came out.

16 MS. You have a tremendous level
17 of detail in some respects, but then very little
18 detail in very simple things that I'm not quite
19 understanding.

20 I don't know the area. I
21 apologize if I'm screwing it up, I just remember I
22 came out alongside QT.

23 MS. Right.

24 I know I didn't go the same
25 way that I did. Did I zigzag and end up how I got

1 there, I really don't know.

2 : That's just an example, I
3 mean, there are a few other things.

4 I could go back up there,
5 not that I want to, but I could.

6 : Let me ask you this, we
7 talked about your computer and your emails earlier.
8 You think after you leave here you can get us
9 email address and phone number?

10 Yes, sir.

11 : Would she tell us that you
12 were coming to see her that day?

13 Um, I don't know what she
14 would tell you, but she definitely tell you that I
15 had, we were going to, oh, yeah, okay.

16 Did she know to expect you that
17 day if we asked her to come in and we said to her,
18 were you expecting your friend to come visit
19 you on August 9th?

20 I don't know.

21 : What would she say?

22 She knows I was on my way.

23 : What were the two of you
24 going to do that day?

25 She has a the same

1 age as my and we really want the two kids
2 to meet, but I wanted to get to see her, I haven't
3 seen her since 1988.

4 Why do you hesitate about what
5 she'd answer, what would you expect to say?

6 Were you expecting? I don't
7 know if she'll remember if she was actually, because
8 it was nothing, we had her address, I told her I was
9 going to try to stop by. You know, did she really
10 expect me at a given time on that day? I don't
11 know. But she will be able to tell you that she
12 knew that I was headed that way that day after the
13 fact, does that make sense?

14 : She knew you were on your way?

15 I don't know what she knows.

16 : So you didn't make a plan --

17 It wasn't an actual, I will
18 be here at 2:00 p.m., I will be here at 1:00 p.m.

19 : Had you emailed her beforehand
20 to say I might stop by?

21 Yes.

22 : So that email should be on your
23 computer too?

24 Yes, ma'am.

25 : Would you give us permission to

1 look on your computer?

2 Yes.

3 : What if we looked at your
4 search history, were you doing a lot of reading
5 about the case and looking at articles about it?

6 I was for about a week or
7 whatever trying to find out as much information as I
8 could as far as, you know, where was it going.

9 : What about like in the last few
10 days or in the week or so?

11 It would have been just this
12 past week.

13 : Did you read about it in just
14 this past week?

15 As far as like what, are you
16 asking if I what?

17 : Did you do internet searches
18 about the Ferguson shooting, about Dorian Johnson,
19 about Michael Brown?

20 I did maybe one or two
21 searches about Dorian Johnson, that's the skinnier
22 one.

23 : Uh-huh.

24 (Stopping the audio recording.)

25 MS. ALIZADEH: This is Kathi Alizadeh. It

1 is 12:18 on October 23rd. We are going to go ahead
2 and break for lunch because your lunch is here. We
3 still have a good 20 some minutes maybe to finish
4 this statement. So rather than let you get hungry,
5 we are going to feed you. And go ahead enjoy your
6 lunch and let us know when you are ready to resume
7 and we will finish the playing of the statement and
8 then we'll have testify, all right.

9 (Lunch recess taken)

10 MS. WHIRLEY: We're resuming at
11 approximately 1:18 p.m. October 23rd, 2014. We're
12 resuming the statement of . We
13 stopped at 11237. And then it kind of skipped a
14 little bit. I'm at 11241. I'm going to try to get
15 back a couple seconds and see if that will be easy.
16 Sometimes not too easy. It is 11229 is as close as
17 I can get.

18 (Resuming of the playing of the audio
19 recording of after lunch recess.)
20 : I believe maybe one or two
21 searches about Dorian Johnson, that's the skinnier
22 one. And then when you do a search for any of that,
23 the easiest way to do is just type in Mike Brown
24 because everything comes up then.

25 MS. : You think you have done it in

1 the last few days?

2 Yes.

3 MS. : You did some searching before
4 you talked to the County detectives?

5 Um, yeah, yes, I'm sorry.

6 MS. : Do you remember a specific
7 articles that you read?

8 No, I don't do well reading
9 and this is why I told, that's why I was held back
10 and that's why I told the officer that I didn't
11 think I was the best witness.

12 MS. : All right. Can I ask you
13 something about that?

14 Because of the reading.

15 MS. : What do you mean about the
16 reading, why you wouldn't be the best witness?

17 Reading is
18 not the easiest thing.

19 MS. : Okay.

20 I mean, it's, it does not.
21 And then when I start to read the words get jumbled
22 and I get bored.

23 MS. : Okay.

24 : I don't know if that's
25 or what, but I become frustrated with it and I just

1 won't read it. I'll skip and I'll get hit and miss
2 stuff, and then I will just say forget it and I'll X
3 it out.

4 MS. : What about, do you take any
5 sort of like, is there any reason that medication
6 would affect your ability to remember things or
7 recall things or receive things?

8 I went to through the
9
10

11 MS. : Okay. You said somebody was
12 born in ?
13
14
15
16
17
18

19 MS. : You said
20 ?

21 It was a head-on collision.

22 MS. : Did you have a traumatic injury
23 from that?
24

25 MS. :

1 I had
2 and then the short term memory still is
3 affected, and then the word thought process, like
4 what's in my brain doesn't come out of my mouth
5 properly.

6 MS. : Can you tell me about the short
7 term memory, what kinds of stuff do you forget?

8 I get lost really easy.

9 MS. : Okay.

10 For a while it was really
11 bad. Like I would go for a walk, I grew up in
12 at the time of
13 the accident. And I took a two block walk to
14 and got lost and didn't know how to
15 get home.

16

17

18 MS. : How does that affect your
19 memory on a day-to-day basis?

20 On a day-to-day basis, I
21 will never remember your name, numbers are
22 ridiculous. I will never remember numbers. Unless
23 I deal with something day-to-day or it's a traumatic
24 experience, 99 percent of the time I will forget.

25 MS. : Okay. And so is it possible

1 that there were things you forgot from this that you
2 want to refresh your memory by looking at things to
3 make sure that your memory stayed intact for that?

4 You want me to look at
5 things?

6 MS. : No, I want to know was your
7 memory, does your memory problems affect --

8 My memory was affected by
9 where I was standing because I remember standing in
10 front of a building, with the parking lot and a
11 parking lot and a fire hydrant across the street.
12 But I kept, I remember being on the officer's
13 driver's side. But I could not remember, you know,
14 which parking lot or which way I went to get back to
15 QT.

16 MS. : Do you take medication?
17 Not any more. I used to
18 have to take

19 MS. : Do you take any sort of
20 medication now that would affect your ability to
21 remember things or --

22 No, no, I'm not on any
23 medication, no.

24 MS. : Okay. One of the questions I
25 have was the guy that you spoke to that you were

1 going to ask directions for, what did you say he was
2 wearing?

3 Heavy set, green shirt with
4 braids.

5 MS. : Okay. So you know before
6 had mentioned there were things we were having
7 trouble kind of putting the pieces together and in
8 your previous statement when you spoke to the guy
9 you described this guy as wearing a, the same color
10 wife beater shirt.

11 That's what Dorian Johnson
12 had on.

13 MS. : Okay. You also said that the
14 guy that you were talking to was wearing that wife
15 beater shirt.

16 Okay. I don't, I know he
17 had a green shirt and he was heavy set.

18 MS. : Okay.

19 I might have talked to
20 somebody else.

21 : The searches online that you
22 may have seen, does this look familiar to you at
23 all? Would you have seen that if you were
24 searching, does that look familiar to you?

25 Yes.

1 : Okay.

2 Because I was trying to
3 figure out if that was the gold thing that I had
4 seen.

5 : Okay.

6 : That's what I asked you before,
7 right, that's what I was wondering if you used -- if
8 you looked or used the article.

9 I'm sorry.

10 MS. Did you look online to remember
11 things?

12 Yes, yes, ma'am because I
13 remember the gold thing and the officer's car. I
14 remember it coming off, a gold thing coming off
15 Dorian's right wrist and, yeah, I remember looking
16 at this.

17 : Okay. So what did you search
18 to get to that article?

19 I have no idea, Mike Brown,
20 Mike Brown shooting or Mike Brown shooting in
21 Ferguson.

22 I think I searched the name Darren Wilson
23 a couple of times because I was trying really hard
24 to figure out how

25 You know,

1 but other
2 than that, I've never searched.
3 : Did you say earlier
4 the friend that you were going to go by her house,
5 you
6
7 : Is that when you
8 ?
9
10 : Okay, all right.
11 : How did you guys get in contact
12 initially?
13 Facebook.
14 : Okay.
15 She's on my friends list.
16 : Okay. So you know what,
17 (inaudible) you give us to look at?
18 : Facebook, oh, yes, ma'am.
19 : Okay. That's just an article
20 we're showing you.
21 : Can we take one more quick
22 break, I don't want to take up a lot of your time.
23 If we just pause for a minute, we'll be right back,
24 okay.
25 Okay.

1 (The interview takes a break at this
2 point.)

3 (Resuming of the audio interview of
4)

5 : , we're going to wrap
6 things up here in just a minute, thanks for your
7 time.

8 Okay.

9 : you know what, we have
10 been through your account, obviously, especially the
11 news article we just showed you. You know what,
12 here is the thing, I know there's so much been going
13 in the community around here and people that just
14 want to help in either way. And so I just need to
15 ask, what you told us sounds a lot like what we have
16 read in the newspaper.

17 I haven't read any of that,
18 I swear to God on a stack of Bibles, I looked at
19 pictures to try to figure out which way I left the
20 neighborhood and where I was parked.

21 : We know that you looked at that
22 article that we just showed you because we just
23 showed --

24 I looked at the picture, I
25 swear, I swear I did not read any articles.

1 : We know that you read articles,
2 and that's fine.

3 Well, no, like this, I know,
4 yes, I looked at that, I looked at that multiple
5 times because I was trying to figure out if that's
6 the gold thing that I seen.

7 : What we are trying to
8 determine here, and you're not in any kind of
9 trouble.

10 I swear I have not --

11 : That's fine. You are not in
12 any kind of trouble. What we need to be able to do
13 out of fairness to you and out of all of the
14 witnesses to this, okay, is just to be able to tell
15 you is what you are telling us doesn't add up in
16 with some ways, okay.

17 Okay.

18 : And that's our concern.
19 Listen, I know this has been all over the media,
20 it's been all over the internet. And you talked
21 before about how you did go back, and you know, it
22 is human nature to want to go back and look at
23 what's going on about this thing, okay.

24 Right.

25 : Our concern is that maybe

1 you were very much sort of emersed in going through
2 this on the internet, or whatever. And you're hear
3 and you think you are trying to help, but maybe that
4 you didn't see everything that you said that you
5 saw, okay.

6 And it is important for us to be able to
7 determine who is telling us exactly what they say
8 and who might have just seen some things and sort of
9 put those together.

10 I'm not 100 percent sure
11 where I was parked.

12 : That's fine, we're not
13 concerned about where you were parked.

14 Refresh my memory on where I
15 was parked and the MapQuest that you showed me, when
16 you do get down and get close, I used that to help
17 me figure out how I got out of there.

18 : Right, that's our concern is
19 because on a map it looks like you could get out the
20 way that you've described.

21 I don't know how I got out.

22 : Yeah, I understand that.

23 Those are details, okay. The point is are you
24 100 percent sure that you were up there that day.

25 That's our big question, okay. If you're not sure

1 about that, we just need to know that, all right?

2 I was there that day, I just
3 don't remember how I got in and how I got out. I
4 don't remember, you know, I didn't hear words that
5 were said or anything like that. I remember, can I
6 look at this?

7 MS. : Yeah, go ahead.

8 I remember looking at this
9 because I was trying to figure out if that was the
10 gold thing, what it was. And then I remember
11 watching that a half dozen times.

12 : Did you comment on this
13 article, did you send any comments?

14 : When this first happened, I
15 made comments for the first few weeks. Some were
16 really obnoxious, some were pretty vulgar and then I
17 realized that that is not the Christian thing to do.

18 You talking about actually
19 typing comments?

20 On Facebook.

21 : On Facebook, okay.

22 : What sort of comments did you
23 make?

24 I used the N word a few
25 times, a half a dozen times. I used the F word a

1 few times. I was not, I was having a hard time
2 dealing with what I did see and trying to remember
3 things that I knew I seen, but I couldn't remember.

4 : That's what we're worried
5 about. It is understandable you said you have
6 memory problems, if you are trying to fill in the
7 gaps by using the internet and reading things, is
8 that possible.

9 That is possible. I know
10 what I seen though, I know that I seen the
11 altercation in the car and I know I seen the shot
12 that killed him.

13 : But a lot of what you told
14 us today you've actually had to fill in the blanks
15 because your memory problems by looking at the
16 internet.

17 As far as where I park and I
18 how I got in and out, yes. And where I was
19 standing, I remember being in front of that building
20 and the only thing I remember is there was a fire
21 hydrant right across the street, that I do remember.

22 MS. Did you notice any other cars
23 in the area, any other people standing around?

24 When I left over here, when
25 I was over here, there was a really nice yellow car,

1 really nice.

2 MS. It the parking lot or in the
3 street?

4 Half and half. It was like
5 it had pulled in this way, because I couldn't get
6 out that way at first.

7 MS. Out of the third parking lot?
8 Correct.

9 MS. I'm talking about in the
10 area, a lots of people were in that area and you
11 said you saw lots of people around, but other than
12 that guy you were standing right next to as you are
13 watching this scene unfold, did you see cars on
14 either side of the street because it is noon,
15 there's going to be cars there that want to come
16 through.

17 There was that and then over
18 here there was a white car, I think it was a
19 two-door and then there was that really nice yellow
20 car. I remember thinking it was really sweet.

21 MS. Right behind the white car,
22 two-door car.

23 : No, I remember the yellow
24 car being in the third parking lot. Like it just
25 had pulled in.

1 MS. So the white two-door car,
2 was that really close to where?

3 There was another car there
4 too because that entrance was blocked, I could not
5 go out right away.

6 MS. : The third entrance?

7 Correct. The white car with
8 the two door --

9 : this is something
10 else I want to ask you about. These pictures here,
11 neither of those are your car, right?

12 No, I remember being it like
13 white.

14 : I'm talking about your car,
15 would that be your car?

16 Oh, my car. What kind of
17 car is that?

18 : What kind of car is yours?.

19

20 : That's like a small sort of
21 station wagon?

22 Yeah says it's a
23 station wagon.

24 : Okay. But neither of these
25 is your car; is that right?

1 : No, sir. Doesn't look like
2 it, I don't have tinted windows.

3 : Okay. And these are two
4 different cars here.

5 : I thought you were asking me
6 what it looked like the car that I seen.

7 : Yeah, no, I'm talking about
8 your car. Neither of these pictures is your car; is
9 that right?

10 No, sir. My car that was I
11 in was there.

12 : It is actually out there
13 today, right?

14 Yes.

15 : It's a --

16

17 :

18 It is a

19 And that's the thing is, we,
20 you know, were aware of your previous statement and
21 the investigators went back and pulled pictures of
22 any cars that would have been going down the
23 street when all of this happened that day. There
24 doesn't appear to be any car that matches the
25 description of your car. That was another concern

1 that we had as it appears that this car was not
2 there at the time that this happened.

3 Okay, well, I was there.

4 : How do you explain that?

5 I don't know how I got in
6 and out. I don't know what cameras took pictures.

7 : Okay. Is it fair to say at
8 least that at least some of your account you have
9 had to go back and find that information on the
10 internet in order to fill in the blanks; is that
11 right?

12 Yes, sir, because like here
13 I was trying to figure out if that was the gold
14 thing I seen. This one I remember looking at
15 because I was trying to figure out which hand it was
16 because I knew it was the hand that had nothing on
17 it.

18 : Okay. But some of the
19 details in your account you have had to go back on
20 the internet to get those details?

21 Not what I seen, just
22 details as far as the way cars were positioned, yes,
23 and where I was located and how I got in and out of
24 the parking lot.

25 : Some of the other things

1 that you talked about, the bracelet and those
2 things?

3 Well, the bracelet I
4 remember. That I know that he had on and I watched
5 that come off and I don't know if that's it or not,
6 but that's what I was looking for, yes. I was
7 trying to figure out where (inaudible) and so forth.
8 I couldn't remember if it was the right or the left.
9 I couldn't remember actually where it landed, but I
10 do remember it fell off his wrist cause I remember
11 him trying to pick it up.

12 I remember looking at this, I'm sorry,
13 because I was trying to figure out what parking lot
14 I was in.

15 : Okay. You are talking about
16 a picture that's in the article that we showed you?

17 In this one?

18 : Yeah.

19 Is that the same article? I
20 was more into the pictures.

21 : Okay.

22 Because I was trying to
23 figure out, you know, because there's the first
24 building parking lot, parking lot and there is a way
25 to get over to this third parking lot.

1 : All right.

2 So I don't know, I mean, I
3 don't know how I got out. I mean, I could have
4 ended up going in circles and I could have ended up
5 going over here, I don't know.

6 MS. : Just kind of go onto after it
7 happened, you were making some comments, you were
8 really angry. You said you used the N word, what
9 kind of comments would you make when you used it?
10 Word for word?

11 MS. Uh-huh.
12 They need to kill the
13 fucking niggers. It is like an ape fest, and then,
14 it just, it is just not right. It is just not
15 right. So I put my, focused my energy into with a
16 couple of Wilson supporters and we made
17 and we
18 have been collecting donations and we have schools
19 making homemade Christmas cards.

20 : You are doing what you can
21 to help Darren Wilson?

22 Right, I quit posting on
23 any, you know.

24 MS. Okay. But when you did post,
25 can you give me that user name you used? Did you

1 just use your ?

2 Yeah, I don't Twitter, I

3 don't know how.

4 MS. Okay.

5 I think I have Twittered

6 three times in my entire life.

7 MS. : And is your name on ,

8 is it?

9

10

11 MS. :

12 Yeah, my is

13 the blue, .

14 MS. The

15 : . I have no

16 idea what my banner is.

17 MS. : You said EIN number, what is

18 that?

19 MS. : Social Security account

20 number for a business.

21 Right, you can apply through

22 the IRS and make it nonprofit. If you are going to

23 buy and sell and do things, then you need something

24 called a C-3.

25 MS. You got all of that?

1 I don't need a C-3 they said
2 because we're not doing that, all we're doing is
3 straight up collecting donations for, like we have
4 is making homemade Christmas cards.

5 MS. : Okay.

6 is
7 decorating homemade Christmas box.

8 MS. How many people are in this
9 organization that you formed?

10 Three. There is myself,
11 and she is in my cell phone, and then
12 another girl that keeps saying she wants to be in
13 it. I have a ton of emails with her, but her
14 husband won't let her. Her name is

15 MS. : what?

16 I don't know.

17 MS. : Do you have position in this
18 organization, there is two of you?

19 Two of us are the

20

21 MS. : Okay.

22 And the EIN number things is
23 in my name.

24 MS. : What's the
25 name?

1 The page?

2 MS. : Yeah.

3

4 and then it is nonprofit, and we label that it is
5 nonprofit.

6 MS. : You just started this after the
7 shooting?

8 Correct.

9 MS. : How long after the shooting did
10 you start it?

11 I don't know when the
12 was created in August. I don't know when the page
13 itself was created. I believe the was created
14 in August, or whatever. And then it got changed to
15

16 MS. : Okay.

17 Actually, only been doing
18 with that name for what, a few weeks now.

19 : Basically, you are doing
20 what you can to kind of help Darren Wilson with all
21 of these efforts, is that fair?

22 I think a lot of the
23 is kind of selfish. It was more for
24 myself being, because I do support law enforcement
25 and I felt bad with what I had .

1 I can't --

2 : In coming in here and
3 talking to us, are you trying to help Darren Wilson
4 by talking to us here today?

5 I don't know if that helps
6 him or not.

7 : Okay. You mention before
8 that your husband,
9 is that right?

10 Uh-huh.

11 : Have you had any kind of
12 similar issues at all?

13 I was diagnosed as
14 when I was 15.

15 : Okay.

16 I'm not medicated for that.
17 That is one of the things that they say later on in
18 life they said

19 Which also interferes with my ability to
20 focus on reading and so forth.

21 But as I got older and worked my way
22 through therapy.

23

24

25

1 : Okay. Listen, it was good
2 to meet you today and thank you for your time.

3 I'm sorry if I wasted --

4 : No, you didn't --

5 I know what I seen, I know
6 you don't believe me. As far as being out there, I
7 know I probably searched too much to try to refresh
8 my memory.

9 : It is not a matter of believing
10 you, it is difficult when you say to us that you are
11 posting things online that people might consider
12 racist.

13 It is racist and that's why
14 I turned to the other thing.

15 : So you are posting racist
16 things online and you are telling us, you know, and
17 you are telling us, you know, your account and then
18 there are videos that doesn't show your car. And
19 then there is a map that shows you couldn't left the
20 way you left from.

21 I don't know how I left.

22 : But, obviously, we find out
23 what people's motivations are when you say you
24 posted things online that are racist and you come in
25 here and tell us an account that supports Darren

1 Wilson. We're not saying --

2 Well, it is not for Darren

3 Wilson, it is all first responders. Because we do

4 fire department, we do EMS, or whatever, and local

5 law enforcement. We do not focus, we do not post on

6 Darren Wilson.

7 : You raised money for Darren

8 Wilson.

9 No, we're doing it for the

10 local law enforcement that have been dealing with

11 the riots, not Wilson himself.

12 : All right. But as you said

13 in your first statement, I mean, you may not be the

14 best witness because of your memory problems and the

15 other issues that you have.

16 Right, oh, I know that.

17 : Okay.

18 And in part why I didn't

19 come forward.

20 : Okay. I know you said that you

21 think we don't believe you, but do you think overall

22 we treated you fairly here today?

23 Oh, I do yes, ma'am. I have

24 no problems with, you all make me nervous as heck.

25 : Okay.

1 I have no problems with law
2 enforcement, even the officer that was forced to
3 arrest me when I grabbed the wrong checkbook.

4 : Okay. Did we force you to say
5 anything you didn't want to say?

6 No, ma'am.

7 MS. : Okay. I'm going to end the
8 recording. The time 3:52 p.m.

9 MS. WHIRLEY: So that ends the recording
10 of It is approximately 1:43 p.m.
11 October 23rd, 2014. Let me go get that witness.

12
13 of lawful age, having been first duly sworn to
14 testify the truth, the whole truth, and
15 nothing but the truth in the case aforesaid,
16 deposes and says in reply to oral
17 interrogatories, propounded as follows, to-wit:

18 EXAMINATION

19 BY MS. ALIZADEH:

20 Q Could you please introduce yourself to the
21 grand jurors?

22 A My name is

23 Q And do you go by

24 A Yes.

25 Q How old are you,

1 **A**

2 **Q** And whereabouts do you live?

3 **A**

4 **Q** Did you grow up in St. Louis?

5 **A** Since the age of five, yes.

6 **Q** Okay. And I'm going to stand back here.

7 That's because the microphone that's there is not
8 going to amplify your voice. If I can't hear you,
9 then I know they can't hear you. So make sure you
10 keep your voice up loud enough all the way back
11 here, okay?

12 **A** Okay.

13 **Q** Now, you know why you are here
14 today, correct?

15 **A** Correct.

16 **Q** And you and I had a brief discussion,
17 well, earlier today and just now before you came in,
18 right?

19 **A** Yes.

20 **Q** And you had originally made a statement
21 with St. Louis County Police Department detectives;
22 is that right?

23 **A** Yes.

24 **Q** That was when, do you recall?

25 **A** No, ma'am.

1 **Q** If I said September 11th, does that sound
2 about right?

3 **A** I have no idea.

4 **Q** Okay. And then just yesterday you met
5 with some FBI agents and assistant U.S. attorney and
6 an attorney from the Department of Justice and you
7 talked to them a little over an hour and a half; is
8 that about right?

9 **A** Yes, that's correct.

10 **Q** Okay. Now, when you and I met prior to
11 your testimony, I told you how this was going to
12 work in here. That you are going to be under oath
13 and I'm going to ask you questions and Sheila may
14 ask you questions, Miss Whirley, the attorney there
15 you had already met, and then the grand jurors get
16 to ask you questions, okay?

17 **A** Okay.

18 **Q** Did I stress outside to you how important
19 it is that you tell the truth?

20 **A** Yes.

21 **Q** And did I tell you that if you lie under
22 oath, if you intentionally lie under oath to this
23 grand jury, did I tell you what the consequences
24 would be?

25 **A** Yes.

1 **Q** I told you that that's a crime and
2 considered perjury?

3 **A** Yes.

4 **Q** Do you intend to tell the truth to the
5 grand jury today?

6 **A** Yes.

7 **Q** All right. So, why don't you start
8 out by telling the grand jurors back on August 9th
9 of this year, were you still at that time living in
10

11 **A** Yes.

12 **Q** And when we say I assume we
13 are all thinking

14 **A** I guess.

15 **Q** It is not ?

16 **A** Oh, no.

17 **Q** County?

18 **A** Yes.

19 **Q** The

20 **A** Yes.

21 **Q** All right. Was there anything special
22 about that day, that morning, did you have any
23 particular plan or was there something going on?

24 **A** I went to go and I wanted to meet up with
25 an old friend of mine from high school.

1 **Q** And what's the name of this friend?

2 **A** Her name is

3 **Q** And how long have you known all
4 through high school or just at the end of high
5 school?

6 **A** We met in our freshman year of high
7 school.

8 **Q** Were you friends in high school?

9 **A** Yes.

10 **Q** Did you maintain your friendship after
11 high school?

12 **A** Not really. We went our separate ways
13 until we reconnected .

14 **Q** How long ago was it that you reconnected
15 with ?

16 **A** Well, I got my in 2010,
17 so it would have been shortly thereafter.

18 **Q** So you've been communicating with
19 for about four years?

20 **A** Here and there, not on a good friend type
21 basis, no. I mean, , quick messages,
22 you know, she sent me some pictures of her daughter.

23 **Q** All right. And did tell you where
24 she lives?

25 **A** She lives in .

1 **Q** In is the City of St. Louis
2 County?

3 **A** It's in , yes.

4 **Q** Okay. So what made you decide to visit
5 on the 9th?

6 **A** We had talked about getting together and
7 we kept postponing it and I decided I was going to
8 go meet up with her because I wanted to see her and
9 spend time with her before we let our children meet.
10 She has a the same age as my .

11 **Q** And what age is that?

12 **A**

13 **Q** And so why is it that you needed to meet
14 up with her before you would let her meet
15 your , I mean, they're old?

16 **A** I hadn't seen actually hadn't
17 face-to-face seen her since .

18 **Q** And so was there some concern that maybe
19 you didn't want your to be socializing with
20 ?

21 **A** No, I'm just cautious over where my kids
22 go and there are other friends that I have from high
23 school that have drug addiction problems and so
24 forth. I just make sure that before I let my kids
25 go anywhere, I go first.

1 **Q** Did you think that had a drug
2 addiction?

3 **A** No, no, but it's just the way I am. I
4 have to go and I have to see the house, I have to
5 visit and make sure that it is where I want to leave
6 my child for a play date or whatever.

7 **Q** So did you ever consider inviting to
8 come down to your house? I mean, your house, you
9 would know your house is a safe environment, right?

10 **A** The last time I had spoken, actually
11 spoken to her, she did not have a vehicle.

12 **Q** All right. So did you then have your
13 with you on that Saturday when you were
14 going to go visit

15 **A** No.

16 **Q** And so how is it that you and had
17 arranged for this get-together on Saturday?

18 **A** I had told her I was going to pop in on
19 Saturday and she said that was fine.

20 **Q** And was there any other detail about this,
21 like you get there around noon or it would be in the
22 afternoon or?

23 **A** We were going to have lunch together.

24 **Q** Were you, did you go someplace for lunch
25 or have lunch at her place?

1 **A** Have lunch at her place, I guess, but it
2 was never discussed.

3 **Q** All right. Now, is married?

4 **A** No.

5 **Q** Does she have other children besides her
6 old?

7 **A** Not that I know of, not that I've ever
8 heard, no.

9 **Q** So what is her old
10 name?

11 **A**

12 **Q**

13 **A** Yes.

14 **Q** And do you know where she goes to school?

15 **A** No.

16 **Q** What does do?

17 **A** I have no idea.

18 **Q** Is she employed?

19 **A** I have no idea. We haven't been that
20 close since . We were really close through high
21 school and then we went, like I said, we went our
22 separate ways, other than a quick chat here and quit
23 chat there.

24 **Q** You've seen her , I guess,
25 correct?

1 **A** Correct.

2 **Q** Does she post things about herself on her
3 ?

4 **A** Here and there and her .

5 **Q** So you have seen, does she say anything
6 where she's employed, how you can fill out your bio
7 on your

8 **A** I have no idea. I've never looked at the
9 about part of it.

10 **Q** What about a telephone conversation, have
11 you had a telephone conversation with

12 **A** Just one, two.

13 **Q** When did that happen?

14 **A** One happened towards the end of July and
15 then again August 10th.

16 **Q** What was the reason for those
17 conversations?

18 **A** The first one was I was going to come up
19 and just pop in, we could have lunch and I got lost
20 as all get out and I didn't make it.

21 **Q** So the one in July was in order to plan
22 for this, was it a vague plan that you made on the
23 phone conversation in July, or did you say on
24 Saturday the 9th I may pop in?

25 **A** I just said around on that weekend I was

1 going to try to pop in, would she be around. And
2 she said, yes. Because that was a scheduled weekend
3 for my kids to go with their dad.

4 Q So driving from all
5 the way up north, I mean, that's not right around
6 the corner, obviously?

7 A Right.

8 Q Did you call her before you left to make
9 sure it was still on or that she was going to be
10 home?

11 A No.

12 Q What about, when you guys made this plan,
13 did she give you directions on how to get to your
14 house?

15 A I Googled it to a point and then got basic
16 directions. But I misunderstood the directions and
17 I misunderstood where she lived, so I had it all
18 wrong.

19 Q Had you used Google Maps before?

20 A I have.

21 Q You know when you put in an address of
22 where you're starting, an address of where you're
23 stopping, of where you're going to, it gives you not
24 only a step-by-step, turn-by-turn direction, but it
25 always gives you a map that shows you where you are

1 going, right?

2 **A** Correct, but I had put in the wrong
3 address.

4 **Q** How is it, did you have the wrong address?

5 **A** Yes.

6 **Q** Did give you the wrong address?

7 **A** No, I wrote it down wrong. It is
8 something I do.

9 **Q** So do you recall what the address was that
10 you had written down?

11 **A** The one I had written down at home I think
12 was , but I'm not 100 percent sure.

13 **Q** So you put that address in Google, did you
14 print out directions or get directions?

15 **A** I got directions. No, I did not print it
16 out.

17 **Q** Why not?

18 **A** Because I don't have a printer.

19 **Q** Now, we've already heard that said that
20 you have problems with your memory, did you write
21 down the directions?

22 **A** I wrote down basic directions, not the
23 entire length, no.

24 **Q** Now, we know that you didn't get to your
25 friend that day, correct?

1 **A** Correct.

2 **Q** And you didn't have a cell phone with you
3 when you drove up there, right?

4 **A** Correct.

5 **Q** So how is it that you know that you have
6 the wrong address for

7 **A** How do I know I had the wrong one?

8 **Q** Yeah, you just said that you put the
9 address in but it was the wrong address.

10 **A** Because I never found it. And when I got
11 up there I was told that they didn't know what I was
12 talking about or that address wasn't around that
13 area.

14 **Q** So you assume that meant you wrote it down
15 wrong?

16 **A** Correct. It's common for me.

17 **Q** So did you have a cell phone at this
18 point?

19 **A** I had an inexpensive phone that I had
20 given my old that was using.

21 **Q** So you set out on your own by yourself?

22 **A** Yes.

23 **Q** Drove up to North County?

24 **A** Yes.

25 **Q** From your home ?

1 **A** Yes.

2 **Q** Did you tell anybody that you were going
3 up there like, you know, your other children, a
4 friend or neighbor, hey, I'm going to go up to visit
5 my friend in this afternoon?

6 **A** I don't know that I told them I was going
7 to , I said I was going to visit a friend.

8 **Q** Who did you tell that to?

9 **A** Everybody, that lives upstairs and a
10 woman named that lives in the complex.

11 **Q** So weren't you at all concerned, well, let
12 me ask you this, are you familiar with North County?

13 **A** No.

14 **Q** Do you know the streets and the places up
15 in North County?

16 **A** I know basic directions, but no, not
17 really.

18 **Q** So were you at all concerned that you were
19 going up to North County and to a place that you
20 were really not familiar with to visit a woman you
21 haven't seen in, I don't know, since ?

22 **A** I know it sounds silly, but no, I do it
23 all the time.

24 **Q** And so when you got up there, when is it
25 that you first realized that you didn't know where

1 you were going?

2 **A** I don't remember the name of the street.

3 I think it was Florissant Road, I had gotten off the
4 highway and I had gone all the way down that street.

5 **Q** So which highway did you get off of?

6 **A** I guess it is still called 270 up there.
7 I get on at and follow it up.

8 **Q** Do you remember what exit you got off at?

9 **A** No.

10 **Q** The name of the street?

11 **A** No.

12 **Q** So when is it that you realized that you
13 didn't know where you were, right when you got off
14 the exit?

15 **A** About a block after the exit I decided I
16 better stop and ask for directions.

17 **Q** So did you?

18 **A** I went down a ways and asked for
19 directions at QT.

20 **Q** About how far did you go down West
21 Florissant before you stopped at the QuikTrip?

22 **A** I don't know because I went right a couple
23 times and then popped back out onto that other road.
24 So I don't know how far down it was.

25 **Q** So you stopped at QuikTrip and you talked

2 **A** I talked to a gentleman that was pumping
3 gas. When you pull into the QT, when you make a
4 left into the parking lot, the guy was just right
5 there.

6 Q So just some stranger that you approached
7 and said, what did you ask him?

8 **A** I asked him if he knew where, well, then I
9 asked him if he knew where that address was, which I
10 believe is , but I'm not sure.

11 Q And what was his response?

12 **A** He asked to see the address. I showed it
13 to him. He said, are you sure, he asked if I was
14 sure that that was where I was trying to go. He
15 said he hadn't heard of it. And I asked him, told
16 him I had done a couple of turns and asked him which
17 way 270 was.

18 Q So after you left there, did you go back
19 to 270?

20 **A** No, instead of making a right out of the
21 gas station I made a left.

22 Q Was that an error?

23 **A** Yes.

24 Q So you asked this guy for directions and
25 you decide to go back to 270, but right out of

1 QuikTrip you take a left?

2 **A** Yes, that's my short term memory problems,
3 yes.

4 **Q** So then where did you go after you turned
5 left off of, onto West Florissant from the QuikTrip?

6 **A** Another immediate left.

7 **Q** All right. Where did you go after that?

8 **A** That's when I ended up in there.

9 **Q** When you turn, when you pulled out of the
10 QuikTrip, did you pull directly onto West
11 Florissant?

12 **A** It is not that side street, I turned onto
13 the busy road. I guess that was West Florissant. I
14 don't know the street names.

15 **Q** All right. And then you found yourself,
16 you turn left and you were, where were you when you
17 turned left, why is it that you turn left?

18 **A** Because I had felt like I went the wrong
19 way.

20 **Q** Okay. So you were going to turn around?

21 **A** Yes.

22 **Q** So what street did you turn onto, was it
23 the street that led you into the complex?

24 **A** Yes.

25 **Q** So when you first turn onto that street,

1 when you are on West Florissant when you turned onto
2 that street, did you turn right or left?

3 **A** Left.

4 **Q** All right. And so when you then, as soon
5 as you turn onto Canfield Drive off of West
6 Florissant, is that where the apartments are?

7 **A** No, I went down past a few streets first.

8 **Q** Are there apartment buildings or
9 businesses or restaurants or do you recall?

10 **A** I don't remember. I just remember I went
11 down and went past a couple of streets on, I believe
12 it was the right-hand side.

13 **Q** Why would you go past those streets, why
14 wouldn't you turn around, you turned onto Canfield
15 so that you could turn around and go back to 270,
16 didn't you?

17 **A** Yes.

18 **Q** You didn't turn around when you had an
19 opportunity to turn around?

20 **A** I don't -- yes, correct. I don't make U
21 turns in the middle of the street and I don't pull
22 into people's driveways. When I realized the
23 apartments were there, originally, I thought I was
24 just going to turn around in the parking lot and
25 decided to ask for directions again.

1 **Q** So the map that is right here to your
2 right is Grand Jury Exhibit Number 25. Do you
3 recognize this map, the streets, the buildings, does
4 that look familiar?

5 **A** I recognize the buildings, yes.

6 **Q** Okay. Do you see this street that kind of
7 snakes across the whole map, you see that is
8 Canfield Drive?

9 **A** Correct.

10 **Q** To reference and orient you, West
11 Florissant is over here. (indicating)

12 **A** Okay.

13 **Q** And that's to the left side of the map and
14 back here is --

15 **A** The complex.

16 **Q** Well, you are driving further east at that
17 point, okay?

18 **A** Right.

19 **Q** So is it this street that you came onto
20 into the complex?

21 **A** Yes.

22 **Q** Can you use that laser pointer and tell me
23 how far you got before you stopped your car?

24 **A** Before I stopped it?

25 **Q** Where did you go?

1 **A** I parked right there. Right where that
2 car is. (indicating)

3 **Q** Okay. So you drove east on Canfield, did
4 you turn right then on Caddiefield Road?

5 **A** Yes.

6 **Q** You put the laser pointer right here?
7 (indicating)

8 **A** Right, I pulled into that one. There was
9 a lot of vehicles, there was vehicles there that
10 didn't look like, you know, they were busy and the
11 parking lot was full, so came down to this one.

12 **Q** So you took the second right?

13 **A** Correct.

14 **Q** Once you were in the complex?

15 **A** That's what I believe, yes. I was lost by
16 then and that's where I believe I was, yes.

17 **Q** All right. And so when you first pull
18 into the complex, you know, I know that you said
19 that you first saw a police vehicle and there was
20 some boys?

21 **A** Correct. Well, I had already gotten out
22 of my car.

23 **Q** All right. So when you pulled in here and
24 turned right, I have to go like this, right turn
25 onto Caddiefield, at that point you hadn't seen the

1 police vehicle or the boys?

2 **A** I don't know if the boys were there or
3 not, I wasn't paying any attention. I was paying
4 attention to just parking and I had not seen the
5 officer.

6 **Q** As you drove down this way, if there was a
7 couple of guys walking in the middle of the street
8 you would have noticed them, wouldn't you?

9 **A** No.

10 **Q** In the middle of the street?

11 **A** People do that all the time everywhere.
12 You just watch out for them, you don't hit them and
13 you don't pay attention to who they are.

14 **Q** So if there were people walking in the
15 middle of the street, you wouldn't have paid
16 attention to it?

17 **A** I would have paid attention, you know,
18 making sure I didn't hit them. I would not have
19 paid attention to who they were.

20 **Q** Do you remember if there people, boys
21 walking in the middle of the street?

22 **A** There were people walking in the middle of
23 the street down here and then there was people
24 walking in the middle of the street up here. I
25 don't remember if there was some right there or not.

1 **Q** Okay. The people that were walking in the
2 middle of street up here. (indicating)

3 **A** Yes, they were young.

4 **Q** What does that mean?

5 **A** They looked young, under 18. And I won't
6 ask an under 18-year-old for directions, I won't
7 roll up on a child.

8 **Q** Were they boys, girls, ten of them, two of
9 them?

10 **A** Just two boys.

11 **Q** Two boys?

12 **A** They were just walking.

13 **Q** Which direction?

14 **A** Towards that way. (indicating)

15 **Q** They were walking west?

16 **A** Correct.

17 **Q** Toward West Florissant?

18 **A** Yes.

19 **Q** Were they in the street or on the
20 sidewalk?

21 **A** They were in the middle of the street at
22 that time.

23 **Q** Okay.

24 **A** But when I came down around the corner
25 they stepped off to the side.

1 **Q** Those two boys that you saw, were those
2 the two boys that you later describe at the police
3 vehicle?

4 **A** I don't know. They looked young to me, I
5 don't know.

6 **Q** You don't think it was the same?

7 **A** They looked like teenagers. I don't know,
8 I can't say if it was or if it wasn't. I just
9 remember there were two boys there at that time.

10 **Q** So you drove, continue to drive and turn
11 right onto Caddiefield Road, you said you saw some
12 people walking in the street around this area, which
13 would be somewhere between Coppercreek Court and
14 Canfield Court?

15 **A** Correct.

16 **Q** Were they boys, girls, how old, how many?

17 **A** Two or three. I don't remember, I didn't
18 really pay much attention and they look like girls.

19 **Q** All right. So what did you do after you
20 turned onto Caddiefield Road, did you park in a
21 parking spot or did you stop your vehicle?

22 **A** I parked in the parking spot right there.

23 **Q** Okay. Show me again?

24 **A** In these parking lot spots.

25 **Q** Okay. So right around here? (indicating)

1 **A** Yes.

2 **Q** So somewhat on the southeast side of
3 Caddiefield Road?

4 **A** Correct.

5 **Q** And then you say you got out of your car?

6 **A** Correct, because there was a whole lot of
7 people right there and I walked up to the one.

8 **Q** Why did you get out of your car?

9 **A** Main reason was to ask for directions and
10 then I decided to have a cigarette, so I got out.

11 **Q** At this point you know you're lost, you
12 know you turned off of West Florissant and drove
13 straight down Canfield Drive.

14 **A** Correct.

15 **Q** You are trying to find 270, right?

16 **A** Correct.

17 **Q** Why would you just not turn around here
18 and then go back up to West Florissant?

19 **A** My memory on my directions does not work
20 like other people.

21 **Q** Well, you knew your friend was expecting
22 you?

23 **A** Right.

24 **Q** You were going to have lunch with her.

25 You had no way to call her and say, hey, I'm going

1 to be late because I'm stopped, I'm lost, and I'm
2 stopping to have a cigarette, but you just decided
3 to get out of your car and stop, ask directions and
4 have a cigarette?

5 **A** I stop to ask for directions and I went
6 ahead and lit a cigarette, yes. At that time on
7 that day I did not smoke in my vehicle.

8 **Q** Who did you ask for directions?

9 **A** I asked a gentleman that was standing
10 under the tree.

11 **Q** I'm guessing you didn't know him, you
12 haven't seen him before?

13 **A** No, ma'am.

14 **Q** Was it a black man, a white man, Hispanic?

15 **A** African -- black man, African-American.

16 **Q** Teenager, older than me?

17 **A** I remember him being older.

18 **Q** Okay. What did you ask him?

19 **A** I asked him if he knew how to get to the
20 nearest highway. I figure if I can get to any
21 highway, I'd be fine.

22 **Q** What did he tell you?

23 **A** He started to give me directions, but he
24 was looking in the direction of that way as he was
25 talking, so I did not hear him. And that is when

1 all of that other stuff --

2 Q Have you lit your cigarette at this point?

3 A Yes, I have.

4 Q So you're standing there, he's giving you
5 directions, but he's not talking directly at you so
6 you can't hear what he's saying?

7 A Right, right, I could not get step-by-step
8 instructions when he was looking the other way.

9 Q Did you have a piece of paper and
10 something to write with?

11 A No.

12 Q You were just going to try to remember
13 what he was going to tell you knowing that you have
14 a problem with directions and short term memory?

15 A Yes.

16 Q So what happened then when you were
17 standing there talking to this man?

18 A That's when the officer drove up, which
19 I'm not 100 percent sure, I want to say he was like
20 approximately right there when I seen him and he was
21 talking to the two boys. His mouth was moving and I
22 don't know what he said. Then he started to pull
23 forward and when he was about here, he started to
24 back up.

25 Q So you're standing about somewhere in this

1 area under a tree?

2 **A** Correct, like right there. (indicating)

3 **Q** Right at 2960; is that right?

4 **A** Okay, yes.

5 **Q** Does that say 2960, hang on?

6 **A** I can't --

7 **Q** Hold, please, yes 2960.

8 **A** Okay.

9 **Q** So it was right in front of here?

10 **A** Correct.

11 **Q** And so where did the police officer come
12 from?

13 **A** From this way. (indicating)

14 **Q** And what was he driving?

15 **A** It is a big vehicle. I didn't know what
16 kind of vehicle it was at the time. It is a marked
17 police car.

18 **Q** Is it a sedan, is it a van, is it a pickup
19 truck?

20 **A** I know now it is an SUV, at the time to me
21 it was just a bigger vehicle.

22 **Q** Okay. So when he drove up, where does he
23 stop the vehicle?

24 **A** I don't remember the first time. The
25 first time he just drove up and like around this

1 area and said something to the boys and then drove
2 on.

3 Q So where were these boys he stopped and
4 talked to?

5 A In the middle of the street.

6 Q Where did they come from?

7 A I was talking to that other guy, I have no
8 idea.

9 Q It wasn't these kids?

10 A It wasn't those because I believed that
11 they were female.

12 Q It probably wasn't these guys since these
13 guys, they were walking that direction?

14 A I don't know.

15 Q So you don't know where those boys came
16 from?

17 A No, ma'am.

18 Q So when the officer pulled up on them,
19 were they on the side of his vehicle?

20 A I don't remember the first time, the
21 second time they were, they were on the driver's
22 side when he backed up. I didn't pay much attention
23 to anything until the second time around.

24 Q What do you mean the second time around?

25 A When the officer put the car in reverse.

1 **Q** So the officer stopped, talked to the
2 boys.

3 **A** He said something, I don't know what he
4 said.

5 **Q** Did the boys look like they were talking
6 too or did they just keep walking?

7 **A** It wasn't paying any attention to them.
8 He rolled up on them, he slowed down or stopped, I
9 don't know.

10 **Q** And then what happened?

11 **A** His mouth moved and then he started to
12 pull forward and didn't go forward very far and then
13 he put it in reverse and came back.

14 **Q** All right. When he put it in reverse and
15 came back, did he do that quickly, slowly,
16 leisurely, did he spin his tires, did you hear the
17 screech of tires when he backed up?

18 **A** I don't remember. I just know I was
19 talking to that guy. I looked, the officer was
20 talking to him. I looked back to the guy and then
21 something caught my attention and I looked back over
22 there and he was coming in reverse.

23 **Q** So when he reversed, were the boys still
24 in the street?

25 **A** When I looked over there, when he came in

1 reverse, it was like his car was like that and they
2 were at his driver's side.

3 Q So did they stop or were they still
4 walking when he backed up on them?

5 A When I looked back over there they were
6 stopped.

7 Q And how was the officer's car parked, I
8 mean not parked, I know it wasn't parked. How was
9 it when it came to stop?

10 A Like not straight on the street, like he
11 was backing into on the curb.

12 Q So whereabouts was the vehicle when it came
13 to a stop?

14 A I'm not 100 percent sure, but around this
15 area right here. (indicating)

16 Q So if the vehicle had been traveling that
17 direction.

18 A Correct.

19 Q When it came to a stop.

20 A It was pointed --

21 Q I want you to use this. Come up here and
22 show me, I know this is way bigger than the vehicle,
23 but if the vehicle is traveling like this when it
24 came to a stop, how was it?

25 A Just like that. Like it was backing up to

1 the curb slightly with the head of the car going
2 that way.

3 Q Was the front of the car still in the
4 correct lane, the right side lane?

5 A I don't remember, I believe so.

6 Q What about the rear of the vehicle, was it
7 in the other lane at this point?

8 A I don't remember. I know it was like he
9 was backing up to the curb area.

10 Q So do you recall what, tell the jurors
11 what happened then, after he backed up and the boys
12 were at the side of the car?

13 A He said something, I don't know what he
14 said and then the next thing I remember the heavier
15 set one was in the window from his naval up.

16 Q His naval being his belly button?

17 A His belly button.

18 Q So his upper body was inside the police
19 vehicle?

20 A Correct.

21 Q Do you see inside the police vehicle?

22 A No.

23 Q Before he, before the bigger guy put his
24 upper body in the police vehicle, could you see
25 inside the police vehicle?

1 **A** Before?

2 **Q** Yes.

3 **A** Just the side view of the back, side view
4 of the officer.

5 **Q** Was it a man or a woman?

6 **A** It was a male.

7 **Q** White or black or Hispanic or something
8 else?

9 **A** White.

10 **Q** Uniform?

11 **A** Yes.

12 **Q** What color?

13 **A** Blue.

14 **Q** Did he have a tie on his uniform?

15 **A** I don't remember.

16 **Q** How about long sleeves or short sleeves?

17 **A** Don't remember. All I seen were the
18 shoulders.

19 **Q** Well, at some point you see him get out of
20 the car, right?

21 **A** Yes. I don't, I didn't look into the
22 detail of what they were wearing.

23 **Q** How about the officer, was he wearing a
24 hat, like his policeman's hat or a baseball cap?

25 **A** No. The other guy was wearing a baseball

1 cap.

2 Q Which other guy?

3 A The heavier set African-American.

4 Q What color was it?

5 A Red.

6 Q What color were his shorts?

7 A Khaki.

8 Q How about his shirt?

9 A I don't remember, I think it was white,
10 but I'm not 100 percent sure.

11 Q How about the officer, what color were --
12 did he have shorts or long pants on?

13 A The officer? I don't know, I wasn't
14 focusing on him, I was focusing on the heavier set
15 African-American because of what he was doing.

16 Q How about were his pants darker than his
17 shirt, same color?

18 A Who?

19 Q Lighter than his shirt?

20 A I don't remember.

21 Q So after you saw him back up, you saw the
22 bigger guy put his upper body inside the vehicle,
23 what did you see happening then?

24 A I just seen his right hand moving up and
25 down.

1 **Q** Whose right hand?

2 **A** The larger, the African-American, larger
3 one.

4 **Q** Could you tell what it was doing?

5 **A** No.

6 **Q** What about the other boy, what was he
7 wearing, what did he look like?

8 **A** At that time he had a black T-shirt on and
9 he had, his hair was braided.

10 **Q** Braided?

11 **A** I believe, I mean.

12 **Q** What about, what was he wearing?

13 **A** I don't know what color shorts he had on.

14 **Q** But you remember shorts?

15 **A** No, I mean, I don't remember from the
16 waist down, I don't remember the bottoms, I only
17 remember the dark shirt.

18 **Q** So what was the smaller kid doing?

19 **A** When he first went in, when the officer
20 tried to open the door, the heavier set one pushed
21 it shut with his hand open. The second time I don't
22 know if he punched it with his hands or with his
23 stomach. And then by the time he punched it shut
24 the second time, the skinnier one punched the rear
25 view mirror or the mirror that's on the side of his

1 car with his wrist.

2 Q So the skinnier one was up by that side
3 mirror, are you talking about the side mirror?

4 A Yes, right outside the door.

5 Q Did it break the mirror?

6 A Something fell off his wrist and I believe
7 that the mirror broke, yes, but I can't remember now
8 at this point 100 percent sure.

9 Q Did you see glass on the ground?

10 A No, I seen something gold fall off his
11 wrist.

12 Q Off of the skinnier guy's wrist?

13 A Correct.

14 Q And you remember it being gold?

15 A Correct.

16 Q And then what happened then?

17 A He went to bend down to pick it up and
18 that's when I heard the gunshot.

19 Q The skinnier guy went to pick it up?

20 A He went to pick up whatever fell.

21 Q The gold thing?

22 A Yes.

23 Q Did he pick it up?

24 A No, I don't think so. I don't remember if
25 he did or not. I just remember he went down too as

1 he's picking it up.

2 **Q** So were there other cars at this point
3 behind the officer's car or in front of the
4 officer's car, you remember seeing other cars?

5 **A** I only remember seeing, really focusing on
6 two other cars. There were other cars there yes,
7 there were other people there yes, but the two that
8 caught my attention was a white two-door that was
9 catty-corner that was across like approximately
10 right there, in this stretch. And then there was
11 a -- at that time that was the only car I seen. And
12 then after it was all over I seen a really nice
13 yellow car, like a sports car.

14 **Q** That yellow car had nothing to do with
15 what's going on?

16 **A** No, those are the only two vehicles that
17 really, and the white one caught my attention
18 because it was in my eyesight the other one was
19 because of the type of car it was.

20 **Q** What about any vehicles in front of the
21 police officer's car, did you see a blue truck?

22 **A** (Shakes head.)

23 **Q** Minivan?

24 **A** (Shakes head.)

25 **Q** Don't remember?

1 **A** Don't remember.

2 **Q** So what happened then if you get to the
3 point where after the gunshot went off, you said you
4 heard a gunshot?

5 **A** Correct.

6 **Q** What happens then?

7 **A** The skinnier one took off running in that
8 direction.

9 **Q** Toward West Florissant?

10 **A** Yes. And then the other one, he stood up
11 and pulled his shorts up and ran this way.
12 (indicating)

13 **Q** So he ran right past you?

14 **A** Correct.

15 **Q** Was he running in the middle of the
16 street, on the sidewalk, on the grass?

17 **A** He wasn't in the sidewalk or the grass,
18 but he wasn't really in the middle of street. He
19 was like coming, you know, he ended up in the middle
20 of the street, but he started over here and went
21 this way. (indicating)

22 **Q** When you first heard that gunshot ring
23 out, did you recognize it as a gunshot?

24 **A** No, I had never heard a gun before other
25 than on TV. Common sense told me it was.

1 **Q** So after you saw the bigger guy running
2 away from the police vehicle, what did the officer
3 do?

4 **A** He got out of his car and he had his left
5 hand on his face and the gun in his right hand and
6 when he stood up, he was wobbling from his left foot
7 to his right foot. He said something, I don't know
8 what he said. All I remember hearing is the word
9 shoot. I didn't hear any other words before that.
10 And he had his hand on his gun and he was pointing
11 it right at the larger of the African-Americans.
12 And after he said the word shoot, that's when the
13 young man turned around.

14 **Q** The young man, the bigger guy?

15 **A** Yes.

16 **Q** And when he turned around, did he have his
17 hands up?

18 **A** When he first turned around, he turned
19 around with his hands swinging and they were more
20 down like this with his palms open in the form of an
21 attitude that you get from a teenager. Like, you
22 know, what are you going to do about it.
23 (indicating)

24 **Q** Okay. When he swung around then he, point
25 with the laser pointer where he was when he turned

1 around?

2 **A** Approximately like right there.

3 (indicating)

4 **Q** So, again, that's like right in front of
5 you?

6 **A** Correct. I've more over here though, but
7 yes.

8 **Q** Did you see any bullet injuries on him at
9 that point, blood on his shirt?

10 **A** I was not looking.

11 MS. WHIRLEY: Excuse me, 2:30.

12 MS. ALIZADEH: You all want to ask
13 questions now and then if we can't finish today,
14 we'll see if she can come back on another day, is
15 that all right?

16 I'm going to let them ask you some
17 questions, see if we can finish up today.

18 Anybody have any questions?

19 So we heard your recorded
20 statement earlier, okay.

21 : Yes, ma'am.

22 In that recorded
23 statement you admitted to posting that stuff that
24 was racist.

25 Yes, ma'am.

Page 222

1 Were you posting racist
2 stuff before this incident?

3 : No, ma'am.

4 So you have never made
5 any kind of racist remarks?

6 No, I've never posted on
7 Facebook any racial remark.

8 But you have made racist
9 remarks?

10 : Yes, ma'am. I don't like to
11 be considered racist. I try very hard. And I know
12 for a fact my children are not, but does it sound
13 with my language and my behavior that I am racist?
14 Yes, ma'am, but it's not something I approve of, if
15 that makes sense.

16 : Honestly, no, but that's
17 okay. You were going to see an African-American
18 friend, you said was a very good friend?

19 : Correct.

20 The weeks following this
21 incident, you didn't call her until the next day,
22 but in your recorded statement you said that you
23 called her that day to tell her that wouldn't be
24 coming by. So which was it, you call her that day
25 or the following day?

1 : Now that I don't know, I'd
2 have to have my phone records checked.

3 Okay. You said that you
4 have some short term memory problems?

5 : Yes, ma'am.

6 In that you turned left
7 instead of right, did you get confused? Do you get
8 your left and your right confused because of your
9 short term memory problems or you not remembering
10 which way he told you to go?

11 : I wasn't remembering which
12 way he told me to go.

13 Okay. In the FBI
14 statement you said you saw an apartment complex, you
15 turned into the apartment complex because you
16 thought maybe this was where you miraculously found
17 out where your friend lived; is that right?

18 No, I turned into, I turned
19 left on that into there.

20 : Okay.

21 When I seen the apartments,
22 they looked like the apartments that my friend had
23 posted.

24 Okay. Because today you
25 said you turned into the apartment complex to turn

1 around to get to 270. Did you think they were your
2 friend's apartments or were you intending to turn
3 around?

4 : When I went in here, I was
5 attempting to go in there and turn around.

6 Okay.

7 And then I seen the
8 apartments and I thought that they looked like my
9 friend's apartment, but I still needed to ask for
10 directions.

11 Okay. I think we
12 established earlier that you passed up several
13 streets where you could have turned around?

14 Correct. I passed up two
15 that I remember.

16 You're lost.

17 Yes.

18 You admit you get
19 confused?

20 Yes.

21 You said you venture out
22 all the time not knowing where you're going?

23 Correct.

24 I'm just confused and I
25 find it hard to believe that you didn't take your

1 first opportunity to turn around. Can you help me
2 understand why that is?

3 Because I don't make U turns
4 in the middle of the street and I don't pull into
5 people's driveway.

6 Right, you said that, but
7 you said there were several streets that you passed
8 up. Could you not have turned around in some other
9 streets?

10 I only remember two.

11 : Okay. Two instead of
12 three?

13 Right. I only remember the
14 two streets and then when I come around the corner,
15 I was looking for a parking lot.

16 I do have other
17 questions, but I'll ask one more. You said you
18 could not see inside the car very well?

19 Correct.

20 But then you said you
21 could see the heavy set man's hands moving up and
22 down and you could tell he was punching him, and
23 this is according to what you said here and your
24 recorded statement. right?

25 Yes, ma'am.

Page 226

1 So even though you can
2 see in the car?

3 : I could not see the officer,
4 no, because the larger of the two, the heavier set
5 one was blocking the view of the officer.

6 Okay. So how do you know
7 he's being punched?

8 The hand was going up and
9 down.

10 Okay. Going up and down
11 help me or up and down like that. (indicating)

12 No, it was going up and down
13 with his fist clenched or with his, you know.

14 MS. ALIZADEH: Let's do this, let's break.
15 I'm sorry, we have to break at 2:30 today
16 because of other obligations that the grand jurors
17 have and I'm going to walk her out to a waiting
18 room. Why don't you all discuss if you would like
19 to have her come back on a day next week and we'll
20 see about what we can do help get her back here.
21 And then I'll come back, before I let her go you let
22 me know if you want to have her return.

23 Can I ask one question or
24 may I?

25 MS. ALIZADEH: Is it of them or me?

1 Just a general question, I
2 guess.

3 MS. ALIZADEH: We can --

4 I guess for them too. On
5 August 9th after this happened when I got home, I
6 wrote everything down on a piece of paper, would
7 that be easier if I brought that in?

8 MS. ALIZADEH: Sure.

9 Sure, why not.

10 Because that's how I make
11 sure I don't get things confused because then it
12 will be word for word.

13 MS. ALIZADEH: Sure. Okay.

14 (End of the Grand Jury Hearing Volume 15.)

15

16 State of Missouri

17 SS.

18 County of St. Louis

19 I, , a Licensed Certified Court
20 Reporter by the Supreme Court in and for the State
21 of Missouri, duly commissioned, qualified and
22 authorized to administer oaths and to certify to
23 depositions, do hereby certify that pursuant to
24 Notice in the civil cause now pending and
25 undetermined in the County of St. Louis, State of

1 Missouri.

2 The said witness, being of sound mind and being
3 by the grand jury first carefully examined and duly
4 cautioned and sworn to testify to the truth, the
5 whole truth, and nothing but the truth in the case
6 aforesaid, thereupon testified as is shown in the
7 foregoing transcript, said testimony being by me
8 reported in shorthand and caused to be transcribed
9 into typewriting, and that the foregoing page
10 correctly sets forth the testimony of the
11 aforementioned witness, together with the questions
12 propounded by counsel and grand jurors thereto, and
13 is in all respects a full, true, correct and
14 complete transcript of the questions propounded to
15 and the answers given by said witness.

16 I further certify that the foregoing pages
17 contain a true and accurate reproduction of the
18 proceedings.

19 I further certify that I am not of counsel or
20 attorney for either of the parties to said suit, not
21 related to nor interested in any of the parties or
22 their attorneys.

23

24 -

25



1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XV

12

13 10/23/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XVI

Date: October 27, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 27, 2014

VOLUME XVI

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XVI

2 MS. ALIZADEH: Good morning. This is
3 Kathi Alizadeh with the prosecutor's office. I
4 believe it is October 27th; is that correct? And it
5 is a little after it is 8:50 a.m. Sheila Whirley is
6 here, but she just stepped out to get the first
7 witness of the morning, who will be .
8 And all 12 grand jurors are present, as the court
9 reporter's also present and taking things down.

10 We just had a brief conversation before we
11 got started about transcripts and listening to
12 witness' statements, about best way to proceed with
13 that. And during our lunch break today, I'm going
14 to do everything I can to make sure I have
15 transcripts for statements. Some of our statements
16 do not have transcripts. We have played some
17 statements that we didn't have transcripts for and
18 we may now have those transcripts as they have all
19 been kind of getting done along the way. So I will
20 make sure that we have transcripts for all the
21 statements that we have for every witness.

22

23

24

25

8 BY MS. WHIRLEY:

1 **Q** August 9th?

2 **A** Yes.

3 **Q** Do you remember that morning pretty well?

4 **A** Um, I remember some of it vaguely because

5 I do have like hard time remembering some things.

6 Some things I can remember.

7 **Q** Let me ask you a question though, when you
8 say you have a hard time remember things, what do
9 you mean?

10 **A** I mean that I can be talking about
11 something for a minute and then all of the sudden if
12 I'm sidetracked, I forget what I was talking about.
13 If somebody says something, then they can bring my
14 memory back.

15 **Q** Okay, all right.

16 **A** I'm just going to come out and tell what I
17 know.

18 **Q** And that's all we want, tell us what you
19 know.

20 **A** Okay. On that day I heard some shooting.

21 **Q** Well, let's start at the beginning. We
22 want to know, do you recall what you did the first
23 thing that morning?

24 **A** Yes, I got up, took my shower, cook me
25 some breakfast, I had two eggs, three pieces of

1 bacon that was turkey, two pancakes, a glass of
2 orange juice, milk and coffee.

3 **Q** Great memory. So you had that breakfast
4 and then what did you do?

5 **A** I took my meds, I took my morning meds, I
6 take meds for high blood pressure, my mood swings at
7 night, I didn't take that one. I took my hormone
8 medicine, I took my allergy medicine, Benadryl and
9 Claritin. And I also took, I can't remember the
10 name of it, but it is for when I be itching, it
11 ain't Benadryl, it is the other medicine.

12 **Q** Okay.

13 **A** I take it because I itch a lot with dry
14 skin.

15 **Q** Now, were you at home then, I'm assuming?

16 **A** Yes, I was home, yes. And after I did all
17 of that, I was watching television in my living
18 room, but I was watching some cartoons that come on
19 Saturdays and then I heard some shooting.

20 **Q** Let me ask this question. Where do you
21 live?

22 **A** I stay in .

23 **Q** Okay. And you see that pointer there,
24 that's a laser pointer, there's a button?

25 **A** Let me get these eyes on.

1 **Q** I have my on standby.

2 **A** Okay.

3 **Q** There's a button that you push. I don't
4 want to talk the same time you talk. I have to ask
5 a question and be quiet and then you can answer.

6 **A** Okay. is here.

7 **Q** Now, did you live in on August
8 the 9th of 2014?

9 **A** Yes.

10 **Q** You still live there?

11 **A** Yes.

12 **Q** Okay. So where were you inside --

13 **A** This is my address here

14 **Q** Okay. Where were you when you were
15 watching TV?

16 **A** In my living room.

17 **Q** Does your living room have a window?

18 **A** Yes. No, I don't have a window here, I
19 have patio doors.

20 **Q** Where does it face, what street does it
21 face?

22 **A** It faces the street I stay on, Coppercreek
23 Court.

24 **Q** So it faces this way? (indicating)

25 **A** Yes. Basically where you see the cars

1 right there.

2 Q Sort of west?

3 A Yes.

4 Q This is West Florissant over here?

5 A Yeah.

6 Q All right. This map looks familiar to
7 you?

8 A No, I don't look at maps.

9 Q But you can tell that's where you live
10 ?

11 A Yeah.

12 Q From this map?

13 A Right.

14 Q So you say you heard a shot?

15 A I heard shooting.

16 Q Shooting. About what time of day was it?

17 A Uh, it was around about like a quarter to
18 11:00, something like that.

19 Q You're not sure of the time?

20 A No, I really wasn't looking at the clock
21 like that.

22 Q Okay.

23 A But I did come out of my door.

24 Q Describe to me what you meant by you heard
25 shooting?

1 **A** Um, it sounded like fireworks, I say like
2 that. Sounded like gunfire.

3 **Q** How many shots?

4 **A** At the time that I heard it, it was like
5 four shots that I heard.

6 **Q** All right. So you heard four shots then
7 what did you do?

8 **A** Then I, I came outside and I went next
9 door, that's right here. that's where my
10 godson stays.

11 **Q** Your godson?

12 **A** Yes.

13 **Q** Was he at home?

14 **A** Yes, he was at home.

15 **Q** Did he have to open the door for you?

16 **A** No.

17 **Q** Did he have a key?

18 **A** No, I was on the, okay, like you got
19 certain levels of steps. So when I went up the
20 step, it is like a little porch like before you get
21 to the second level, and that's where I was at. He
22 was coming out of his apartment, coming out where I
23 was at. He came right there, I ran down to let me
24 get this thing back on. I ran down from here, I ran
25 down and I was like right here. (indicating)

1 **Q** Was anybody with you?

2 **A** No, not that I know of.

3 **Q** Your godson, he didn't do go with you?

4 **A** No, he was up on the porch at the time
5 that I know of.

6 **Q** Okay. Did it appear he was watching what
7 was going on too?

8 **A** Yes.

9 **Q** What is his name?

10 **A** His name is .

11 **Q** Okay.

12 **A** And so by the time I made it to where I
13 could see what was going on, Michael Brown was on
14 his knees.

15 **Q** So by the time, so you heard four shots?

16 **A** Yes.

17 **Q** And then you come down to Coppercreek
18 Court?

19 **A** Right.

20 **Q** And how far, where do you go?

21 **A** I was right in this part right here.

22 (indicating)

23 **Q** Near the intersection of Coppercreek?

24 **A** Yeah, I went all the way in.

25 **Q** And Canfield?

1 **A** I was like right here.

2 **Q** Is that a parking lot?

3 **A** Yeah, that's a parking lot.

4 **Q** All right. Near Canfield Drive?

5 **A** Yes.

6 **Q** And where did you see Michael Brown, you
7 said he was on his knees, where was he?

8 **A** He was in this area right in here.

9 (indicating)

10 **Q** On Canfield Drive?

11 **A** Yeah, he was on Canfield Drive.

12 **Q** Was he in street or in the grass?

13 **A** He was in the street.

14 **Q** All right. When you saw him on his knees,
15 what was he doing?

16 **A** He had his hands up like this.

17 (indicating)

18 MS. ALIZADEH: I was writing, I didn't see
19 what you did with your hands. Can you show me?

20 **A** He was on his knees was like this.

21 (indicating)

22 **Q** (By Ms. Whirley) You're showing that his
23 hands are raised up in the air, what, above his
24 head?

25 **A** It wasn't all the way up like that, it was

1 like, it was like this. (indicating)

2 **Q** Somewhat above his head?

3 **A** And that's when he started falling and
4 went on down.

5 **Q** Okay. So on his knees falling down when
6 you saw him. Were any shots being fired?

7 **A** Um, I saw the officer and before he was
8 like, Michael Brown was like falling down, the
9 officer shot him again and that's when he went down.

10 **Q** Okay. So let me make sure I understand.
11 You heard four shots, you come out onto the parking
12 lot on Coppercreek near Canfield, you see Michael
13 Brown on Canfield in the street on his knees with
14 his hands up above his head, but not straight up and
15 then you hear or you see one more shot to his head
16 did you say?

17 **A** Yes, ma'am.

18 **Q** And then he falls down?

19 **A** Yes, ma'am.

20 **Q** Which way does he fall?

21 **A** He falls face ward, not backwards like
22 this, he went forward.

23 **Q** So you heard a total of five shots?

24 **A** I heard more shots than that.

25 **Q** Okay. Tell me about the other shots that

1 you heard?

2 **A** Um, it was like, it was like, you know,
3 how you got a full automatic pistol and they go off
4 like, that's the way going like that. (indicating)

5 **Q** It sounded like a fully automatic pistol?

6 **A** Yeah that's what it sounded like.

7 **Q** That's what it sounded. How many shots do
8 you think you heard total?

9 **A** Total I heard 11 shots.

10 **Q** 11 shots?

11 **A** But it could have been nine shots because,
12 you know, echo.

13 **Q** Okay. So 9 to 11 shots?

14 **A** Yes.

15 **Q** You first, how many shots did you hear
16 when it first got your attention that somebody was
17 shooting?

18 **A** Four.

19 **Q** Four?

20 **A** Four.

21 **Q** And where were those others, I guess?

22 **A** I was constantly, as I was coming out, I
23 reached my son's porch, I heard like three or four
24 more shots. As I started running down, I was still
25 hearing shots and then when I made it to where I was

1 at, the police was where he was at, he was facing
2 the officer and the officer shot him and shot him in
3 the head.

4 Q That's the one shot you saw?

5 A Yeah.

6 Q When you heard the first four shots, could
7 you see anything?

8 A No.

9 Q I mean, could you figure out what was
10 happening? You just knew somebody was shooting?

11 A Yes.

12 Q And that's when you go to the parking lot
13 and you see Michael Brown on his knees?

14 A Yes.

15 Q Had you seen Mike Brown before the
16 shooting started?

17 A I had not personally knowing him, I known
18 him for like two years.

19 Q I'm going to get to that, let me ask this
20 question. Did you see him that day before the
21 shooting occurred?

22 A Yes, I did.

23 Q What did you see when you saw him that
24 day?

25 A That he was heading up the street like he

1 normally do, I was coming down from the store, he
2 was going up to the store.

3 Q Like which way was he going?

4 A He was going this way and I was coming
5 down this way. (indicating)

6 Q He was going toward West Florissant?

7 A Right.

8 Q And how, how much time before the shooting
9 occurred did you see him going towards West
10 Florissant?

11 A Um, I cannot pace that.

12 Q Okay. Was it earlier that morning?

13 A Yeah, it was earlier that morning.

14 Q What was he wearing?

15 A He was wearing some khaki like shorts. He
16 had on some yellow socks that look like bumblebee
17 socks that he had pulled up to his knees. He had on
18 his flip flops that he loved so much cause every
19 time I seen him, he always have flip flops on. And
20 he had on like a T-shirt and a red Cardinals
21 baseball cap.

22 Q Okay. And you say you have known him for
23 about two years?

24 A About two years.

25 Q What is your relationship?

1 **A** If I see him, I just speak. We will talk
2 about God and he talk about how he's going to change
3 his life, about making something out of his life.
4 Like the boys in the neighborhood, he going to go to
5 school and make something with his life working on
6 people's home with air conditioners, stuff like
7 that. Help people that can't afford to pay big
8 bucks to get their air conditioner and furnace,
9 basically fix it for them, stuff like that.

10 I told him that's good, keep that
11 thought and keep positive and everything it will
12 work out fine. And that's the last talk we had.

13 **Q** When you talk about changing his life, did
14 you know what he meant by that?

15 **A** No, ma'am.

16 **Q** Okay. All right. Did you know his
17 parents?

18 **A** No, ma'am.

19 **Q** His grandmother?

20 **A** No, ma'am.

21 **Q** Now, when did you first talk to the police
22 and tell them about what you knew?

23 **A** I didn't talk to the police officers.

24 **Q** Who did you talk to?

25 **A** I talked to the FBI.

1 **Q** To the FBI. Do you recall when you first
2 spoke with the FBI?

3 **A** Um, I don't know, they just kept on
4 calling my house irritating me.

5 **Q** They were calling your house?

6 **A** Yes, and I felt I was being harassed.

7 **Q** Do you know how they knew about you?

8 **A** No.

9 **Q** Okay.

10 **A** They told me that the leasing office
11 supposedly gave all the information who stayed in
12 where. They was going door to door knocking on
13 people's door. And they had a hard time catching up
14 with me, I take small walks in the morning too
15 sometimes beings how my arthritis is doing. If it
16 flares up, I can't do it, but I was having good days
17 because it was warm outside so I was able to take my
18 walks.

19 **Q** Okay.

20 **A** And, um, so I can't remember his name, I
21 should have remembered his name because he called me
22 so much he started upsetting me. I don't want to
23 talk, I don't want to get involved, I mind my own
24 business, I help anybody if they need to be helped.
25 I talk to everybody, but I don't want to get

1 involved with that because I've already been
2 traumatized from six years old to the age I am now,
3 and just talking about it is upsetting me. And I
4 don't likes to be upset.

5 **Q** And we understand.

6 **A** That's what he said, I understand. It
7 ain't going to take long, so my son said momma, you
8 always told us to do the right thing, so do the
9 right thing. I said okay.

10 So I called him back, I couldn't get
11 him, he called me back I told him okay, I do this.
12 And he brings a person with him, oh, Lord.

13 **Q** Do you need some water, ?

14 **A** No. I told him that I didn't want to
15 relive that day. I said I didn't want to relive
16 that day. So I told him same thing I told you all.
17 I saw him in the middle of the street on his knees
18 with hands up. Officer came up to him and shot him
19 in his head and he fell.

20 **Q** What did you do when you saw him fall?

21 **A** Oh, I cried because it brought back
22 memories that I've been suppressing for years.

23 **Q** Is that something you want to tell us
24 about the memories you have been expressing?

25 **A** When I was six years old I was in the

1 store and this officer shot this man with a shotgun.

2 He had just shot him down.

3 Q And that's what you thought of when you
4 saw Michael Brown shot?

5 A Yes.

6 Q All right. And you went back into your
7 house or did you stand around?

8 A I stayed there for a while.

9 Q What did you see happen after you stood
10 there for a while?

11 A Um, people started coming out.

12 Q What did the police officer do?

13 A They snatched him up and they took him
14 down to the leasing office and they had that all
15 blocked, nobody could get near him. But when I saw
16 the officer's side of his face, it was like red.

17 Q How far away?

18 A I don't know if it was a bruise or he
19 turned red because he was mad, I don't know.

20 Q Did you hear the officer say anything?

21 A No.

22 Q Did you hear Michael Brown say anything?

23 A No.

24 Q Okay. You never heard either one of them
25 say anything?

1 **A** No, if they was saying anything, I
2 couldn't hear it.

3 **Q** You couldn't hear it?

4 **A** No.

5 **Q** And you said the officer's face looked red
6 or bruised?

7 **A** On this side of his face it looked red.

8 **Q** Right side?

9 **A** It looked red. I can't say if it was a
10 bruise or not because I wasn't that close to
11 actually see.

12 **Q** And how close were you, would you say,
13 from the officer when you saw his face?

14 **A** I was like on the grass right here. Right
15 here is where I was at. (indicating)

16 **Q** How many feet do you think that would be
17 apart?

18 **A** I don't know.

19 **Q** As close as we are now?

20 **A** I don't know.

21 **Q** Okay. So even if I kind of walked it out,
22 you couldn't tell me?

23 **A** Now, turn sideways okay. Now that's --

24 **Q** About this close?

25 **A** Yeah.

1 **Q** Where you could see the officer?

2 **A** Yeah.

3 **Q** Okay. Would you be looking at his left
4 side?

5 **A** Yes, it had to be his left.

6 **Q** But you said it was his right side that
7 was bruised?

8 **A** I didn't say it was bruised, I said it was
9 red.

10 **Q** You could see both sides of his face?

11 **A** No, if he was looking directly at me, then
12 I could see the whole face.

13 **Q** Was he ever looking directly at you?

14 **A** No, we never made eye contact.

15 **Q** Did he face you?

16 **A** No, we never made eye contact.

17 **Q** You think his left side was to you?

18 **A** It could have been left or right, I'm not
19 good on left and right stuff.

20 **Q** All right. And then could you see Michael
21 Brown's face?

22 **A** No, I just saw the back of him.

23 **Q** Okay. So when you see Michael Brown on
24 his knees, did you say you were somewhere like in
25 the parking lot?

1 **A** Yeah, I was right where them cars, but
2 those cars wasn't parked there.

3 **Q** Were you about the same distance from
4 Michael Brown as you were from the officer when you
5 saw him on his knees?

6 **A** Uh-huh.

7 **Q** And we're probably 10 or 15 feet, I guess,
8 kind of what you said to me?

9 **A** I don't know, I just know I heard the
10 officer say that the incident didn't happen a 100
11 feet from where I stayed at.

12 **Q** When did you hear the officer say that?

13 **A** The officer that came to my home.

14 **Q** I see. An officer did come to your home?

15 **A** Yeah, he was tall, he was cut clean head.

16 **Q** Did you talk to that officer?

17 **A** His face was clean. I tried until he
18 upset me and called me a liar.

19 **Q** He called you a liar?

20 **A** Yeah, he told me I was a liar, stop lying.
21 I told him I had no reason to lie about nothing. I
22 told the other one he had black hair, he was not as
23 tall as him and I don't know if they was playing bad
24 cop, good cop stuff, you know. And like I told
25 them, I'm too old to be playing games like that.

1 Y'all ask me to let y'all in my home, I did that.
2 If y'all came to my home to upset me, you need to
3 leave.

4 Q Had you ever really seen Darren Wilson
5 before?

6 A No.

7 Q You never had any interaction with him at
8 all before this incident?

9 A You say Darren Wilson?

10 Q The police officer involved with the
11 shooting who shot Michael Brown, his name is Darren
12 Wilson?

13 A Oh, yeah, once.

14 Q You did once?

15 A Yeah, when I was running from QuikTrip
16 because I had to pee, because I normally walk to
17 QuikTrip and get my donuts and coffee and
18 cigarettes, and I was running down Canfield trying
19 to make it home to pee. I didn't buy no coffee that
20 day, I just had donuts and cigarettes.

21 Q And what happened?

22 A As I was running, he was asking me what
23 are you running from. I say I'm running from
24 QuikTrip to try to get home, I got to pee. He
25 pulled in front of me and I ran straight into it,

1 that's why my knees is kind of messed up a little
2 bit worse than what they are.

3 Q How long ago was that?

4 A This was like, I've been in Canfield for
5 four years, this was like two and a half years ago.

6 Q And your knee is messed up because of it?

7 A No, I already had chronic arthritis, it
8 just got worse.

9 Q So you said you ran into the car?

10 A Yeah, and then I called the captain of
11 Ferguson.

12 Q Let me ask you what happened when you ran
13 into the car?

14 A I peed on myself.

15 Q Did you have any discussion with the
16 officer?

17 A Yes, I did.

18 Q Tell us about that?

19 A I told him I say, uh, why is you blocking
20 my way of getting home. I said I'm trying, I got to
21 pee, I said I'm peeing on myself. I said I ain't
22 peed on myself since I was two. I'm feeling very
23 violated. Could you please move your vehicle so I
24 could pee.

25 He looked at me, he smiled, and then

1 he pulled his car back. And I was on the phone
2 talking to the captain as I was running down the
3 street to finish peeing in the toilet.

4 Q What captain, who did you call?

5 A I can't remember the captain's name I
6 called, but I called and said I want to speak to the
7 captain, lieutenant, or a sergeant.

8 Q Was this with the Ferguson Police
9 Department?

10 A Yes, this was Ferguson Police Department.

11 Q Did you speak with one of them, with the
12 captain?

13 A Yes, that's what he said who he was. I
14 can't say that's who he was because I'm on the
15 phone.

16 Q Okay.

17 A And he say, well, did the officer do any
18 bodily harm to you or nothing. I said he just made
19 me feel smaller than what I would be because I had
20 peed on myself. He say, did he let you go? Yeah,
21 after I peed on myself. I don't think that's right.

22 You know, I say I don't steal, I
23 don't beat up nobody, I do nothing like crazy stuff.
24 I'm just running down the street. I can go on the
25 south side city or south side county, west side and

1 run anywhere I want to run and not be stopped by an
2 officer at all. I can run anywhere I want to run
3 and not be stopped by an officer at all.

4 Q Did he get out of the car when he stopped
5 you?

6 A No, he stayed in his vehicle, he didn't
7 get out.

8 Q Did you see him ever again before the
9 shooting occurred?

10 A I saw him in Jennings.

11 Q Okay. And that was before the shooting
12 occurred?

13 A Yeah, that was before the shooting
14 occurred.

15 Q When you saw him in Jennings, was this
16 before or after the incident where you peed on
17 yourself?

18 A It was before I saw him in Jennings. I
19 saw him in Jennings twice.

20 Q What was going on when you saw him in
21 Jennings twice?

22 A I can't remember, I seen him at Jennings.
23 I stay at Jennings sometimes.

24 Q Did you have conversation with him those
25 two times?

1 **A** Hi and bye, that's it. Because he would
2 speak to me and I say hi, he'll say hi and I'll say
3 hi, officer.

4 **Q** So you knew him when you saw him and he
5 knew you when he saw you?

6 **A** We didn't have no like personal thing,
7 when I saw you, I say hi, you know, it is just me.
8 I just speak.

9 **Q** Okay. So after this happened, after you
10 peed on yourself, did you have occasion to see him
11 after?

12 **A** Uh, no, I didn't see him no more until
13 that incident.

14 **Q** Until that incident?

15 **A** And I wasn't for sure that was him or not
16 cause I saw like the side of him, so and then when
17 they showed a picture of him, I say I know him.

18 **Q** So as you sit here today, you know that
19 the Darren Wilson that they've shown that did the
20 shooting is the one that stopped you when you were
21 running trying to get home?

22 **A** Right.

23 **Q** Now, when you talked with the FBI,
24 according to my notes it was maybe August 26th of
25 2014. I think you first talked to them on the phone

1 August the 13th, a few days after this happened.

2 Then they actually had an interview with you

3 August 26th, do you remember that?

4 **A** Yes, I called them. They left a card on
5 my door.

6 **Q** Okay.

7 **A** So I called them, I told them, I said I
8 don't do court. I help you in any way I can help
9 you. But I'm not trying to get involved, but this
10 is what I can tell you what I saw and said y'all can
11 take it from there.

12 **Q** They actually came to your apartment; is
13 that right? Did they come to your apartment?

14 **A** They came knocking, but I wasn't there,
15 that's when they left their card the first time.
16 And then, I can't remember his name, I should
17 remember that name, I can't remember.

18 **Q** That's okay.

19 **A** He just kept on calling, kept on calling
20 me. And then my son told me that by him being my
21 power of attorney, he figured I should not talk to
22 him because you upset my momma, I don't want to talk
23 to you either.

24 **Q** Where did they have the interview with you
25 at?

1 **A** In my home, in my kitchen. I went behind
2 my son's wishes and behind his back and I let him in
3 anyway.

4 **Q** Why does your son have power of attorney?

5 **A** He have power of attorney because I had
6 cancer in my back. Thank God that it ain't there no
7 more. And I was having blackouts and I couldn't
8 take care of my business at the time, so I had to
9 stay with my son for like almost two years.

10 **Q** So was that like two years ago?

11 **A** Yes.

12 **Q** But he still has power attorney?

13 **A** No, sir, cause I never took it away back
14 from him.

15 **Q** Okay. Do you need him now to have power
16 of attorney?

17 **A** No, I do not. I just went through that
18 stuff right now.

19 **Q** When you talked to the police that day, do
20 you recall stopping the recording when they were
21 recording your statement?

22 **A** Yes, I did. The one that is tall, clean
23 cut, started irritating me, called me a liar, it
24 just irritated me so bad, that I really wanted to
25 choke him. I ain't going to lie and say I didn't, I

1 wanted to choke him.

2 **Q** Okay.

3 **A** I told him, after I cut it off, I said I'm
4 done, I said what I had to say and I cut it off.
5 They need to leave my home. They refused to leave
6 my home.

7 **Q** Okay. And did you --

8 **A** And then the one with the black hair told
9 me, he say just calm down. He told the other two to
10 leave my home. And that's when they brung a female
11 come in. Before she came in, he cut it back on. He
12 said, , I want to ask a few more, I said okay.

13 **Q** So you did let them record some more?

14 **A** Right. I told them I say, that they said
15 that since I'm lying that what I said at first must
16 have been a lie. Right now I'm going to tell you
17 the truth, is what I put on the recording.

18 **Q** So you admitted on the recording that you
19 lied initially?

20 **A** Right, although I wasn't, but that's what
21 they wanted to hear, so I just gave them what they
22 wanted to hear.

23 **Q** Okay.

24 **A** Then I told them, I said, okay, I'm going
25 to tell you the truth. And that's when I told them

1 about the part that I saw him on his knees, the
2 police shot him in his head, his arms was up and
3 then he fell.

4 I just made it clean cut and short.
5 I'm not trying to give the beginning of the details
6 to the end, they weren't trying to hear that. You
7 need to get out of my house because I don't need to
8 hear this. You can't tell me I'm lying, you don't
9 even know me to tell me I'm lying. I don't have any
10 reason to lie to you or nobody else.

11 They just start to irritate me so bad
12 that then, I went to go from my kitchen drawer to
13 get me a spoon so I could get me some Jello to eat
14 so I can take a pill with my Jello.

15 And he thought I was going for a
16 knife. I say no, I'm not suicidal.

17 **Q** Why would you --

18 **A** That's because I'm with BJC Behavior
19 Health. I don't use weapons on myself, I take
20 pills.

21 **Q** You mean you tried to commit suicide
22 before?

23 **A** Yes, like what I'm going through now, all
24 of these questions about death and stuff, that
25 brings back other stuff that I'm trying not to

1 remember.

2 Q I understand.

3 A Cause I have a dream about this stuff, I'm
4 seeing it now when I talk to you now and I'm not
5 liking what I'm seeing. And I'm trying to hold
6 myself where I can help y'all out of what y'all need
7 to know.

8 Q We don't want you to help us, just tell us
9 what happened?

10 A What I mean by helping you is telling the
11 truth, that's helping you all telling the truth.

12 Q Right, that's all we want.

13 A That's what I'm doing, that's why I say
14 I'm trying to keep myself, oh Lord, I'm feeling like
15 I was in my apartment.

16 Q Okay, all right.

17 MS. WHIRLEY: Kathi?

18 A Anything else?

19 MS. ALIZADEH: Pardon me?

20 A Anything else?

21 MS. ALIZADEH: You know what, I have some
22 clarifying questions.

23 A Okay, clarify.

24 Q (By Ms. Alizadeh) And , I'm not
25 saying, these questions are not intended to

1 embarrass you in any way, okay. But you mentioned
2 that you take pills?

3 **A** Yes.

4 **Q** Is it for a mental health condition?

5 **A** Yes.

6 **Q** Do you know what your diagnosis is?

7 **A** They say I have mood swings, three
8 personalities.

9 **Q** How long have you been taking medications,
10 do you remember how old you were when you started?

11 **A** I can't remember.

12 **Q** Okay.

13 **A** It has been a long time.

14 **Q** And I know you stated you take blood
15 pressure medication and --

16 **A** That's morning.

17 **Q** And allergy medication?

18 **A** Yeah.

19 **Q** Those things are not for your mental
20 health?

21 **A** No, they are just for my morning stuff.

22 **Q** Okay. Do you know what the name of your
23 medication is that you take for your mental health?

24 **A** I started with the for the mood
25 swings to suppress stuff.

1 I don't know, I take 14 medicines a
2 day, I can't remember them all.

3 Q Okay. Would you say are you good about
4 taking your medication every day or do you sometimes
5 go off of it because you don't like what it makes
6 you feel like?

7 A I take them every other day, sometimes, I
8 don't know if I took it or not. See, I have the
9 nurse come every Monday and do my medicine for the
10 week. And I was without a nurse for like eight
11 weeks, so I took morning meds, but I couldn't take
12 my psych meds because I didn't know which one I was
13 supposed to take.

14 Q Do you live by yourself?

15 A Yes, I do.

16 Q So somebody comes in once a week to make
17 sure you are okay, make sure your medications?

18 A I have a worker come five days a week.

19 Q Okay.

20 A She makes sure I take my meds.

21 Q Okay.

22 A And my nurse, she make sure that my meds
23 have been taken, my doctor comes and see me once a
24 month.

25 Q When you take your meds as you are

1 supposed to, how does that make you feel?

2 **A** Some will make me feel good where I don't
3 feel like I'm a threat to myself or nobody else. I
4 can take criticism, when I take certain meds.
5 Certain meds if I don't take them, I can't take
6 nobody hollering at me period. Just makes me angry,
7 makes me want to hurt them.

8 **Q** Okay.

9 **A** But if I take them, I'm like normal.

10 **Q** So they make you feel calmer?

11 **A** Yeah, and they make me feel normal.

12 **Q** If you are not taking your meds like
13 you're supposed to, it makes you more agitated?

14 **A** Yes.

15 **Q** Do you ever get paranoid?

16 **A** No.

17 **Q** What about it, it might make you angry
18 with people?

19 **A** Yeah.

20 **Q** When you don't take your meds, and again,
21 I'm not asking you this to embarrass you or
22 anything?

23 **A** No, just go ahead.

24 **Q** Are you able to --

25 **A** Function right?

1 **Q** Perceive things or do you ever have
2 trouble, you know, like perceiving what's really
3 going on around you?

4 **A** Yes, I do.

5 **Q** Okay.

6 **A** If I see anything that isn't there it
7 ain't like, it is something like, I know, these
8 glasses here. It won't be like the glasses I'm
9 thinking ain't there, no, I'm never like that.

10 **Q** Okay. Do you know if on August 9th you
11 have been taking your medication regularly?

12 **A** Yes, I did take my meds.

13 **Q** You took it that morning?

14 **A** Yes.

15 **Q** You already said that?

16 **A** Yes.

17 **Q** What about today, did you take them today?

18 **A** No, I didn't take them today because I
19 was, I thought I had to be here at exactly 8:00. So
20 I didn't get that much sleep because I was trying
21 not to miss the cab and so when I got up, I got a
22 chance to get my shower, get dressed, and I thought
23 maybe I got time to fix something to eat and I was
24 trying to fix something to eat. And then my son
25 said, the cab is here. So I couldn't get nothing to

1 eat, so I cannot take my meds unless I have food on
2 my stomach first.

3 Q So you said your son told you your cab was
4 here, was your son at your apartment this morning?

5 A No, he came and knocked on my door today.

6 Q Does your son live in the complex?

7 A He stays at and I stay at It is
8 like a walkway.

9 Q What's your son's name?

10 A , that's my godson.

11 Q And he's here today with you?

12 A Yes.

13 Q He's your godson?

14 A Yes.

15 Q You're not related by blood then?

16 A No, huh-uh.

17 Q Is that the same person that has the power
18 of attorney for you?

19 A The one that has power of attorney is
20 , that's my birth son.

21 Q Okay, all right. You remember you and I
22 talked last week about you coming in; is that right?

23 A Yes.

24 Q Do you remember having a conversation on
25 the phone with me?

1 **A** Yes.

2 **Q** I know that upset you, you didn't really
3 want to have to do that?

4 **A** Yes.

5 **Q** But one of the things you talked to me
6 about that time you had mentioned that you wear a
7 body camera?

8 **A** Yes.

9 **Q** How long have you been wearing the body
10 camera?

11 **A** I've been wearing the body camera for
12 almost two months.

13 **Q** Were you wearing the body camera on
14 August 9th?

15 **A** No.

16 **Q** Do you have it on today?

17 **A** No, that's because you told me that I
18 couldn't wear it. That's respecting what you are
19 telling me.

20 **Q** Why did you decide two months ago to start
21 wearing the body camera?

22 **A** I don't want to be disrespected no more by
23 officers. I've been called, excuse my French, a
24 nigger bitch, a bitch ass nigger by officers. One
25 was County Brown and one was Ferguson. It hurt me,

1 like it cut me with a knife. I said I respect
2 everybody, I don't care what color you is, what
3 belief you have, I respect everybody.

4 Q Okay.

5 A So I can understand why these officers did
6 that to me. So when I was offered the body camera,
7 I wore it. And when they see body camera, how you
8 doing, ma'am. You have a good day. You have a good
9 day too, sir. When I have the body camera on. When
10 I didn't have that on me, that's what I was called.

11 Q Okay.

12 A You know, the N word didn't bother me.
13 The B word did, but that's a female dog. I don't
14 walk on fours, I walk on two.

15 Q Well, I understand and frankly the N word
16 is --

17 A No, cause that didn't bother me I was not
18 acting a fool, you know, that's what that word
19 really actually stands for, a person that is acting
20 stupid and doing stupid things.

21 Q Let me ask you, you started wearing this a
22 couple of months ago, were you wearing it when the
23 police came to your house and upset you the way you
24 talked about that he was calling you?

25 A I didn't have it on, but it was in my

1 home.

2 Q Okay.

3 A So when they came, they came in the
4 morning and I still had my pajamas on that day.

5 Q Okay. So the first police that came to
6 your house, were those the County Browns, were those
7 detectives with St. Louis County?

8 A No, they was FBI.

9 Q Okay. But when they first came to your
10 house, you didn't talk to them, you didn't make a
11 statement at that time?

12 A I wasn't there. They kept on missing me.

13 Q Okay. And then eventually you did talk to
14 them; is that right?

15 A Yes.

16 Q And Sheila asked you during the interview
17 you got upset and you grabbed the recorder and
18 turned it off is; is that right?

19 A I didn't grab it, it was on my table, I
20 just pushed the button off.

21 Q Okay. You said you were upset because
22 they were telling you you were a liar?

23 A Right.

24 Q Were they saying that while it was
25 recording?

1 **A** Yes, they did.

2 **Q** Okay. And so --

3 **A** He said you're lying because we talked to
4 a whole lot of other people, they ain't said nothing
5 you are saying, you lying. And that's when I say
6 okay, you say I'm lying, then I'm lying, I cut it
7 off. I said get your recorder and get out of my
8 apartment.

9 **Q** Okay. And then at some point you calm
10 down or they got you to calm down?

11 **A** The one with the black hair, he's the one
12 that told me, , just overlook him. He's being
13 an ass, just overlook him, just go on with this
14 interview.

15 **Q** So they turned on the recorder again?

16 **A** I cut it on.

17 **Q** Okay. And then you started telling them
18 what you saw; is that right?

19 **A** Right.

20 **Q** Just so I'm clear, I know you said you
21 live in this right here? (indicating)

22 **A** Right, uh-huh.

23 **Q** What floor do you live on?

24 **A** The bottom.

25 **Q** Okay. So from when you exit your house,

1 do you have to walk up steps?

2 **A** That's five little steps.

3 **Q** So you don't have like a balcony?

4 **A** No.

5 **Q** When you look out the window of your
6 house, can you see out to Canfield?

7 **A** No, I can only see the parking lot and
8 building across from me. That's why I left my
9 apartment and went to (sic)

10 **Q** Okay.

11 **A** It is still it is is
12 their address.

13 **Q** Okay. So you said you were watching TV
14 when you first heard shooting?

15 **A** Right.

16 **Q** And then you went outside at that point?

17 **A** Yes.

18 **Q** Do you remember when you were talking to
19 the FBI agents, do you remember telling them that
20 you heard nine shots and two clicks, do you remember
21 telling them about the clicks?

22 **A** The clicks. I told them I heard click,
23 click.

24 **Q** Okay.

25 **A** I did say that.

1 **Q** Do you know what that was, the clicks?

2 **A** I just heard click, click.

3 **Q** When did you hear the click, click in
4 relation to what you saw?

5 **A** That was after.

6 **Q** After?

7 **A** He hit the ground.

8 **Q** Okay. So after Michael Brown hit the
9 ground, you hear two clicks; click, click and you're
10 shaking your head yes?

11 **A** Yes, I forgot.

12 **Q** That's all right, I'll catch you. So you
13 said, you testified here today that you saw when you
14 came around kind of down by the street, you saw
15 Michael Brown on his knees in the street with his
16 hands in the air; is that right?

17 **A** They weren't all way up in the air, they
18 was like this. (indicating)

19 **Q** Okay. And the officer you said you saw
20 him shoot him in the head at this point?

21 **A** Yes.

22 **Q** Do you remember when you talked to the FBI
23 you told them that you didn't actually see any of
24 the shots?

25 **A** No, I did not tell them that.

1 **Q** Okay. You don't recall saying that?

2 **A** No.

3 **Q** Okay. And did you ever see another
4 African-American young man that was around there at
5 the time?

6 **A** That was running?

7 **Q** Yes.

8 **A** At the time?

9 **Q** Yes.

10 **A** Yes, I did see a young man running on like
11 that side, this right here.

12 **Q** How about can you use the map to say where
13 he was running?

14 **A** I can imagine that there is Canfield.

15 **Q** Okay.

16 **A** And that's the side I'm on, and that side
17 there is where like the mailbox be in the other
18 apartments. He was on that side running and going
19 toward.

20 **Q** You are talking about the south side of
21 Canfield, right?

22 **A** Yeah, on that side that is outside and he
23 was there and he was running. Okay. This is where
24 the male basically stood before he be going this way
25 and he was running behind the building. But he was

1 coming from this way, coming down, he shot across
2 the street to the grass area he was running.
3 (indicating)

4 **Q** What did he look like?

5 **A** He had dread, dreadlocks as they called
6 them, call them dreads.

7 He was, he was my complexion. He was
8 not chubby or real skinny, he was like mid frame, if
9 I can find somebody in here, he was your size.
10 (indicating)

11 **Q** Do you remember anything about what he was
12 wearing?

13 **A** He had on a white T-shirt, I don't
14 remember if he had a hat on because I saw the hair.
15 He had on short blue jeans pants, you know how they
16 sag, that's the way they were.

17 **Q** Okay. Do you remember what the officer
18 looked like that day?

19 **A** Caucasian, he had blond hair. The eye
20 color I only saw the side of his face, so I couldn't
21 see his eyes.

22 **Q** Do you remember what he was wearing?

23 **A** He was wearing a blue uniform.

24 **Q** Do you remember if it was long sleeve,
25 short sleeve?

1 **A** Short sleeve.

2 **Q** How about a hat, did he have a hat on?

3 **A** No hat.

4 **Q** You saw the officer's face and I know you
5 said you're not real good at left and right, but you
6 saw a side of his face that you said looked red?

7 **A** Yes.

8 **Q** But you don't know why that side of his
9 face was red?

10 **A** No, I don't know because he was mad, he
11 was blushing or whatever, I don't know. I just know
12 that it was red.

13 **Q** Okay.

14 **A** If he was like turning like I am to you,
15 his whole face was red.

16 **Q** And so you recall today that Michael Brown
17 was on his knees with his hands about like this?
18 (indicating)

19 **A** Yes, ma'am.

20 **Q** You saw the officer shoot him in the head?

21 **A** Yes, ma'am.

22 **Q** You saw him fall on the ground?

23 **A** Yes, ma'am.

24 **Q** And did the officer shoot any more after
25 his knees had fallen on the ground?

1 **A** I know I heard his hands did, I guess,
2 like this on the gun.

3 **Q** Did you hear gunshots?

4 **A** No, I just heard click, click and it could
5 have been behind me clicking, I just heard click,
6 click.

7 **Q** But you could see the officer's hand
8 pulling the trigger?

9 **A** Yes.

10 **Q** Do you remember which hand the gun was in?

11 **A** No, not at this time, no.

12 **Q** Did you see any blond or when Michael
13 Brown was on his knees with his hands in the air,
14 did you see any blood on his shirt?

15 **A** I just saw the back of him.

16 **Q** You just saw him from the back?

17 **A** Right.

18 **Q** Did you see any blood on his back?

19 **A** I wasn't looking for no blood or nothing
20 like that. If I want to make some stuff up, I'm not
21 going to say I saw blood. I did see blood later. I
22 didn't see none when he was on his knees and stuff
23 like that.

24 MS. WHIRLEY: Okay. I don't have any
25 other questions. The grand jurors might have

1 questions for you. Anyone have questions?

2 **A** No questions, thank you.

3 I have two questions.

4 You stated that you saw Michael Brown that morning
5 walking, you met him in the street, you had been out
6 taking your morning walk, you saw him and he was on
7 his way to the store?

8 **A** (Nods head.)

9 : And you said that Michael
10 had told you that he wanted to change his life and
11 become better?

12 **A** He said he wanted to change his life from
13 what he was doing.

14 : Okay.

15 **A** What he was doing, don't nobody know that
16 but him. I knew who Michael Brown was, cause he was
17 staying with his grandma, I found out later, he was
18 staying with his grandma, which was at Northwinds,
19 which was around the corner where I was staying.

20 But he socialized with everybody in
21 Canfield because he basically join the younger folks
22 in Canfield, there was older folks in Canfield. So
23 he hung out there, so that's where I got a chance to
24 know where he was.

25 : You don't know if he was

1 troubled?

2 **A** No. Every time I saw him he just, you
3 know, told me that and we talk about God all the
4 time. If I'm not going up, he's coming down, and if
5 I'm not coming down, he's going up. That's the way
6 we have our conversation. And we have maybe like
7 five, ten minute talks, he go his way and I go mine.

8 : Do you know, ma'am, if
9 you took your medicine the day before?

10 **A** I only missed three weeks and that's just
11 recently.

12 : Okay. Thank you so much.

13 MS. WHIRLEY: Anyone else?

14 Good morning.

15 **A** Good morning.

16 . I know
17 that you testified and I know you have been through
18 a lot since this incident, but you're not holding
19 any animosity about the situation?

20 **A** Oh, no, ma'am.

21 Okay. So this is straight
22 from your heart?

23 **A** Yes, it is. That's is one thing I cannot
24 do is hard my heart for nobody.

25 : All right. Thank you.

1 **A** I still love everybody.

2 Yes, sir.

3 . That day you
4 heard the shots and you left your apartment, did you
5 walk, did you run, did you, what kind of -- how did
6 you move to the scene?

7 **A** I ran.

8 : When you hear the shots,
9 do you think you want to stay in the apartment for
10 safety or what kind of drew you out to --

11 **A** Because the way that the sound was coming,
12 it never came from that way, it always came from
13 behind in Northwinds. And Northwinds is known for
14 shooting up the town, that's what I thought. It is
15 an apartment complex back from behind.

16 Come from a different angle, it is
17 new, it is just me, I want to know where it is
18 coming from, that's why.

19 : Okay.

20 **A** Anyone else?

21 MS. ALIZADEH: Okay. Sit here.

22 **A** I wasn't leaving.

23 MS. WHIRLEY: Before we do that, let me
24 ask you, is there anything else you want us to know
25 that we didn't ask you that you would like to

1 express to this grand jury?

2 **A** Um, not at this moment.

3 MS. WHIRLEY: Okay.

4 **A** Maybe before I leave, but not right now.

5 MS. WHIRLEY: Now is the time to do it.

6 **A** Now is the time?

7 MS. WHIRLEY: If you want to do it, you
8 got to do it now. We don't want to stop you from
9 saying anything. You need to tell us, or to tell
10 this jury.

11 **A** Well, I appreciate you all giving me the
12 opportunity to tell my side that I've seen. And God
13 bless you all, and that's it.

14 MS. WHIRLEY: All right.

15 MS. ALIZADEH: You know what ,
16 when you saw Michael Brown walking earlier and he
17 was walking like toward West Florissant, was there a
18 young man with him when he was walking toward West
19 Florissant or was he by himself?

20 **A** He was by hisself when I saw him earlier.

21 MS. ALIZADEH: Okay. Nothing else.

22 (End of the testimony of)
23
24
25 ,

1 of lawful age, having been first duly sworn to
2 testify the truth, the whole truth, and
3 nothing but the truth in the case aforesaid,
4 deposes and says in reply to oral
5 interrogatories, propounded as follows, to-wit:

EXAMINATION

7 BY MS. WHIRLEY:

8 Q Good morning.

9 A Good morning.

10 Q Please introduce yourself to the grand
11 jury and spell your name for the court reporter?

12 A My name is ,
13

14 Q Okay. , you know why we are here?

15 A Yes, I do.

16 Q About the Michael Brown shooting?

17 A That's correct.

18 Q Do you remember that morning, August the
19 9th, it was a Saturday, 2014?

20 A Clearly.

21 Q Clearly, good. Tell us what you remember
22 about that morning? And you don't have to jump
23 straight to the shooting, I want you to lead us into
24 it.

25 A Okay. Basically I was sitting on my porch

1 around 11-ish, I say 11:35, somewhere around there.

2 Q Okay. You have, there's a laser pointer
3 right there. Do you know how to use that? There's
4 a button right here, there will be a red light.

5 You said you were sitting on your
6 porch, does this map help you to show us where your
7 porch would be?

8 A Exactly, right here.

9 Q What's that address?

10 A

11 Q That's in on the map and this
12 is Grand Jury Number 25. We are looking at, all
13 right. So you were sitting on the porch. What time
14 did you go sit on the porch?

15 A Around 11-ish, 11:35.

16 Q What had you been doing before that?

17 A I was preparing coffee and to go get
18 better reception on my porch to talk to a friend
19 that was in because I was preparing myself to
20 go out of town.

21 And I heard a gunshot or two.

22 Q So one or two shots?

23 A Yeah, one or two. And it caught my
24 attention because I'm sitting on the porch and I'm
25 talking to her and I'm like, hold on, let me call

1 you back. And, uh, I seen to go right into it.

2 **Q** Go ahead.

3 **A** I seen an officer, as well as Mike Brown,
4 this is east down, I guess, I don't know.

5 **Q** Yes, that would be east, on this would be
6 West Florissant over here.

7 **A** Okay. Mike Brown was running in this
8 direction and I came further to my porch balcony
9 because I couldn't believe it, you know. I'm used
10 to hearing noises in the neighborhood, gunshots and
11 to see that it was a police officer shooting at an
12 individual running eastbound on my street was kind
13 of like far fetch for me to believe.

14 **Q** All right. So you saw Mike Brown running
15 eastbound and the officer was chasing him shooting
16 after him?

17 **A** It wasn't so much him chasing him, it was
18 just gunshots going on. I seen Mike Brown running
19 eastbound on my street.

20 **Q** What was the officer doing?

21 **A** The angle that I was in, I seen him in
22 view after he came from this building, he came more
23 clearer to me as he came going up more Coppercreek.

24 **Q** You are not suggesting that this officer
25 left this street, are you?

1 **A** No, he did not.

2 **Q** You are talking about you were moving?

3 **A** I wasn't in clear view of him until he
4 came in the view of chasing Mike Brown eastbound.

5 **Q** Okay. When the officer came into view,
6 for you, show me again where you were?

7 **A** I was on my porch.

8 **Q** Outside?

9 **A** On the balcony, on the balcony.

10 **Q** Is that outside?

11 **A** Yes, ma'am.

12 **Q** All right. And where was Mike Brown?

13 **A** He was running east bound.

14 **Q** Where was the officer?

15 **A** Not too far from, a little bit up further
16 because he wasn't like real clear view of me seeing
17 him as of yet. I seen Mike Brown clear as day. And
18 then I started to see the officer as he was getting
19 closer, but he didn't get that close. He didn't
20 cross 9422 Coppercreek, he did not cross over.

21 **Q** Okay.

22 **A** Basically when a shot went off, again, I
23 seen Mike Brown put his arms up and he turns around.

24 **Q** So he puts his arms up before he turns
25 around?

1 **A** He puts his arms up, yeah, when he turns
2 around when he turns around.

3 **Q** Why don't you demonstrate for us?

4 **A** When he turns around --

5 **Q** I'm going to kind of talk to get where I
6 want to go to, okay, listen to me.

7 **A** All right.

8 **Q** Mike Brown is running eastbound.

9 **A** Yes.

10 **Q** The officer is coming after him and you
11 hear shots fired?

12 **A** Yes, ma'am.

13 **Q** And so what does Mike Brown do?

14 **A** After the shot, I guess when it grazed him
15 on his arm.

16 **Q** Now, you're guessing, why are you guessing
17 that?

18 **A** Because I didn't know where he got shot
19 at, I'm assuming that he got shot.

20 **Q** And you learned that later from news?

21 **A** Autopsy. All I know that he turned around
22 after the gunshot went off, he turned around and did
23 this. (indicating)

24 **Q** Okay. Turn your back to us like you are
25 running.

1 **A** You running and pow, pow, so I guess he
2 felt something and he turned around, and he turned
3 around right on Coppercreek directly in front of
4 where I was able to see in eyes view. He started
5 walking back toward West Florissant where the
6 officer was in view of me to see him from my porch.

7 **Q** And what was the officer doing as Mike
8 Brown walks?

9 **A** He had his gun raised. (indicating)

10 **Q** Was he coming toward Mike Brown, backing
11 up --

12 **A** They was both coming at each other at a
13 moderate pace. Mike Brown was walking towards him,
14 just walking towards him.

15 **Q** Like walk towards me.

16 **A** Walking towards him. And the officer had
17 his gun up like this is all I seen was him having
18 his arms raised and he was coming closer and Mike
19 was coming like, stop shooting. And he's shooting
20 him and kept shooting him. (indicating)

21 I'm like, he don't pose no threat,
22 where is his weaponry to where you deem him to being
23 hostile.

24 I mean, there was two construction
25 workers over there on the side of my building that

1 was viewing the same thing I was viewing. And they
2 seen what I seen, so did other people seen what I
3 seen. It wasn't justifiable in my eyes and I didn't
4 see it to be a hostile situation.

5 **Q** So when you saw Mike Brown with his arms
6 up coming towards the officer, he did not appear to
7 be rushing the officer to you?

8 **A** Not at all, not at all.

9 **Q** Did he appear to be charging the officer?

10 **A** Not at all, not at all.

11 **Q** What in your mind is going on?

12 **A** I was discombobulated, I didn't know what
13 was going on because I seen this individual, like I
14 said, running eastbound on my street like what's
15 going on.

16 I didn't see, I didn't deem it to be
17 a hostile situation to where the officer needed to
18 of have had his gun raised at the level in which he
19 had it at, you know what I'm saying? Facing Mike
20 Brown. So I know that this sign is a sign of
21 surrender. (indicating)

22 **Q** And you clearly saw his hands raised above
23 his head?

24 **A** Clearly, clearly, I was in plain view of
25 seeing it.

1 **Q** They were not straight up?

2 **A** They was at an angle.

3 **Q** At an angle above his head?

4 **A** It was simply I surrender. I don't know,
5 like I said, I don't know if he got hit or shot at
6 that point, but based on the autopsy of the news, I
7 didn't know until that came through.

8 **Q** Did you hear Mike Brown say anything?

9 **A** Stop shooting me.

10 **Q** Did you actually hear him say that?

11 **A** Yes, in the distance that I was at because
12 I think that was he was in pain based on the
13 gunshots due to his body because he was taking them.

14 **Q** Did you see any blood?

15 **A** I didn't see any blood, but I seen that
16 the gun was fired off into his upper torso.

17 **Q** And you heard him say, stop shooting me?

18 **A** Stop shooting me.

19 **Q** At what point was he saying, stop shooting
20 me?

21 **A** When they came close.

22 **Q** Was his hands raised when he said that?

23 **A** Still, still his hands was still raised.

24 **Q** You said the officer shot at him several
25 times in his torso when his hands were raised?

1 **A** Yes, ma'am.

2 **Q** How close were they when the officer was
3 shooting at him when his hands were raised? I can
4 walk it out for you. Like if you are the officer
5 and I'm Mike Brown, tell me when to stop.

6 **A** Come further.

7 **Q** Up closer?

8 **A** Okay. Get the arms up like, okay, so he's
9 shooting.

10 **Q** So they're this close?

11 **A** At this point right here. And as he was
12 shooting, he was moving back because they got close.

13 **Q** Like we're a few feet apart?

14 **A** Exactly, and he had his arms up.

15 **Q** Okay. Who starts moving back?

16 **A** The officer starts moving back after
17 shooting, still shooting, he was shooting, and then
18 he start moving back.

19 **Q** And how many times did he shoot him when
20 Mike Brown had his hands up?

21 **A** Uh, from what I seen it was multiple, like
22 two to the upper torso, two down to the lower torso
23 and the remaining portion, I'm still on my porch.
24 They start to walk further on Canfield going back
25 this way to where it becomes a blind spot for me

1 because of . I'm not able to see at a
2 certain angle.

3 So I don't know the closure of the
4 remaining bullets that caused to the head, I can't
5 see it because I'm in a blind spot.

6 **Q** So you didn't see Mike Brown hit the
7 ground?

8 **A** I can only assume based on after shot.

9 **Q** You did not see him hit the grown?

10 **A** No, I did not.

11 **Q** So when you saw him after taking those
12 shots to the torso, he was still --

13 **A** He was still standing.

14 **Q** Standing and walking towards the officer?

15 **A** Yes.

16 **Q** Was the officer saying anything?

17 **A** I didn't see the officer's lips move or
18 nothing.

19 **Q** You would have heard him if he was saying
20 anything?

21 **A** If he would have said it at a tone to
22 where I was able to hear based on me being on my
23 porch.

24 **Q** And when Mike Brown said, stop shooting
25 me?

1 **A** I clearly heard him from this point, from
2 over here to my parking lot. I mean, over here in
3 the street, I was able to still hear this.

4 **Q** Was he loud in your opinion?

5 **A** Yes, after with the gun, yes.

6 **Q** Stop shooting me, was he saying that,
7 yelling that?

8 **A** It was a scream like. If the bullets is
9 piercing his skin.

10 **Q** Okay. You are still on your porch, you
11 never went downstairs?

12 **A** I went down after he fell to the ground.

13 **Q** Okay. So when you are at your porch,
14 that's when you see what you see?

15 **A** Yes.

16 **Q** You don't see anything happening when you
17 go down?

18 **A** I don't see the closure of the situation.

19 **Q** Okay. So from where you were on your
20 porch to where the incident, the shooting was
21 occurring, any idea how far apart you were?

22 **A** The distance between my apartment and the
23 street?

24 **Q** Uh-huh.

25 **A** I don't know the radius, I don't know.

1 **Q** Okay. And your vision, is it pretty good?

2 **A** No, I got bad vision.

3 **Q** You got bad vision?

4 **A** Yeah, I've got bad vision. I've got
5 contacts in to where I'm able to see what I saw
6 because of the daylight.

7 **Q** So your contacts were in then?

8 **A** Yes, they were.

9 **Q** And your hearing?

10 **A** Yes, it's good.

11 **Q** Okay. All right. So total number of
12 shots that you heard that morning?

13 **A** I'm going to say at least ten, that's it.
14 I can't give you no more.

15 **Q** You think ten. I know you have heard
16 information on the news about the autopsy and where
17 shots were on his body, right?

18 **A** Yes and no, because I did not listen to or
19 look at a lot of news. I just --

20 **Q** But you know some of the information by
21 where he received the shots?

22 **A** Yes, yes.

23 **Q** Okay. Now, do you recall when you first
24 talked to the police?

25 **A** I did not talk to the police.

1 **Q** Who did you talk to?

2 **A** FBI.

3 **Q** Do you recall when you first talked to the
4 FBI?

5 **A** Yes, I do.

6 **Q** When was that?

7 **A** It was the following Saturday they came to
8 everybody's apartment and questioned individuals.

9 **Q** So approximately a week after --

10 **A** Somewhere like that.

11 **Q** -- this occurred?

12 **A** Yes, ma'am.

13 **Q** And you did give them a statement?

14 **A** Yes, I did.

15 **Q** Okay. As you are telling us here today, I
16 believe you did not see the initial --

17 **A** No, I did not.

18 **Q** -- when he first made contact with the
19 police officer?

20 **A** No, ma'am.

21 **Q** Okay. You only saw it when the police
22 officer was pursuing him east on Canfield Drive?

23 **A** Yes, ma'am.

24 **Q** And just to make sure I'm clear, were you
25 hearing shots fired as Michael Brown's back was

1 turned?

2 **A** Yes, ma'am.

3 **Q** So it would be reasonable to assume that
4 he's shooting based on what you are telling us, that
5 he's shooting at Mike Brown as he's running away?

6 **A** Yes, ma'am.

7 **Q** You say you didn't hear him?

8 **A** I didn't hear him say anything.

9 **Q** Initially you thought he actually shot him
10 in the back, right?

11 **A** Initially.

12 **Q** Before you knew where the shots were?

13 **A** Exactly.

14 **Q** You realized he wasn't shot in the back,
15 does that make sense with what you saw?

16 **A** Yes, it does, it makes sense, it does, it
17 makes sense to coincide with what I thought.

18 **Q** Okay. Now, did you see anyone with
19 Michael Brown when you saw this incident occurring?

20 **A** No, ma'am. All I seen was Mike Brown
21 running eastbound on the street.

22 **Q** And tell me again why you believe that he
23 was hit before he turned around? We now know he
24 wasn't shot in his back. You said you believe he
25 was shot in his back, why did you think he was hit

1 before he turned around?

2 **A** Because I heard gunshots, you know, I
3 heard the gunshot and when he turned around, I
4 figure he was hit. And so he immediately submitted,
5 subdued himself like, okay, this is real, you know.

6 **Q** You didn't see anything that gave you the
7 impression that he was injured?

8 **A** No, I did not. I didn't see no physical
9 indication on his body whatsoever based on distance.

10 **Q** Okay. Was it strange to you that he was
11 walking towards the police officer?

12 **A** No, it was not because he was ready to, I
13 guess, give himself up from running based on being
14 grazed by the bullet and I did not know that
15 information until, like you said, the autopsy came
16 out.

17 **Q** But, I mean, with his hands up and walking
18 towards the officer, what was your thinking when you
19 saw him do that?

20 **A** He was ready to give himself up.

21 **Q** And you didn't see him do anything
22 threatening towards the officer?

23 **A** No, I did not, none whatsoever.

24 **Q** Now, you seen the movie clip, I call it
25 movie, but it's a news clip with the two

1 construction workers?

2 **A** Yes, ma'am.

3 **Q** And there's someone saying he wasn't a
4 fucking threat?

5 **A** That was my voice.

6 **Q** You have seen this and you verified that's
7 your voice?

8 **A** Yes.

9 **Q** Okay. Now, once he, well, you already
10 said you didn't see him hit the ground?

11 **A** No, I did not.

12 **Q** So where do you go after --

13 **A** After he's on the ground.

14 **Q** I mean, you just hear, see him approaching
15 the officer, the officer is still shooting, what do
16 you do?

17 **A** I get closer. I come from my porch. I
18 walk and he's laying there dead on the ground.
19 After hearing a couple more shots go off.

20 **Q** Did you hear more shots go off from when
21 you were leaving your porch to get out here on
22 Canfield Drive?

23 **A** Yes, I did, yes, I did.

24 **Q** Did you see the officer shooting into
25 Michael Brown's body as he laid on the ground?

1 **A** No, I did not. I can only assume that
2 that happened.

3 **Q** Did you see him get shot in the head?

4 **A** No, I did not.

5 **Q** Now, how did you make contact with the
6 FBI?

7 **A** They made contact with me.

8 **Q** Okay. So they came to your apartment?

9 **A** (Nods head.)

10 **Q** Okay. Now, when you initially talked to
11 the FBI, and we've listened to your statements, or
12 Kathi Alizadeh and I have, there is information in
13 there that the officer was standing over him while
14 he laid on the ground and finished him off?

15 **A** You know, I said that out of an assumption
16 based on me being where I'm from and that can be the
17 only assumption that I have.

18 **Q** You didn't see him hit the ground?

19 **A** I didn't physically see none of that
20 because of the blind spot in which I'm located at
21 and this is , there is a cutoff
22 margin so where I'm not able to see. My assumption
23 and my common sense leads me to believe that's what
24 occurred.

25 **Q** That once he hit the ground that the

1 officer finished him off?

2 **A** (Nods heads.)

3 **Q** You did not see that?

4 **A** I did not physically see that.

5 **Q** Okay. You never saw the officer standing
6 over him shooting into his body?

7 **A** No, I did not.

8 **Q** Okay. Now, did you know Michael Brown?

9 **A** Uh, my nephew knew Michael Brown, my
10 sister knew Michael Brown, he was a friend of my
11 nephew's. They played and he came over to my
12 sister's house occasionally to play with my nephew
13 and they was real cool and my sister said he was a
14 well-mannered individual.

15 **Q** Did you have any interaction?

16 **A** Never whatsoever.

17 **Q** Okay. You learned all of this after he
18 died?

19 **A** After he died.

20 **Q** Okay. Now, did you talk to anyone that
21 day about what happened?

22 **A** As far as who?

23 **Q** About what was going on and what you saw
24 and I mean, just, like the construction workers or
25 other neighbors?

1 **A** Yes, neighbors was conversing with each
2 other all through the day, all through the night.

3 **Q** Okay. And you were talking?

4 **A** We was all discombobulated.

5 **Q** What do you mean discombobulated?

6 **A** Just confused, couldn't believe that it
7 happened.

8 **Q** Okay, all right. You went out here where
9 the body was, was the officer still there?

10 **A** He was present for a few moments or so
11 until he was relieved.

12 **Q** What's he doing, what did you see him
13 doing, if anything?

14 **A** Pacing back and forth, you know, that's
15 about it.

16 **Q** Did he still have his weapon drawn?

17 **A** No, he did not. He had it in the holster.

18 **Q** Anybody appear to give Mike Brown any type
19 of assist?

20 **A** They tried to, but they had it taped off
21 where, you know, individuals could not even enter
22 into, not even close relatives could even enter into
23 the scene.

24 **Q** Okay.

25 **A** I had to hold off his step dad because he

1 was so emotional.

2 Q You actually held him off?

3 A Held him off. He was ready to go and see
4 his son, you know, I had to use all my strength.

5 Q Did you know the police officer Darren
6 Wilson?

7 A No, I do not.

8 Q Never had any contact with him whatsoever?

9 A No, I did not.

10 MS. WHIRLEY: Kathi?

11 Q (By Ms. Alizadeh) All right. ,
12 the first time you talked to the FBI, which was a
13 week after this happened, you told them a story that
14 had a bunch of lies, isn't that right?

15 A A bunch of lies?

16 Q Well, you told them that you saw the
17 officer stand over Michael Brown and empty his clip
18 into his body and finish him off, didn't you say
19 that?

20 A Well, you know, I did say that, but it was
21 based on assumption. Like I told her earlier
22 because the blind spot, me being in and that's
23 I'm not able to physically see the closure of
24 the situation.

25 Q You told them that you saw Michael Brown

1 get shot in the back and that's not true, is it?

2 **A** That's not true based on the truth of the
3 autopsy coming out.

4 **Q** But you told them --

5 **A** Yeah, I told them that.

6 **Q** You saw Michael Brown get shot in the
7 back?

8 **A** I didn't have no indication of where he
9 was shot at based on me seeing what I seen.

10 **Q** And you told them that you saw the officer
11 within an arm's length of Michael Brown shoot him in
12 the head and you didn't see that, did you?

13 **A** Based on assumption.

14 **Q** But you told them?

15 **A** Yes, I did.

16 **Q** You saw that?

17 **A** Yes, I did tell them that based on
18 assumption.

19 **Q** And then you also told them that after
20 Michael Brown was on the ground, the officer stood
21 over him and empty his clip into him and finished
22 him off, and you told them that you saw that?

23 **A** Based on assumption again.

24 **Q** But you didn't tell them that you were
25 basing that on assumption, you told them that you

1 saw that?

2 **A** I told them in the second meeting with the
3 FBI, we all sat down and it was solely based on
4 assumption because I'm not able to be at a point to
5 where I'm not able to see. I told them based on
6 assumption, if you see the report it says that based
7 on assumption and my common sense, I wasn't
8 physically there, so therefore, I can only assume
9 that happened.

10 **Q** Well, okay. So I listened to your
11 statement.

12 **A** You can read it.

13 **Q** In your first statement you didn't tell
14 them that you were assuming that, you told them that
15 that's what you saw?

16 **A** And that's what the second visit was for
17 to clarify the first recording.

18 **Q** So in the second interview, they told you
19 that, by the time you gave the second interview, at
20 that point you had seen on the news there was an
21 autopsy?

22 **A** Once again, I did not look at the TV or
23 listen to reports. I looked at the reports as far
24 as knowing his autopsy, I looked at it once to
25 verify my clarification for myself because I did not

1 know where initially where the bullets landed.

2 **Q** Well, you changed your story in the second
3 interview to say that when he was running away, the
4 officer's shot actually grazed him in the arm?

5 **A** And that's what it did.

6 **Q** And you saw that?

7 **A** Based on the autopsy once again.

8 **Q** So you are basing all of this on not your
9 personal observation?

10 **A** Well --

11 **Q** -- let me finish my question.

12 **A** Okay.

13 **Q** So you are basing this on, not your
14 personal observation, but on just things that you
15 heard in the media?

16 **A** It is concrete once the autopsy come out.
17 I can assume anything based on me looking, I don't
18 know, I don't know where the bullet was landing.

19 **Q** Didn't you say in your second interview
20 you admitted that those things that you said you saw
21 you really didn't see them and you were basing it on
22 what you had seen in the media?

23 **A** That was the truth based on the autopsy
24 coming back. I don't have no knowledge of giving
25 autopsy, so yeah.

1 **Q** So it was after you learned that the
2 things that you said you saw couldn't of had
3 happened that way, then you changed your story about
4 what you seen?

5 **A** Yeah, to coincide with what really
6 happened.

7 **Q** So is what you're testifying about today
8 what you really saw or you also basing your
9 testimony today --

10 **A** I'm not --

11 **Q** -- let me finish my question. Are you
12 also basing your testimony today on things that you
13 assumed?

14 **A** You know, it is not a thing of assumption,
15 based on being in the position when it happened in
16 the beginning because I don't know where the bullets
17 was flying to, I can only assume that they landed
18 where they landed.

19 And that wasn't the truth of the
20 matter being the autopsy came out and gave clarity
21 based on what I thought I saw. The autopsy didn't
22 lie. I didn't know in the beginning, I was full of
23 emotion and I knew that this individual was getting
24 shot. So I assume the portions of the body that I
25 named, he was getting shot. The autopsy came out to

1 where it clarified everything where he got shot at
2 so.

3 Q So you assumed when you made your first
4 statement that the officer stood over him and empty
5 his clip into him and finished him off?

6 A Once again, based on me being in
7 and that's , I can only assume. I can
8 only assume.

9 Q Why did you assume that?

10 A Because some individual getting shot by
11 police, it was like, really, this just didn't
12 happen.

13 Q I mean, don't you think is it possible
14 that you said that because that's what other people
15 were saying they seen?

16 A I didn't base that on anybody else's
17 knowledge of. I only based it on my assumption,
18 once again, because I'm in and that's
19 and that's a blind spot. I only assume
20 based on bullets being fired and a dead body laying
21 on the ground.

22 Q You never saw Michael Brown fall on the
23 street?

24 A No, I did not. I can only assume that he
25 did because of the bullets that was due to his body.

1 **Q** And you said that you could clearly hear
2 Michael Brown saying the thing he said screaming,
3 right?

4 **A** He yelled, don't shoot me, stop shooting.

5 **Q** You remember in your first interview
6 Michael Brown put his hands up and said okay?

7 **A** He was saying that too as well as the
8 bullets was going off of his body, okay, he was
9 saying okay.

10 **Q** You never told the agent in your first
11 interview that he was saying don't shoot me, you
12 said he was saying okay.

13 **A** I never told him in the first interview?

14 **Q** Yes. Do you recall?

15 **A** It comes out, to actually see somebody get
16 gunned down, you might miss a couple of things, you
17 know, because it's just a shock to see an officer
18 shoot somebody the way he did. So you might forget
19 something.

20 **Q** And I'm going to correct myself, I've got
21 my notes from your first interview. You said
22 Michael Brown said don't shoot, and then you said
23 you saw him fall to the ground and the officer
24 continue to shoot him. The officer stood over him
25 and finished him off in the head.

1 **A** Once again, based on my location,

2

3 **Q** When you were interviewed first, you said
4 Michael Brown said don't shoot?

5 **A** He was saying that, he was saying that.

6 **Q** And then in your second interview you said
7 Michael Brown was saying okay.

8 **A** He was saying okay based on getting shot
9 in his upper torso once again.

10 **Q** And now you are saying he was saying stop
11 shooting me?

12 **A** He goes don't shoot, stop shooting, okay.
13 There was a whole bundle of things of getting
14 pierced with a bullet to his upper torso once again.

15 **Q** And in your interview, your second
16 interview with the FBI, do you remember an attorney
17 named that was talking to you?

18 **A** Maybe.

19 **Q** Black hair guy. And he said, you know,
20 that it is important that you talk about what you
21 saw and not what you assume happened?

22 **A** Okay.

23 **Q** And it was after he explained to you that
24 you have to talk about what you actually saw and you
25 also at that point knew that there was no shots in

1 Michael Brown's back, correct?

2 **A** At that point you're saying I didn't know
3 there was shot to his back?

4 **Q** Well, in your second interview you talk to
5 about the fact you knew he was grazed
6 in arm because of the autopsy?

7 **A** Yes.

8 **Q** You knew about the autopsy results during
9 your second interview?

10 **A** Based on what I seen with the graze on the
11 arm and him turning around. As far as the other
12 bullets are concerned, I wasn't concerned about them
13 because of the fact the closure of the bullets, I
14 was only concern of the graze of the arm based on
15 his turning around and putting his arms up and what
16 I seen when he was walking toward the police. He
17 was getting shot in the upper torso and lower torso,
18 that's all I can give you based on me visualizing
19 and seeing what I saw, that's it.

20 I can't give you the closure of him
21 standing over him and finish him off with a head
22 shot. I don't know. I don't know. I assume, once
23 again, based on me being where I was at in
24 there's a blind spot. I
25 can only assume by common sense that occurred.

1 **Q** So today did you see the officer shoot
2 Michael Brown as he was running away?

3 **A** Yes, I did.

4 **Q** You saw him shoot Michael Brown as Michael
5 Brown was running away?

6 **A** I saw him shoot in the direction, he
7 became clear to, once again, he became clear to me
8 as Mike Brown running eastbound on the street, he
9 became clear to me when he made himself visual
10 outside of . When he became clear to me,
11 this is the angle I'm able to see him at. He became
12 clear to me and I notice that Michael Brown run this
13 way, he became clear to me when he left this
14 building right here, .

15 **Q** But my question is today, do you remember
16 the officer shooting Michael Brown as Michael Brown
17 was running away?

18 **A** Yes, I do.

19 **Q** You saw him shoot him as he's running
20 away?

21 **A** I saw him shoot in the direction Mike
22 Brown was running into, eastbound.

23 **Q** Okay. And then as you sit here today, do
24 you remember seeing Michael Brown get shot in his
25 chest and his torso?

1 **A** Yes, I did.

2 **Q** Do you remember Michael Brown falling on
3 the ground?

4 **A** I can only assume him falling on the
5 ground due to me being in and this
6 , I wasn't able to see him physically fall
7 to the ground.

8 **Q** So from is your where your porch is?

9 **A** Yes.

10 **Q** Michael Brown would have been right around
11 this area, right?

12 **A** Yes, he would of.

13 **Q** And so at that point you kind of have a
14 side view of him, is that fair to say?

15 **A** Side view with a blind spot.

16 **Q** Side view with a blind spot?

17 **A** Yes.

18 MS. ALIZADEH: I don't have anything else.

19 MS. WHIRLEY: Questions?

20

21 Can you show us on the map at which point Michael
22 Brown turned around?

23 **A** At what point?

24 Yes, how far east did he
25 go?

1 **A** He was approximately, he was about right
2 here. He was about right here when he turned
3 around. (indicating)

4 : Can you show us where his
5 body ended up?

6 **A** His body ended up about right there on the
7 ground. (indicating)

8 : I'm trying to estimate
9 that distance how far he traveled back to the west
10 as he was being shot at.

11 **A** Right.

12 : I mean, I don't know that
13 area well, is that 50 feet, 100 feet, that looks
14 like a pretty good distance.

15 **A** Yeah, it's a pretty good distance.

16 That whole time as he's
17 advancing towards the officer he's being shot at and
18 the officer is backing up for part of that, I guess
19 to keep his distance or what's happening in your
20 mind?

21 **A** In my mind I see Mike Brown with his hands
22 up once again, and they are coming closer and I'm
23 like, why is you shooting this individual if he's
24 showing a surrender, you know, I don't get it. He
25 started backing up and still letting rounds off

1 like, you don't pose no threat, what is the threat.

2 So I'm really puzzled, you know.

3 Okay, thank you.

4 .

5 **A** How you doing.

6 I have some questions.

7 You said that you made your changes in your story

8 after, um, the facts were revealed from the autopsy?

9 **A** Yes.

10 : So you said that Michael
11 Brown was running eastbound?

12 **A** Yeah.

13 : Okay. And the police
14 officer was shooting at him?

15 **A** Yes.

16 And you saw him get shot
17 in the upper torso story?

18 **A** Yes, I did.

19 : So are you telling us
20 that he got shot in the upper torso through his
21 back?

22 **A** No.

23 : Okay.

24 **A** What I'm saying is based on --

25 : Not assumption, I want to

1 know what you saw. Did you see blood, how did you
2 know he was shot?

3 **A** Well, basically his upper torso I was able
4 to see with my own two eyes.

5 : Okay. And after he
6 turned around?

7 **A** After he turned around, the officer is
8 coming closer, he's coming closer and I was able to
9 physically see, no assumptions.

10 : Okay.

11 **A** He was shooting in his upper torso.

12 : Okay.

13 **A** And I seen this.

14 : And how do you know he
15 was shot?

16 **A** Cause I seen it with my eyes.

17 : Okay. What did you see
18 blood, did you see holes, did you see smoke, what
19 did you see?

20 **A** I seen the gun being fired, I seen the gun
21 being fired into his upper torso.

22 You saw the gun being
23 fired towards Michael Brown?

24 **A** Yes.

25 You didn't see anything,

1 a jerk or a fall or anything that would lead you to
2 believe, I'm just playing the devil's advocate here,
3 to lead you to believe that he was shot. You didn't
4 see him, you saw him get shot at?

5 **A** I seen him get shot.

6 : Okay.

7 **A** I didn't see him get shot at. At that
8 point you are asking me, but as far as when he was
9 running eastbound is when he get shot at, that's
10 shot at, but being shot.

11 : Okay.

12 **A** I seen him get shot in his upper torso.

13 : Okay. And what makes you
14 say he got shot, did you see the holes, did you see
15 the blood?

16 **A** The distance between the officer and
17 Michael Brown and where he had his gun raised, I
18 seen him physically get shot in his upper torso.

19 : Okay. And you say he was
20 moving toward the police with his arms up and he was
21 not posing a threat?

22 **A** None whatsoever.

23 : Okay. And I'm going to
24 ask you this, and I believe you, but you live there
25 so you knew he wasn't a threat to you, but if you

1 were a police officer and he's still moving toward
2 you, how could you be sure that the police officer
3 didn't think he was a threat? If I were being shot
4 and I were being shot at, even though I had my hands
5 up, I'd get on the ground.

6 Couldn't it be possible, why didn't he
7 stop moving? I mean, it would seem to me that there
8 could still be perceived as a threat if he's still
9 moving toward the police officer and the police
10 officer is backing up. Look at it from another
11 point, I just want you to tell me if it's possible?

12 **A** It may be possible in your world.

13 : In my world?

14 **A** Yeah.

15 : Okay. What does that
16 mean?

17 **A** That means that you more than likely not
18 to be shot the way he was shot. So he did not know,
19 being as young as he is, not knowing the seriousness
20 the situation. After getting pierced with the gun,
21 his torso to get down on his knees because he's
22 thinking to himself, I'm assuming that this officer
23 what is he doing. He's here to protect and serve,
24 he's here to protect and serve.

25 : If you were being shot,

1 wouldn't you want to get down on the ground?

2 **A** Immediately, but he did not know,
3 apparently, he did not know to get down on the
4 ground.

5 : So I want to ask you a
6 question. Again, about that, and you say it was
7 quite a distance that he moved toward the police
8 officer, 50 to 100 feet?

9 **A** Uh-huh.

10 : Okay. And at that point
11 he was out of your sight?

12 **A** Uh-huh, correct.

13 : So you don't know, he's
14 moving toward the police officer, even though he has
15 his hands up, he's still moving towards him.

16 **A** After getting shot in the upper torso.

17 : After getting shot in the
18 upper torso, how many times has he been shot?

19 **A** I say, I say, about four times, I think
20 about.

21 : Four times in upper
22 torso?

23 **A** Two upper torso and two down lower
24 portion. At that point it becomes a blind spot once
25 again.

1 : So he's been shot four
2 times, he's still moving forward, he hasn't gotten
3 down on the ground, and then he gets out of your
4 sight and you do not know what happens after that.
5 You don't know if his hands went down, you don't
6 know if he charged, you just know that his hands
7 were up and he was still moving forward.

8 **A** Correct.

9 And the police officer
10 was moving back?

11 **A** Correct.

12 : Okay. So I need to know,
13 you said, and you have to help me understand, I want
14 to make a good decision here. You said he said stop
15 shooting, but then you said he was saying okay,
16 okay, okay. Why are you shooting me. I need to
17 know what you heard, not what you think you heard or
18 what you heard.

19 **A** I'm assuming, I'm not going to assume, I'm
20 going to tell you based on you get pierced with a
21 bullet.

22 : Uh-huh.

23 **A** Multiple things will come out your mouth
24 you never spoke of.

25 : Okay.

1 **A** That's what he was going on. He was
2 getting pierced by some bullets. He was pleading
3 for his life.

4 : Okay. Thank you.
5 You have said
6 earlier today that your story matched those of the
7 construction workers, did you talk to them earlier
8 that day?

9 **A** No, I did not.

10 : Did you talk to them after
11 this incident happened?

12 **A** We don't even know each other.

13 : Okay. You haven't
14 communicated since this incident?

15 **A** I haven't communicated to him, no.

16 : How do you know that your
17 story matches their story?

18 **A** Excuse me?

19 : How do you know that your
20 story matches their story?

21 **A** I say this much, we was looking in the
22 same direction at the same given time. If it
23 differs, then we both blind.

24 Thank you.

25 . Immediately

1 after the shooting stops, were you still on your
2 balcony?

3 **A** I started to get closer because I was
4 curious to want to know why was the extra rounds let
5 off.

6 : Okay. Did you see any
7 cars go by?

8 **A** Traffic stopped because of the officer's
9 blocking off Canfield.

10 : Okay. So from the time
11 that you were on your balcony to the time that you
12 started getting closer to where Michael Brown had
13 fallen, did you notice any cars going up and down
14 Canfield.

15 **A** None whatsoever.

16 : I'm sorry, one other
17 question. When you saw, when Michael Brown was
18 running from the police officer, he first came into
19 your field of vision, as he's running east towards
20 the Northwinds Apartments, can you describe how he
21 was running, was he in a dead sprint.

22 **A** It wasn't so much of a dead sprint, he was
23 light footed, he had socks on. And he was trying to
24 get little, in this expression I mean little, he was
25 trying to get up, but he wasn't fast, it wasn't

1 fast. It was a moderate pace, you know.

2 Okay. And at that point
3 he turned and as he's turning, his hands go up in
4 the air?

5 **A** That's correct.

6 And he starts moving back
7 towards the police officer and the police officer is
8 moving back. Was it, can you describe how he was
9 moving at that particular point?

10 **A** The way in which he was walking toward
11 West Florissant?

12 : Yes.

13 **A** He was walking at a moderate pace to where
14 he has his arms up, he was walking like this at a
15 moderate pace. There was not no running whatsoever.

16 : Okay. And that's when you
17 started to hear what he had to say?

18 **A** Because the gunshots was going off.

19 : Okay, all right, thank
20 you.

21 At the
22 point that you see him coming back with his hands
23 up, did he ever appear to you that he was charging
24 the police officer?

25 **A** None whatsoever, not to me.

1 Did it appear to you that
2 he put his hands on his shirt or in his pants?

3 **A** No indication of that whatsoever.

4 : Thank you.

5 Prior
6 to this incident, have you ever seen anyone or view
7 anyone shot before?

8 **A** I, myself, have been shot before.

9 : Okay. And where did you
10 get shot?

11 **A** In the arm, in the lower torso.

12 : Okay. And can you tell me
13 what distance you were shot, was it the same
14 distance at which Michael Brown was shot?

15 **A** Much closer.

16 : Much closer, okay. And
17 when you were shot, did you immediately start
18 bleeding?

19 **A** Yes, I did.

20 Okay.

21 . Were
22 you shot by the police?

23 **A** (Shakes head.)

24 . Did you
25 say that you ever got a visible facial expression,

1 the police officer, could you see his face at all?

2 **A** Yeah, he was looking based on what I seen,
3 just in a state of confusion, I guess, that's the
4 best I can express it to be.

5 : Is this afterwards?

6 **A** Yes.

7 : Could you see him at all
8 during?

9 **A** Yeah, he was in the street. He was pacing
10 back and forth talking to his fellow officer.

11 : Okay. While Michael was
12 running, could you see the police officer, did he
13 ever become visual?

14 **A** He became visual to me after he left this
15 point. I was able to visibly see him when he came
16 in view.

17 Could you see his face of
18 any color issue or anything?

19 **A** At that time there wasn't no physical
20 damage to his face that people say, there was
21 nothing on his face.

22 : Thank you.

23 MS. ALIZADEH: , you came down
24 to the scene closer eventually; is that right?

25 **A** Yes, I did.

1 MS. ALIZADEH: Did you see people around
2 that area?

3 A A lot of people.

4 MS. ALIZADEH: Anybody you recognize?

5 A A lot of people that live in the complex.

6 MS. ALIZADEH: You recognize anybody that
7 you know by name.

8 A Yeah, I did.

9 MS. ALIZADEH: What names do you remember
10 seeing down there?

11 A Um, they got nicknames, they don't have
12 even use their real names over there. So there is a
13 lot of people that live in the complex with me. I
14 seen , a lot of other little people
15 and they was just in awe.

16 MS. ALIZADEH: And as the shooting was
17 happening, I know you said you saw the construction
18 workers there.

19 A Uh-huh.

20 MS. ALIZADEH: As the shooting was
21 happening, not afterwards, as it was happening, did
22 you see anybody that was in this vicinity? I'm just
23 going to generally say, did you see anybody that was
24 on foot in this general vicinity?

25 A Did I see anybody on foot? They only came

1 about being out there when they heard what they
2 heard or seen what they seen based on Mike Brown
3 being on the ground.

4 MS. ALIZADEH: Okay. So did you ever see,
5 and is your stepmom, not stepmom,
6 godmother?

7 **A** She's play mom, she stays next door to me.

8 MS. ALIZADEH: Did you ever see her that
9 day?

10 **A** Yes, she was out there.

11 MS. ALIZADEH: Where was she when you
12 first saw her?

13 **A** I wasn't, I wasn't paying attention to
14 nobody. I was zoning in to what I seen. I just had
15 a blockage.

16 MS. ALIZADEH: Okay. You said you saw her
17 out there?

18 **A** After I came from my porch and everybody
19 kind of gathered up as Mike Brown laid on the
20 ground.

21 MS. ALIZADEH: You weren't paying
22 attention to anything before you saw her at the
23 scene after he was on the ground?

24 **A** Exactly.

25 MS. ALIZADEH: All right. Did you talk to

1 her about what you had seen?

2 **A** No, no.

3 MS. ALIZADEH: Did she talk to you about
4 what she had seen?

5 **A** No, she kept stuff to herself, you know,
6 like I was. I'm like, did this really just happen.
7 It's like, it is hers, you know.

8 MS. ALIZADEH: Did you ever, I know there
9 is a part of it at the end that you say you didn't
10 see?

11 **A** Exactly.

12 MS. ALIZADEH: You never saw Michael Brown
13 on his knees?

14 **A** No, I did not.

15 MS. ALIZADEH: All right. Thank you.

16 MS. WHIRLEY: Anybody else?

17 . Did you know
18 prior to August 9th?

19 **A** I've seen her off and on.

20 So you have met her?

21 **A** Yes, off and on. Just, just the situation
22 just brought everybody close together in a sense
23 because, you know, you see people passing and you go
24 hi, bye, it is just that.

25 : Okay.

Will

1

2 you tell us why you were shot?

3 **A** Could you repeat the question?

4 : Why you got shot,

5 somebody shot you?

6 **A** Why did I get shot?

7 : Yes.

8 **A** Um, it was a misunderstanding between me

9 and a brother-in-law.

10 : Between you and who?

11 **A** A brother-in-law. It was a family related

12 situation to where you know, it just occurred.

13 That's not on the record?

14 MS. ALIZADEH: Pardon me.

15 MS. WHIRLEY: Any other questions?

16 MS. ALIZADEH: , is there

17 anything else that you can think of or that we

18 haven't asked you that you think is important for

19 this grand jury to know and understand when they

20 make their decision?

21 **A** Basically I think you guys are doing your

22 best to dissect and analyze this case. I just ask

23 that you be forever mindful of both sides, of both

24 families and give just due.

25 MS. ALIZADEH: Okay. Anyone else have

1 anything any other questions? All right.

2 (End of the testimony of .)

3

4 of lawful age, having been first duly sworn to

5 testify the truth, the whole truth, and

6 nothing but the truth in the case aforesaid,

7 deposes and says in reply to oral

8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Could you tell us your name?

12 A

13 Q Okay. remember when I told you
14 you are going to have to speak up so we can hear you
15 all the way back here?

16 A Yes.

17 Q So first of all, can you spell your name
18 for the court reporter?

19 A

20 Q Can I call you

21 A Yes.

22 Q How old are you?

23 A

24 Q And when was your birthday?

25 A

1 **Q** You live with your mom; is that right?

2 **A** Yes.

3 **Q** Now, your mom doesn't live in Canfield
4 Green; is that correct?

5 **A** No.

6 **Q** Who lives in Canfield Green that you know?

7 **A** My dad.

8 **Q** And do you know what your dad's address
9 is?

10 **A** I don't know.

11 **Q** Okay. Do you remember when the police
12 first came to talk to you on the day of the
13 shooting?

14 **A** Yes.

15 **Q** Were you at your father's apartment when
16 they talked to you?

17 **A** Yes.

18 **Q** Okay. So if the, can you look on this
19 map, this is Grand Jury Exhibit Number 25. These
20 are the buildings and the roads that are in Canfield
21 Green, can you see where your building is?

22 **A** No.

23 **Q** Okay. Do you know that your address is,
24

25 **A** No.

1 **Q** You don't know that?

2 **A** No.

3 **Q** Okay. So here is . So if your dad
4 told the police that on the day that you were
5 interviewed that that was your address, would that
6 be, do you have any reason that your dad wasn't
7 truthful, right, your dad told the police where you
8 lived?

9 **A** Uh-huh.

10 **Q** Okay. And the police were at your house
11 when they interviewed you, your dad's house?

12 **A** Yes.

13 **Q** Okay. So here is on the map right
14 here. Do you know what floor your dad lives on?

15 **A** Third floor.

16 **Q** The top floor?

17 **A** Uh-huh.

18 **Q** And so when you were in your dad's
19 apartment and you look out the window, the front
20 windows, you can see Canfield Drive; is that right?

21 **A** Yes.

22 **Q** Okay. Now, were you staying with your dad
23 when you were on, August 9th that day were you
24 staying there, like the weekend or something?

25 **A** Yes.

1 **Q** Do you spend weekends with your dad?

2 **A** Yes.

3 **Q** Do you know people in the complex, do you
4 have friends in the complex?

5 **A** No, that was my second time over there.

6 **Q** That was the second time you had ever been
7 there?

8 **A** Uh-huh.

9 **Q** Have you been there since?

10 **A** Yes, once.

11 **Q** Did you know, now you know that this is
12 about the day that Michael Brown got shot, right?

13 **A** Yes.

14 **Q** Did you know Michael Brown before that
15 day?

16 **A** No.

17 **Q** Had you ever seen him in the complex?

18 **A** No.

19 **Q** All right. Do you know a guy named Dorian
20 Johnson or DJ?

21 **A** No.

22 **Q** Okay. Um, so why don't you tell the grand
23 jurors what you were doing on that day on August 9th
24 when you heard something?

25 **A** Um, I was listening to some music on the

1 TV until I heard some screaming.

2 Q Okay. Nobody can hear you back here.

3 That microphone isn't going to amplify your voice.

4 So let's practice something, say

5 A

6 Q But louder?

7 A

8 Q A little louder low.

9 A

10 Q There you go, okay. I know you can do it.

11 I bet you raise your voice sometimes, right?

12 A (Nods head.)

13 Q All right. So on the day that the
14 shooting happened you were at your dad's, right?

15 A Yes.

16 Q Where in the apartment were you, is your
17 dad's apartment a two bedroom or one bedroom?

18 A One.

19 Q One bedroom?

20 A Uh-huh.

21 Q So when you would stay at your dad's,
22 where would you, would you sleep in the living room?

23 A The living room.

24 Q Like on a couch?

25 A Yes.

1 **Q** And so, um, when you're in the living room
2 and you look out the windows, do you look onto
3 Canfield?

4 **A** Yes.

5 **Q** Okay. So I think you said that, were you
6 in the living room when you heard something?

7 **A** Yes.

8 **Q** What were you doing?

9 **A** Listening to some music.

10 **Q** Listening to some music?

11 **A** Yes.

12 **Q** Was it on the radio or were --

13 **A** No, I was YouTube.

14 **Q** On YouTube?

15 **A** Yes.

16 **Q** Was it on a computer then or on TV?

17 **A** It was on a game.

18 **Q** On a game?

19 **A** Yes.

20 **Q** Like a handheld kind of game?

21 **A** Yeah.

22 **Q** What kind of game was it?

23 **A** A Play Station III.

24 **Q** Okay. So this is a game that plays on
25 your TV?

1 **A** Yes.

2 **Q** Was the music turned up real loud? Like
3 sometimes my kids turn their music up really, really
4 loud, was your music up loud?

5 **A** No.

6 **Q** And what happened that suddenly drew your
7 attention to something?

8 **A** I heard some screaming.

9 **Q** And did the screaming, did you think it
10 was inside the apartment or outside the apartment?

11 **A** Outside.

12 **Q** And did you, could you tell at that time
13 if it was a man's scream or a woman's scream or a
14 boy's scream?

15 **A** Um, no.

16 **Q** You couldn't tell?

17 **A** No.

18 **Q** Was the scream a word or words or was it
19 just a sound?

20 **A** It was just a sound.

21 **Q** Prior to the scream, did you hear anything
22 else that drew your attention?

23 **A** No.

24 **Q** So that's the first thing that you heard
25 that you thought, what was that?

1 **A** Yes.

2 **Q** All right. So what did you do when you
3 heard the scream?

4 **A** I walked to the window and started to look
5 out the window.

6 **Q** So now in your living room, because we
7 heard people talk about the apartments there, is
8 there a sliding glass door?

9 **A** Yes.

10 **Q** Is that the window that you looked out?

11 **A** Yes.

12 **Q** And are there blinds on that sliding glass
13 door?

14 **A** Yes.

15 **Q** On that day, do you know were the blinds
16 open or closed?

17 **A** They was open, but there was some missing
18 so I didn't have to touch the blinds.

19 **Q** They were open?

20 **A** Yes.

21 **Q** You didn't have to touch them?

22 **A** Yes.

23 **Q** They were in a way where you could look
24 through the blinds?

25 **A** Yes.

1 **Q** So the blinds were across the window, but
2 they were open?

3 **A** Yes.

4 **Q** All right. So when you looked out the
5 window, let me ask you first. Was there anybody
6 else home with you?

7 **A** No.

8 **Q** So when you looked out the window from
9 what did you see when you looked out the
10 window?

11 **A** I saw a police car parked in a funny kind
12 of way.

13 **Q** Okay. Let's back up. I'm going to repeat
14 what you say so everybody can make sure they hear
15 your answers and you tell me if, remember if I say
16 if I say something and it is not what you said, you
17 need to correct me, okay?

18 **A** All right.

19 **Q** So you said you saw a police car?

20 **A** Yes.

21 **Q** Was it, can you describe the car?

22 **A** Um, I guess it was a truck.

23 **Q** A truck?

24 **A** Uh-huh.

25 **Q** So are we talking about like a pickup

1 truck or like an SUV truck?

2 **A** Like an SUV truck.

3 **Q** Okay. Did it have markings on it or was
4 it just a plain color?

5 **A** It was a white car with blue police light
6 on it.

7 **Q** All right. Now, so this was a marked
8 police SUV?

9 **A** You said it was what?

10 **Q** It was a marked, meaning it had letters on
11 it?

12 **A** Yes.

13 **Q** That said police?

14 **A** Yes.

15 **Q** Did it have a light bar on the top of the
16 truck?

17 **A** Yes.

18 **Q** Were the lights on?

19 **A** No.

20 **Q** Okay. So you see the police truck and you
21 said it was parked in the street?

22 **A** Yes.

23 **Q** You said it was kind of, I can't remember,
24 did you say it was kind of parked funny?

25 **A** Yes.

1 **Q** How so?

2 **A** It was like it was in the street kind of
3 like tilted so nobody could get past.

4 **Q** Okay. So from where you were looking at
5 it, which side of the police truck were you looking
6 at, the driver's side or the other side?

7 **A** The driver's side.

8 **Q** And so if this is the map of that street
9 and if you live here, can you use this, this is a
10 pointer, if you press that button see look, so you
11 can use this to point on here. Can you point on
12 there where the truck was when you saw it parked
13 kind of funny?

14 **A** It was about right there. (indicating)

15 **Q** So pretty much in front of your apartment?

16 **A** Yes.

17 **Q** Okay. And so when you looked out and saw
18 the police car, did you see any people?

19 **A** Yes, I saw one other person.

20 **Q** One other person?

21 **A** Uh-huh.

22 **Q** And what did that person look like?

23 **A** He was dark skin, had dreads and he had on
24 a black shirt.

25 **Q** And where was he?

1 **A** He was standing about like right here on
2 the side. (indicating)

3 **Q** So he was a little, a little further down
4 the street east from where the police car was?

5 **A** Yes.

6 **Q** So if he, from where he was, could he
7 reach out and touch the police car?

8 **A** No.

9 **Q** No. Too far away to touch it?

10 **A** Yes.

11 **Q** What was he doing?

12 **A** He was just sitting there watching.

13 **Q** So when you say he was sitting there, was
14 he actually sitting?

15 **A** No, he was standing.

16 **Q** Was he in the street or on the side?

17 **A** On the sidewalk.

18 **Q** On the sidewalk?

19 **A** (Nods head.)

20 **Q** Was he on the opposite side of the street
21 or was he on your side of the street?

22 **A** Opposite side.

23 **Q** Okay. And so did you see anybody else on
24 the street or around the police car?

25 **A** I saw two cars trying to get through

1 coming from each direction.

2 Q So were these regular cars or police cars?

3 A Regular cars.

4 Q And you said they were going east to west,
5 were they going this way on Canfield?

6 A One was going that way and one was going
7 the other way. (indicating)

8 Q One was coming this way and one was coming
9 that way? (indicating)

10 A Yes.

11 Q Were they able to get by?

12 A Yes.

13 Q So they went ahead and passed the police
14 car?

15 A Uh-huh.

16 Q And did the car that was going westbound,
17 did that pass the police car too?

18 A Yes.

19 Q Okay. What was going on at or around the
20 police car, did you see anything?

21 A Yes.

22 Q What did you see?

23 A I saw, um, the man like trying to pull
24 away from the police, pull his arm out of the police
25 car.

1 **Q** Okay. So let's stop. You said you saw
2 the man was trying to pull away from the police car?

3 **A** Yes.

4 **Q** So is this the man with the dreads in the
5 black shirt?

6 **A** No.

7 **Q** So this is another person. So let's
8 describe this person, what did he look like from
9 what you could see?

10 **A** I saw a red hat, some yellow and black
11 socks and flip flops.

12 **Q** All right. Red hat, what kind of hat?

13 **A** I think the Cardinals.

14 **Q** Was it a ball cap style hat?

15 **A** Yes.

16 **Q** Okay. And you said what color socks?

17 **A** Yellow and black.

18 **Q** Yellow and black. And then you said some
19 Nike flip flops?

20 **A** Yes.

21 **Q** And what about his shirt, could you tell
22 what kind of shirt he had on?

23 **A** No, I saw khaki shorts he had on.

24 **Q** Khaki shorts?

25 **A** Uh-huh.

1 **Q** And so when you looked out and you saw
2 him, were you looking at his back, his side or his
3 front?

4 **A** His back.

5 **Q** And so could you see his face when you
6 were looking out, when you first looked out?

7 **A** No.

8 **Q** Was this, I mean, we've said a he, it was
9 a male, correct?

10 **A** Yes.

11 **Q** Was he African-American?

12 **A** Yes.

13 **Q** And can you give me an idea of how old he
14 might have been?

15 **A** Like 17 or 18.

16 **Q** So like a young man?

17 **A** Yes.

18 **Q** Not an older person?

19 **A** No.

20 **Q** What about his size, what was his size
21 like?

22 **A** I'd say about 210.

23 **Q** About what?

24 **A** 210.

25 **Q** Like that would be his weight, 210?

1 **A** (Nods head.)

2 **Q** About how tall, how tall are you ?

3 **A** 5'8".

4 **Q** And looking at what you could see of this
5 person, did he look like he was taller than that?

6 **A** Yes.

7 **Q** All right. And so where was he when you
8 first, you said that you saw him look like he was
9 trying to pull away. Where was he when you first
10 looked out and saw him?

11 **A** That's what he was doing, trying to pull
12 away.

13 **Q** Pull away from what?

14 **A** The police car, inside the police car.

15 **Q** So he was at the side of the police car?

16 **A** His arm was.

17 **Q** His arm was?

18 **A** (Nods head.)

19 **Q** Describe what you remember seeing. Is he
20 next to the police car, in front of the police car,
21 behind the police car?

22 **A** He was next to it.

23 **Q** Was he on the driver's side or on the
24 other side?

25 **A** Driver's side.

1 **Q** Was he closer to the front of the car or
2 the middle of the car or the back of the car?

3 **A** The front.

4 **Q** Okay. Could you see, you said his arm,
5 you said something about his arm, what was his arm
6 doing?

7 **A** His arm was inside the police vehicle.

8 **Q** All right. His arm was inside the police
9 vehicle?

10 **A** Yes.

11 **Q** Do you remember which arm?

12 **A** No.

13 **Q** And did you get any, could you see what
14 was going on inside the police vehicle?

15 **A** No.

16 **Q** Could you see if there was anyone inside
17 the police vehicle?

18 **A** I wasn't paying attention to that.

19 **Q** Okay. So at this point you just notice
20 him?

21 **A** Yes.

22 **Q** And one of his arms is inside the police
23 vehicle?

24 **A** Yes.

25 **Q** So I don't want to assume anything, but is

1 it, is the door open, is the window open, how is it
2 that his arm is inside the vehicle?

3 **A** The window is down.

4 **Q** Okay. Which window, the front, like the
5 driver's window or back window?

6 **A** The driver's window.

7 **Q** All right. And so you said he was like
8 trying to pull away?

9 **A** Yes.

10 **Q** Okay. Can you describe what you mean by
11 that, what was he doing that you say it looked like
12 he was trying to pull away?

13 **A** Because he had one of his arms on the
14 police vehicle moving back trying to pull away.

15 **Q** So one of his arms was on the police
16 vehicle?

17 **A** (Nods head.)

18 **Q** And the other one was inside?

19 **A** Yes.

20 **Q** And you think he was trying to pull away?

21 **A** Yes.

22 **Q** Could you see why he couldn't walk away
23 from the vehicle, could you tell what was keeping
24 him from --

25 **A** I guess he was grabbing on like.

1 **Q** Okay. And you're guessing that or you can
2 see it?

3 **A** I'm guessing.

4 **Q** So you couldn't tell what was holding him
5 from pulling away?

6 **A** No.

7 **Q** You said it was like he was trying to pull
8 away?

9 **A** Yes.

10 **Q** And, okay. So what did you see then?

11 **A** Then, uh, I seen the police officer try to
12 tase him.

13 **Q** Okay. So you said you saw the police
14 officer try to phase him?

15 **A** Uh-huh.

16 **Q** Could you see a police officer?

17 **A** You said, did I see a police officer?

18 **Q** Yeah.

19 **A** Yes.

20 **Q** Okay. Where was the police officer?

21 **A** In the car.

22 **Q** Was he in the back or the front?

23 **A** The front.

24 **Q** Was he in the passenger or driver's side?

25 **A** Driver's side.

1 **Q** And you said you saw him try to tase him?

2 **A** Yes.

3 **Q** So what do you mean by that, describe what
4 you saw?

5 **A** I saw him pull out something. I also saw
6 something go past.

7 **Q** You saw who pull out something?

8 **A** The police officer.

9 **Q** All right. And did you see where he
10 pulled it out of?

11 **A** No.

12 **Q** And what did this thing that he pulled out
13 look like?

14 **A** It looked like a yellow and black kind of
15 thing.

16 **Q** I'm sorry, it was like a yellow?

17 **A** Yellow and block.

18 **Q** Yellow and black?

19 **A** Yes.

20 **Q** So you described it, you said that he
21 tried to tase him, have you seen a taser before?

22 **A** No.

23 **Q** All right. What do you think a taser
24 looks like?

25 **A** Uh, I think it is yellow and black.

1 **Q** Okay. So does it look like, all right.
2 You said the officer had that in his hand. Do you
3 remember which hand it was in?

4 **A** Yes.

5 **Q** Which hand?

6 **A** His right.

7 **Q** And what was he doing with it?

8 **A** Like he pointed it at the victim.

9 **Q** So he pointed it at the guy that was at
10 the car?

11 **A** Yes.

12 **Q** Okay. And you said you saw something come
13 out of it?

14 **A** Uh-huh.

15 **Q** Did you hear anything?

16 **A** No.

17 **Q** You didn't hear any kind of pow or noise?

18 **A** Not until he shot.

19 **Q** Okay. So at this point something comes
20 out of the taser?

21 **A** Yes.

22 **Q** What did that look like?

23 **A** It was like a string.

24 **Q** Like a string?

25 **A** Like a metal string.

1 **Q** Okay. And so does that look like it hit
2 the boy or the man at the car?

3 **A** No.

4 **Q** Did you see that it didn't hit him or you
5 couldn't tell?

6 **A** I saw that it didn't hit him.

7 **Q** So did it go past his body then?

8 **A** Yes.

9 **Q** Have you ever seen like a taser being
10 fired like on television or anything?

11 **A** No.

12 **Q** You never seen a taser being fired?

13 **A** No.

14 **Q** Okay. So then what happened then you saw
15 the taser and the thing came out and went past the
16 boy in the car, what happened then?

17 **A** I saw him pull out his gun.

18 **Q** You what?

19 **A** I saw him pull out his gun.

20 **Q** You saw him with his gun?

21 **A** Yes.

22 **Q** You saw who with his gun?

23 **A** The officer.

24 **Q** So where did the gun come from, did you
25 see how the gun came into the picture?

1 **A** No.

2 **Q** Did the gun look different than the taser?

3 **A** No.

4 **Q** It looked like the same thing?

5 **A** Just a different color.

6 **Q** Different color. So the taser kind of
7 looks like a gun?

8 **A** Yes.

9 **Q** Only it was yellow and black?

10 **A** Yes.

11 **Q** And then a string thing came out of it?

12 **A** Yes.

13 **Q** And the gun, what color was that?

14 **A** Black.

15 **Q** Was the officer still in the car or out of
16 the car or where?

17 **A** He was just about to get out. He was
18 opening up the door.

19 **Q** Okay. So you saw the officer opening up
20 the door?

21 **A** Yes.

22 **Q** And did he get out of the car?

23 **A** Yes, but he waited until after he fired
24 the shot.

25 **Q** Let's back up then. You saw the gun and

1 do you know what hand the officer had it in?

2 **A** No.

3 **Q** You said that he fired a shot?

4 **A** Yes.

5 **Q** Where was the boy who had been at the car,
6 where was he when the shots were fired?

7 **A** He was at the apartment complexes.

8 **Q** Was he running into the apartment complex
9 when the shot was fired from the gun?

10 **A** Yes.

11 **Q** Okay. So did you ever see or hear that
12 gun being shot while the boy was up at the car?

13 **A** Yes.

14 **Q** Okay. So let's back up. You see a taser
15 being fired and then you see the gun?

16 **A** Yes.

17 **Q** And the first shot of the gun, where was
18 the boy when it was first shot?

19 **A** He was still at the car.

20 **Q** Still at the car?

21 **A** (Nods head.)

22 **Q** And then what happened?

23 **A** Then that's when he took off.

24 **Q** He took off.

25 **A** Yes.

1 **Q** And then where did he go?

2 **A** He ran down the street.

3 **Q** So when you say he ran down the street,
4 was that Canfield Drive?

5 **A** Yes.

6 **Q** And did he run west towards West
7 Florissant or east towards Northwinds Apartments?

8 **A** East.

9 **Q** So the officer got out of the car?

10 **A** Yes.

11 **Q** Do you remember talking to the police
12 about what you had seen?

13 **A** Yes.

14 **Q** Okay. And did the officer have any
15 trouble getting out of his car?

16 **A** No.

17 **Q** Okay. Do you remember telling them that
18 the officer opened the door to shoot and then got
19 out of the car?

20 **A** Yes, I remember.

21 **Q** So where was the officer when he first
22 shot the gun?

23 **A** He was still in the car.

24 **Q** In the car?

25 **A** (Nods head.)

1 **Q** So when you said that he opened the door
2 to shoot, when he first shot the gun, was the car
3 door open or closed?

4 **A** Open.

5 **Q** It was what?

6 **A** Open.

7 **Q** Open. So he had opened his door?

8 **A** (Nods head.)

9 **Q** And Michael Brown was still at the
10 vehicle?

11 **A** Yes.

12 **Q** Okay. Did he open his door all the way?

13 **A** Yes, he opened it.

14 **Q** So was Michael Brown hit by the door when
15 the door open?

16 **A** No.

17 **Q** And I said Michael Brown, you know that's
18 Michael Brown, right?

19 **A** Yes.

20 **Q** Okay. So was he farther away from the
21 vehicle when the door came open?

22 **A** He was like almost towards the back.

23 **Q** So he had started moving at that point?

24 **A** Yes.

25 **Q** And he was close to the rear of the

1 vehicle?

2 **A** Yes.

3 **Q** And so you, when the officer fired the
4 gun, was he still sitting in the driver's seat?

5 **A** Yes, he was still sitting.

6 **Q** So he would of had to turn around, if he
7 was shooting at Michael Brown and he was close to
8 the rear of his vehicle, did he have to lean out and
9 turn around?

10 **A** Yes, he was halfway out.

11 **Q** Halfway out of the car?

12 **A** (Nods head.)

13 **Q** And so after that shot, did you see where
14 that shot went?

15 **A** No.

16 **Q** No?

17 **A** No.

18 **Q** What happened then?

19 **A** That's when he kept running.

20 **Q** So Michael Brown kept running?

21 **A** I guess.

22 **Q** Okay. Don't guess. I thought that's what
23 you said he kept running. I'm just trying to repeat
24 it because I want to make sure they hear you.

25 **A** After that first shot I turned to look

1 away, I thought everything, he had him in custody, I
2 guess, or whatever.

3 Q So after that first shot, you turned away
4 and you didn't watch it?

5 A Yeah, I didn't watch it.

6 Q Okay. Was there something that was going
7 on that drew your attention away from what was going
8 on outside?

9 A No.

10 Q Why is it that you turned away?

11 A Because I didn't hear no more gunshots
12 until, actually, I sat down and then I heard some
13 more.

14 Q All right. So when you say you turned
15 away, let's back up. When you were looking out the
16 sliding glass door, were you sitting down or
17 standing up?

18 A Standing up.

19 Q And so when you turned away, did you
20 actually turn your body away from this or did you
21 just not look?

22 A I turned my body away.

23 Q Did you then go back into the living room?

24 A You say what?

25 Q Did you stay in the living room?

1 **A** Yes.

2 **Q** Did you go sit down?

3 **A** Yes.

4 **Q** All right. So once you turned away, now
5 at this point you said, you have gotten to the point
6 where you said you heard one gunshot?

7 **A** Uh-huh.

8 **Q** And you saw the officer shooting his gun
9 as Michael Brown was running away?

10 **A** Yes.

11 **Q** Or he was near the back of the vehicle?

12 **A** He was running, yes, he was.

13 **Q** Can you tell me where Michael Brown was,
14 how his body was when you saw that first gunshot,
15 was he facing the officer, was he facing away from
16 the officer?

17 **A** He was facing away.

18 **Q** Facing away. Had he started to run when
19 you saw that first gunshot?

20 **A** Yes.

21 **Q** Okay. And then you turned away from the
22 window and you sat back down?

23 **A** Yes.

24 **Q** Did you hear anything after that?

25 **A** Yes.

1 **Q** What did you hear?

2 **A** I heard several more gunshots.

3 **Q** Okay. Were those was there a pause
4 between any of those gunshots?

5 **A** No.

6 **Q** And you said several or seven, I want to
7 make sure?

8 **A** Several.

9 **Q** Several?

10 **A** Uh-huh.

11 **Q** Can you in your head imagine them and see
12 if you can tell me how many you think there were?

13 **A** Four to five.

14 **Q** Okay. And then what, if anything, did you
15 do after you heard those four to five shots?

16 **A** I stood there and watch him get on his
17 walkie-talkie thing and I saw more officers come.

18 **Q** Okay. So I got to come up here so I can
19 hear you. You still what?

20 **A** I stood right there and I saw him get on
21 his little radio thing.

22 **Q** So let's go back. So at some point you
23 went back to the window?

24 **A** Yes.

25 **Q** When the four or five shots went off, were

1 you still on the couch or were you up at the window?

2 **A** I was still on the couch.

3 **Q** Okay. So when you went back to the
4 window, what did you see, was it still going on?

5 **A** No.

6 **Q** Okay. What did you see when you looked
7 back out the window?

8 **A** I saw him laying down. He was already on
9 the radio.

10 **Q** You said you saw him laying down, so would
11 that be Michael Brown?

12 **A** Yes.

13 **Q** And he was bleeding?

14 **A** Yes.

15 **Q** Can you use the pointer and show me where
16 he was laying down?

17 **A** (Indicating.)

18 **Q** Was he me the street, or in the grass or
19 on the sidewalk?

20 **A** In the street.

21 **Q** Where was the officer?

22 **A** He was over him.

23 **Q** Over him?

24 **A** Uh-huh.

25 **Q** So standing over him?

1 **A** Yes.

2 **Q** What was he doing?

3 **A** He was like on his radio thing.

4 **Q** So you pointed to your shoulder, was he
5 talking, did it look like he was talking on a radio
6 on a shoulder?

7 **A** Yes.

8 **Q** Could you hear what he was saying?

9 **A** No.

10 **Q** Did you hear Michael Brown and the
11 officer, other than the scream that you heard, did
12 you ever hear them say anything?

13 **A** No.

14 **Q** Did you ever hear any other screams?

15 **A** No.

16 **Q** When you say the officer was standing over
17 him and he was talking on the radio, did the officer
18 still have his gun?

19 **A** Yes, he still had it out.

20 **Q** Where was it?

21 **A** In his right hand.

22 **Q** So it was still out?

23 **A** Yes.

24 **Q** Was he shooting it?

25 **A** No.

1 **Q** After you turned away, after you saw the
2 first gunshot, did you ever see the officer fire the
3 gun?

4 **A** No.

5 **Q** So when you looked, when you said that his
6 gun was out, can you stand up for me and show them
7 how it was?

8 **A** How the officer was?

9 **Q** Yeah.

10 **A** He was like this on his thing.
11 (indicating)

12 **Q** So the gun was like down at his side?

13 **A** Yes.

14 **Q** Was it pointed at anybody?

15 **A** No.

16 **Q** Okay. You can sit back down.

17 Now, at some point you were talking
18 to the police you told them that you saw, well,
19 initially when you were first interviewed you said,
20 and I want to make sure I get it right. You said I
21 saw a man with his hands in a police car trying to
22 snatch it away and then he got away. Do you
23 remember saying that?

24 **A** Uh-huh.

25 **Q** What do you mean by that. That he was

1 trying to snatch it away, I don't know what you mean
2 by that?

3 **A** Like he was trying to prevent him from
4 grabbing, keep grabbing his arm.

5 **Q** Okay. So let's clarify. When you say I
6 saw a man with his hands in a police car trying to
7 snatch it away, who was trying to snatch something
8 away?

9 **A** The deceased.

10 **Q** Michael Brown?

11 **A** Uh-huh.

12 **Q** What was he trying to snatch away?

13 **A** His hand.

14 **Q** So he was trying to get his hand out of
15 the police car?

16 **A** Yes.

17 **Q** Did you see anything in his hand?

18 **A** No.

19 **Q** Okay. And then you also said in the
20 second, now you, last week you actually met with the
21 FBI and the attorney and gave them another
22 statement, right?

23 **A** Yes.

24 **Q** And that was downtown at their FBI
25 headquarters?

1 **A** Yes.

2 **Q** Or did they come to your house?

3 **A** Downtown.

4 **Q** Downtown. Okay. And you said at that
5 time you said the officer, it was like the officer
6 was trying to pull him into the car, did you say
7 that just last week?

8 **A** Yes.

9 **Q** So describe what you saw that makes you
10 say that?

11 **A** Okay. Cause I saw him pulling away so.

12 **Q** So you saw who pulling away?

13 **A** The deceased.

14 **Q** Okay. And why is it that you say you saw
15 the officer was trying to pull him into the car?

16 **A** Because I saw him going in like a back and
17 forth motion.

18 **Q** A back and forth motion?

19 **A** Yes.

20 **Q** So did you ever see the officer, other
21 than the time you saw the taser and then saw the
22 gun, did you ever see the officer's hands?

23 **A** No.

24 **Q** So when you say a back and forth motion,
25 what was moving back and forth?

1 **A** Um, the --

2 **Q** The arms?

3 **A** The decease's body.

4 **Q** The decease's body?

5 **A** Yes.

6 **Q** Was it moving forward and back, or was it
7 from side to side or both?

8 **A** Forward and back.

9 **Q** Forward and back?

10 **A** Yes.

11 **Q** And you said already that you saw a hand,
12 one of his hands was inside the police vehicle?

13 **A** Yes.

14 **Q** And one was on the police vehicle?

15 **A** Yes.

16 **Q** Okay. And you said you saw the police
17 officer grabbing, I couldn't understand what you
18 said, and then you said he was reaching for
19 something and he was trying to open the door.

20 **A** Yes.

21 **Q** So let's go back. I couldn't hear on your
22 taped statement because you are so quiet you said
23 you saw the officer grabbing. Do you remember
24 saying that?

25 **A** Yes.

1 **Q** What did you see the officer grabbing?

2 **A** I just saw him reach.

3 **Q** Pardon me?

4 **A** I just saw him reaching.

5 **Q** You saw him reaching?

6 **A** Yes.

7 **Q** With his arm or hand?

8 **A** Hand.

9 **Q** Reaching what?

10 **A** To his side, right side.

11 **Q** To his right. So you could see officer's
12 hand reaching to his right side?

13 **A** I could see his arm.

14 **Q** Yeah. You said the officer tried to open
15 the door and then he shot his taser. So when you
16 say he tried to open his door, was, I don't want to
17 assume something, I don't know if that means he
18 couldn't open the door, or he did open the door, but
19 what do you mean when you say he tried to open the
20 door?

21 **A** He did, he opened it. That's when he
22 started to open it.

23 **Q** Okay. Did anything prevent him from
24 opening the door?

25 **A** No.

1 **Q** When he tried to open the door, was
2 Michael Brown still right up against the car?

3 **A** No, he was towards the end.

4 **Q** It was towards the end. Okay. So Michael
5 Brown, you already said was backed a little bit away
6 toward the back of the vehicle?

7 **A** Yes.

8 **Q** And you also said that one of the things,
9 one of the reasons why you turned away is you assume
10 that Michael Brown would have been in custody and in
11 handcuffs?

12 **A** Yes.

13 **Q** Why did you assume that?

14 **A** Because I didn't hear any more shots.

15 **Q** Okay. So when you turned away, you turned
16 away after the first gunshot?

17 **A** Yes.

18 **Q** And then you said you heard four more
19 shots?

20 **A** Yes.

21 **Q** Was there any pause between the first
22 gunshot and the four more shots?

23 **A** Yes.

24 **Q** Okay. Do you know how long it would have
25 been?

1 **A** About five seconds.

2 **Q** About five seconds?

3 **A** (Nods head.)

4 **Q** So when you say you turned away and you
5 didn't look because you assume that Mike Brown or
6 assume that that guy would have been in custody in
7 handcuffs, did you assume that before you heard the
8 four gunshots or after?

9 **A** Uh, before.

10 **Q** Before. And then you hear four gunshots
11 and then you are went back and looked out the
12 window?

13 **A** Yes.

14 **Q** And that's when you saw him on the ground?

15 **A** Yes.

16 **Q** When Michael Brown was moving away from
17 the police officer, did you ever see his hands up in
18 the air like this in this motion? (indicating)

19 **A** I don't remember.

20 **Q** Okay. And so you don't remember?

21 **A** (Nods head.)

22 **Q** All right. Did you ever see Michael Brown
23 doing anything with his hands around this area of
24 his midsection?

25 **A** No.

1 **Q** No, you didn't?

2 **A** No.

3 **Q** Because you are shaking your head, no, I
4 don't want to put, I don't want to put this in your
5 mouth, you tell me, it is yes or no. And if you
6 don't remember, remember I said the correct answer
7 is, I don't remember or I don't know, okay?

8 **A** Uh-huh.

9 **Q** Did you recall seeing anything like that
10 where his hands were somewhere in this area of his
11 body doing anything?

12 **A** No, I don't.

13 **Q** Did you ever see Michael Brown running?

14 **A** Yes.

15 **Q** Okay. So can you describe the way he was
16 running, was he running with his arms at his sides
17 or was he running with his arms outstretched in any
18 way?

19 **A** He was running to the side.

20 **Q** Arms to the side?

21 **A** Yes.

22 **Q** And so when you saw him running, was he
23 running away from the officer?

24 **A** Yes.

25 **Q** Was he running fast or was he kind of

2 **A** When I saw him he was just starting to
3 run, so I don't know.

4 MS. WHIRLEY: I didn't hear that.

5 MS. ALIZADEH: When he first took off, is
6 that what you said?

7 **A** Yes.

8 . His speed, how
9 fast did you see him run or was it like a jog?

10 **A** It was like a jog.

11 : Okay.

12 MS. ALIZADEH: And that was when he first
13 took off?

14 **A** Yes.

15 Q (By Ms. Alizadeh) So whether he stopped or
16 slowed down or got faster, you stopped looking at
17 that point?

18 **A** Yes.

19 **Q** Is that right?

20 **A** Yes.

21 MS. ALIZADEH: I don't think I have any
22 other questions. Sheila?

23 Q (By Ms. Whirley) You said you have never
24 seen anyone tased before, right?

25 **A** Yes.

1 **Q** What made you think he was being tased?

2 **A** Um, because I saw like --

3 **Q** You got to talk loud enough for me to
4 hear.

5 **A** I said because I saw him reaching for
6 something and then I saw a metal string come out.

7 **Q** You sought the officer reach for something
8 and you saw a metal string come out?

9 **A** Yes.

10 **Q** Okay. When Mike Brown ran away, you said
11 he was kind of jogging as he is running away from
12 the officer, was the officer shooting at him?

13 **A** No.

14 **Q** Did you hear a shot fired at that point?

15 **A** It got silent.

16 **Q** I'm sorry?

17 **A** It was silent.

18 **Q** It was silent?

19 **A** Uh-huh.

20 **Q** What do you mean?

21 **A** After the first shot, I didn't hear no
22 more shots until like five seconds later.

23 **Q** Okay. So the first shot, what was
24 happening when you heard the first shot?

25 **A** He was trying to exit the vehicle.

1 **Q** He was what?

2 **A** Trying to exit the vehicle.

3 **Q** Where was Mike Brown when the officer is
4 trying to exhibit the vehicle?

5 **A** Towards the end.

6 **Q** Towards what?

7 **A** The end of the car.

8 **Q** He was trying to get away from the car?

9 **A** Yes.

10 **Q** And the officer was exiting the vehicle
11 and shot?

12 **A** Yes.

13 **Q** What direction did he shoot at?

14 **A** Like he had, he was halfway out the car.
15 So he turned like towards his way to shoot.

16 **Q** Turn towards Michael Brown?

17 **A** Yes.

18 **Q** He was shooting at Mike Brown as Mike
19 Brown is running away from the car?

20 **A** Yes, as he's starting.

21 **Q** Okay. And then you didn't hear any other
22 shots?

23 **A** No.

24 **Q** And that's when you stopped looking?

25 **A** Yes.

1 **Q** When you saw Mike Brown at the driver's
2 side window, when you said you thought he was trying
3 to get away?

4 **A** Yes.

5 **Q** Could you see them pretty clearly?

6 **A** Yeah, I only saw the side of the officer's
7 face.

8 **Q** I'm sorry?

9 **A** I only saw the side of the officer's face
10 and I saw the back of Michael Brown.

11 **Q** You could see the back of Mike Brown and
12 the side of the officer's face?

13 **A** Yes.

14 **Q** Could you see their hands, you could see
15 Mike Brown's hands?

16 **A** Yes.

17 **Q** Could you see the officer's hands?

18 **A** No, I just saw his arms.

19 **Q** You saw his arms. Did he have on sleeves?

20 **A** He had short sleeves.

21 **Q** Short sleeves. So you could clearly see
22 his sleeves?

23 **A** Yes.

24 **Q** You could tell he was white?

25 **A** Yes.

1 **Q** How far do you think you were aware from
2 them, anyway to tell me?

3 **A** I don't know.

4 **Q** Do you have pretty good eyesight?

5 **A** Yes.

6 **Q** You don't wear glasses or anything?

7 **A** No.

8 **Q** So you saw Mike Brown's hands, was Mike
9 Brown striking the officer?

10 **A** No.

11 **Q** When you saw him he wasn't hitting the
12 officer?

13 **A** No.

14 **Q** You never saw him with a balled up fist or
15 anything?

16 **A** No.

17 **Q** Did you see him reach in for the officer's
18 gun?

19 **A** No.

20 **Q** You never saw him reach for the officer's
21 gun?

22 **A** No.

23 **Q** Were you close enough to see what was
24 going on in the car?

25 **A** No.

1 **Q** You were not?

2 **A** No.

3 **Q** But you were close enough to see, what
4 could you see?

5 **A** Well, I saw him reaching and I saw --

6 **Q** You saw who reaching?

7 **A** Mike, and then I saw the officer reaching
8 for his taser, that's all I saw.

9 **Q** So you could see inside the car, you
10 thought he was reaching for his taser?

11 **A** But I can barely see.

12 **Q** You can see the officer reaching for
13 something?

14 **A** Yes.

15 **Q** Did you see Mike's hands go to where the
16 officer's hands were reaching?

17 **A** No.

18 **Q** Were you in a position to see?

19 **A** Yes.

20 MS. WHIRLEY: I think that's it for me.
21 Questions?

22 At any
23 point did you see his whole top of his body, Mike
24 Brown's, go inside the police vehicle?

25 **A** No.

1 Do you know what mace
2 looks like?

3 **A** What?

4 : Mace?

5 **A** No.

6 . You are in
7 , correct?

8 **A** Yes.

9 : So you didn't see
10 anybody, a man down in the grass area in a green
11 shirt, or did you?

12 **A** No, I didn't see nobody.

13 : You didn't see anybody
14 out there, no people?

15 **A** I saw one person on the sidewalk with a
16 black shirt.

17 : No, I'm sorry, what?

18 **A** I saw one person on the sidewalk with a
19 black shirt.

20 : A person on the sidewalk,
21 can you show me where on the sidewalk that person
22 was?

23 **A** He was right here. (indicating)

24 : What about your side of
25 the street, by your building?

1 **A** There was nobody.

2 : There was nobody there?

3 **A** Nobody.

4 : You know for sure or

5 didn't see them?

6 **A** I know for sure.

7 : Thank you.

8 MS. ALIZADEH: Did you notice a white lady
9 out there?

10 **A** No.

11 MS. ALIZADEH: Is it that you didn't
12 notice or you say I looked and there wasn't anybody
13 out there.

14 **A** I looked.

15 MS. ALIZADEH: Nobody out there?

16 **A** Nobody out there.

17 . When the
18 officer exited the car, the vehicle, could you see
19 his face?

20 **A** Yes.

21 : Was there any coloration
22 to his face?

23 **A** No, he was like a regular white guy.

24 MS. WHIRLEY: I didn't hear you.

25 **A** He had a beard and a mustache.

1 MS. WHIRLEY: You think he had a beard and
2 a mustache.

3 A Yes.

4 MS. ALIZADEH: What color was his beard
5 and mustache.

6 A Like a yellow-ish color.

7 MS. ALIZADEH: Huh?

8 A Like a yellow-ish color.

9 MS. ALIZADEH: I am just wanting to know
10 was it like blond, or was it brown or dark?

11 A It was a blond color.

12 MS. ALIZADEH: Blond colored.

13 A Yes.

14 MS. ALIZADEH: Was it a full beard, like
15 full beard like this guy kind of has, Number 1, or
16 was it more of a partial beard like the guy in the
17 blue shirt?

18 A It was like a partial beard.

19 MS. ALIZADEH: Kind of like goatee and
20 mustache.

21 A It wasn't a goatee, it was just --

22 MS. ALIZADEH: I describe it as a goatee,
23 I don't know, but it was not the full beard.

24 A Yeah, it wasn't full beard.

25 MS. WHIRLEY: Did his face look injured.

1 **A** No.

2 : I have one more question.

3 . When he exited the vehicle, did you
4 see his lips moving at all, you know, telling Mike
5 Brown to do anything?

6 **A** I wasn't paying attention.

7 : That's when you left okay.

8 . I have one
9 more question. When you say at the very beginning
10 you said you heard screaming, did it appear that
11 there were two people screaming or was it just one
12 voice you heard.

13 **A** I heard one voice.

14 : One voice.

15 **A** Yes.

16 MS. WHIRLEY: You couldn't make out what
17 the screaming was, could you?

18 **A** No.

19 MS. WHIRLEY: Can you demonstrate what the
20 screaming sounded like?

21 **A** It was like --

22 MS. ALIZADEH: That's going to actually
23 require he actually raise his voice, I don't know.

24 MS. WHIRLEY: That's exactly why I asked
25 the question.

1 MS. ALIZADEH: And you've had two
2 interviews, right?

3 A Yes.

4 MS. WHIRLEY: Did you talk to anybody in
5 the apartment complex about what happened?

6 A No besides my dad and his girlfriend.

7 MS. WHIRLEY: Your dad. You said you
8 didn't know, there is a lot of young people I
9 understand that live in the complex, but you had not
10 become friends with any of them?

11 A No.

12 MS. WHIRLEY: You didn't hang out with
13 anybody?

14 A No.

15 MS. WHIRLEY: Or talk to anybody about
16 what happened?

17 A Huh-uh.

18 MS. WHIRLEY: Even when you went back
19 later to visit with your dad?

20 A No.

21 MS. WHIRLEY: Okay. All right.

22 (End of the testimony of
23)

24 MS. ALIZADEH: It is October 27th, this is
25 Kathi Alizadeh, it is 12:11 p.m. We just took a

1 little bit of a break so we could print-out some
2 transcripts because the grand jurors have asked to
3 listen to the recorded statement of
4 that was made to the FBI on September 30th. So we
5 have that disc queued, it is about 22 minutes. We
6 were going to try to play that before lunch, we
7 didn't get to it because we were busy making the
8 copies. You all still want to start that or do you
9 want lunch. It is not out there right now. So go
10 ahead and start this?

11 The only other thing, and Sheila and I had
12 a discussion about this before now is, she and I are
13 going to kind of wing how we are doing this, after
14 testified and she had come here with
15 who she said was her godson and were
16 in the waiting room here and testified after
17 she did.

18 So when we walked out and we were
19 kind of saying goodbye to them and they were getting
20 ready to walk out, I made the comment
21 about how it is too bad there weren't surveillance
22 cameras in the complex.

23 And then said that she had video
24 the entire thing on her phone and I said, what
25 portion, what part did you video the whole thing I

1 said the shooting, you have the shooting taped on
2 your phone. And she said yes, but I dropped the
3 phone in the toilet.

4 MS. WHIRLEY: Then I asked her, you know,
5 where is the phone, thinking we might be able to
6 recover it with forensic examination. She said it
7 is in the junk yard. She got so mad she threw it
8 away.

9 MS. ALIZADEH: This is information that
10 I've never known about.

11 MS. WHIRLEY: Neither have I.

12 MS. ALIZADEH: And Sheila has never known
13 about this, and from my observation of her godson
14 , he was, this was news to him as well
15 because he asked her where is the phone and, you
16 know, he seemed to indicate that he had not heard
17 that information before.

18 So I thought it was important that you
19 know that.

20 MS. WHIRLEY: I agree.

21 MS. ALIZADEH: Sheila and I kind of
22 unwittingly became witness to that statement. I
23 don't think it is appropriate that we testify as
24 witnesses, but what we discussed is that knowing
25 that there was a statement made like that.

1 If you desire we can bring
2 back in and question her under oath about whether,
3 about that and you can ask her whatever questions
4 you want, but I wanted you to have that information
5 so that you could make a decision amongst yourselves
6 about whether you want to have her come back in and
7 ask her about that.

8 So you guys can talk about that during
9 your lunch break and for now we will go ahead and
10 start the pass out the transcripts.

11 Did she mention was the
12 recorder, was it on when the FBI was there or was it
13 just sitting on her counter?

14 MS. ALIZADEH: My recollection and this is
15 what you all are going to have to discuss amongst
16 yourselves what she testified to, I believe I asked
17 her if she was wearing the camcorder when the
18 shooting occurred, and she said no. I think she
19 said it was in her house, she said that during the
20 first interview she was in her pajamas when they
21 came.

22 She said that.

23 MS. ALIZADEH: You all are going to have
24 to look at your notes. I don't want to represent
25 she said something that maybe I'm wrong about that.

1 I did ask her if she had the camera on during the
2 shooting and she said no. But whether or not she
3 had it on when she was being interviewed by the
4 officers, I recall something about that, you all are
5 going to have to talk amongst yourselves about that.

6 : So no more questions?

7 MS. ALIZADEH: I don't know that I can
8 answer, I don't want to characterize the witness'
9 testimony or clarify it because that's something,
10 that will be my interpretation and I don't want to
11 have to do that. I will tell you that I think that
12 there was talk about that if it is helpful, we can
13 go back and, of course, we have the testimony on
14 audio, we also will eventually have a transcript of
15 it as well.

16 If you want to make a note that once those
17 transcripts are available to me, that I can give
18 them to you and you can go back and look and see
19 exactly what she said in regard to that, all right.

20 I'm not being rude, I just need to have
21 you guys decide that.

22 You ready?

23 (Playing of the audio recording of
24 .)

25 MS. WHIRLEY: We are stopping this

1 recording of at one minute and 56
2 seconds and we will resume after lunch. This is
3 October the 27th, 2014. The statement is actually
4 approximately 33 minutes and some seconds, so we
5 will resume it after lunch, thank you.

6 (Lunch recess taken)

7 MS. WHIRLEY: It is October the 27th,
8 2014. Approximately 1:17 p.m. We are going to
9 resume the recording of . We stopped
10 at about 2156. It looks like 2158, so it inched up
11 a couple seconds. I don't think they're talking
12 yet. I'm going to start it and then I'm going to
13 find when they resumed the conversation.

14 (Resume playing of the audio recording of
15 .)

16 (End of the audio recording of
17)

18 (Grand Jury Exhibit Number 55
19 marked for identification.)

20 MS. WHIRLEY: It is October 27th, 2014 at
21 approximately 1:35 p.m. I'm getting ready to play
22 the video recording, I'm sorry, the audio recorded
23 statement of . You guys heard from her
24 earlier today. It is identified as Grand Jury
25 Exhibit Number 55. There's two transcripts that I

1 passed out because as she testified, she turned off
2 the recording and then they started recording again.
3 I did not know exactly how long her statement is, it
4 is not very long at all. So with that --

5 MS. ALIZADEH: The transcript, they're
6 both dated August 26th, but the one, the first one
7 is 9:32.

8 (Playing of recorded interview of
9 .)

10 MS. ALIZADEH: This is Kathi Alizadeh, it
11 is about 2:07. And I told you that I had a
12 conversation this weekend with . We
13 had talked about her coming in to complete her
14 testimony today. I asked her to be here by 1:00 and
15 I said if you can be here by 12:30 that would be
16 great, and here it is ten after 2:00, she's not
17 here.

18 I did call the number I have for her, I
19 got her answering message and I left her a message
20 to call me about trying to reschedule. So I don't
21 have any other live witnesses for today. Based upon
22 what you all have told me before, told us, I have
23 transcripts for two statements that were done by a
24 woman whose already testified woman who has already
25 testified,

1 There was an interview of her on
2 August 9th, the day of the incident at 4:00 p.m.
3 That interview was done by St. Louis County
4 Detective and lasted two minutes and 23
5 seconds. So I have this transcript I can pass out
6 to you. You guys can look at that right now if you
7 would like.

8 And then there's a transcript of an
9 interview of that's done on
10 August 16th, 2014 at 11:43, I'm sorry, 11:34 a.m. by
11 Special Agent and Special Agent
12 , and so this interview was 24 minutes
13 and 26 seconds so I will pass those transcripts out
14 to you.

15 If you guys just want to take the rest, I
16 know we're breaking at 2:30 today. So if you guys
17 want to take the rest of that time to review those
18 transcripts. And then if you have any need to hear
19 those statements, those prior statements, we can
20 play those at another time, or if you have a need to
21 review testimony after having
22 reviewed her, the transcripts of her prior
23 statements, we can get that testimony, either play
24 it back audio wise or we can get you transcripts of
25 those as well. All right.

1 So at this time we'll cease the recording
2 probably. We plan on recessing by 2:30 today. So
3 at this time we'll just call the record quit for you
4 all to review this until it is time to go, all
5 right.

6 (End of Grand Jury Volume XVI.)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1

2 State of Missouri

3 SS.

4 County of St. Louis

5 I, a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury Volume XVI

12

13 10/27/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave., 2nd Floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave., 2nd Floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Grand Jury Volume XVII

Date: October 28, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 28, 2014

VOLUME XVII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 28th day of October, 2014,
17 before XXXXXXXXXXXXXXXX.

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XVII

2 MS. WHIRLEY: Good morning. Today is
3 October 28th, it is approximately 8:39 a.m. This is
4 Sheila Whirley present, and also the 12 grand jurors
5 are here and XXXXXXXX, the court reporter, is here.
6 Kathi Alizadeh is here, but has stepped out
7 momentarily. We are going to start out the morning
8 with the statement of . You have the
9 transcripts. It is on Grand Jury Exhibit Number 49.

10 (Grand Jury Exhibit Number 49
11 marked for identification.)

12 MS. WHIRLEY: I will play approximately 20
13 something minutes. She has another statement that
14 goes 40 something minutes. We are actually waiting
15 on her to come that's why we are going to go ahead
16 and do the statements. She was supposed to be here
17 at 8:30. Kathi is going to check on that and she
18 had not arrived before we came in this morning. So
19 we are still waiting on her. So that's the way we
20 will start the morning. XXXXXXXX, with that bit of an
21 introduction if you can pause the recording.

22 (This is the playing of the interview of
23 .)

24 MS. WHIRLEY: All right. That was the
25 first statement by We have another

1 statement by . I understand she is on
2 her way. There was a mixup with transportation, but
3 she's on her way. This one is, I think,
4 approximately 42 minutes. And it was an FBI
5 interview that was conducted on September the 25th
6 of 2014. I'm passing out the transcripts. The
7 actual recording is on Grand Jury Exhibit Number 36,
8 and we will play that as soon as the transcripts are
9 distributed.

10 (Playing of the second interview of
11 .)

12 MS. WHIRLEY: That concludes the second
13 interview of . We will take a break,
14 you probably need one and then we'll start with her
15 testimony when we resume.

16 ,
17 of lawful age, having been first duly sworn to
18 testify the truth, the whole truth, and
19 nothing but the truth in the case aforesaid,
20 deposes and says in reply to oral
21 interrogatories, propounded as follows, to-wit:

22 EXAMINATION

23 BY MS. WHIRLEY:

24 Q I'm Sheila Whirley and these are the 12
25 grand jurors. You met Kathi Alizadeh and XXXXXX, the

1 court reporter, sits next to you.

2 Please introduce yourself to the
3 grand jurors and spell your name for us?

4 **A** Hi. My name is , last
5 name .

6 **Q** Okay. , you know why we're here,
7 the shooting of Michael Brown. Did you know Michael
8 Brown?

9 **A** No, I didn't know him. I seen his cousin,
10 I think that's the one that has the dreads. I seen
11 him a couple times, but I didn't know him.

12 **Q** We're going to ask you to speak up. I
13 generally stand back here so you and I can have a
14 conversation loud enough for everybody to hear,
15 okay?

16 **A** Okay.

17 **Q** And that microphone is not going to help
18 you be louder, so you are going to have to raise
19 your voice, okay?

20 I understand what you said about
21 Michael and the person that was with him, had you
22 seen Michael Brown before that day?

23 **A** Probably once.

24 **Q** Okay. When you saw him, did you talk to
25 him or anything?

1 **A** No, we didn't talk or anything.

2 **Q** You lived in Canfield Green Apartments
3 back on August 9th of 2014; is that correct?

4 **A** Yes, ma'am.

5 **Q** All right. There you go. All right. So
6 how long did you live there?

7 **A** Since Valentine's Day.

8 **Q** So February 14th of that year?

9 **A** Yes.

10 **Q** Of this year. Show us on the map, you see
11 that map, that's Grand Jury Exhibit Number 25 and
12 there's a laser pointer right near you somewhere.
13 You know how to use it, there's a little button,
14 there you go. And you push that button down, there
15 should be a red light if you push.

16 **A** To show where I live?

17 **Q** I want you to show us where you lived on
18 August 9th, 2014. I don't see the red light.

19 **A** I'm trying to recognize the map.

20 **Q** Get oriented to the map. So does the map
21 help you out?

22 **A** Yeah, I see it, my apartment is right
23 here. (indicating)

24 **Q** So it is like ?

25 **A** Yes.

1 **Q** All right. Now, tell us what you did that
2 morning, what time did you wake up that Saturday
3 morning?

4 **A** That morning I woke up at probably, um,
5 like 9:00. I was supposed to be expecting my
6 boyfriend, the mother of his kids to bring his child
7 over that day.

8 **Q** Was your boyfriend there with you?

9 **A** No, he was at work.

10 **Q** Okay. So when you, did the girlfriend
11 bring the child over?

12 **A** She had brought him over later. I had a
13 whole bunch of errands to do, I had to go to the
14 library to return a movie.

15 **Q** Okay. You went to the library. What
16 library did you guy to?

17 **A** .

18 **Q** Did you walk or drive?

19 **A** I caught the bus up there, but I didn't
20 have no cash, I had to walk back.

21 **Q** Was it a pretty long walk?

22 **A** Uh-huh.

23 **Q** Okay. So what time were you walking back
24 from the library?

25 **A** Um, I was coming down Canfield probably at

1 about 12:20, something like that.

2 Q Noon-ish?

3 A Yeah.

4 Q And on this map, can you tell that West
5 Florissant is over here?

6 A Yes.

7 Q And were you walking from West Florissant?

8 A Yes, ma'am.

9 Q And tell us where you were walking when
10 you first noticed something going on with Michael
11 Brown?

12 A Uh, I was probably about right here by
13 these trees. (indicating)

14 Q Okay.

15 A Because I had paused, I saw a police car
16 sitting over here.

17 Q You've got to talk a little louder.

18 A I'm sorry. Sitting near the lease office
19 with the lights on, you usually don't see a police
20 car just sitting in Canfield.

21 Q Okay. Where is leasing office, do you see
22 that on the map?

23 A Right here. (indicating)

24 Q Okay. That's the leasing office.

25 MS. ALIZADEH: Could you point at it again

1 because I was just looking down.

2 **A** I'm sorry. It is right here.

3 (indicating)

4 **Q** (By Ms. Alizadeh) Building 1?

5 **A** Yes, ma'am.

6 **Q** All right. So you pause in that area and
7 you said you saw a police car with its lights on?

8 **A** Yes.

9 **Q** What do you mean by its lights on?

10 **A** Like, uh --

11 **Q** The head bar?

12 **A** Yes, the little red and blue light on top
13 of it.

14 **Q** At the top of the vehicle?

15 **A** Yes.

16 **Q** Not the lights that help you see at night?

17 **A** No.

18 **Q** And the lights that were on, what kind of
19 vehicle was it?

20 **A** It was like the big, I don't know what
21 kind, like SUV.

22 **Q** Okay. What color?

23 **A** A white.

24 **Q** But it was a marked police car?

25 **A** Yes.

1 **Q** Okay. You could see that from Building 1
2 area?

3 **A** Yes.

4 **Q** Then what?

5 **A** Um, so I paused like right about here,
6 right by these trees just to see what was going on
7 because I saw the police car had backed up and he
8 like backed up at a slant, like to the left so that
9 he ended up in the middle of the street.

10 So all the cars that was next to me
11 like backed up right here was just sitting there. I
12 sat there to just to try to see what is going on.

13 **Q** Did you see the car when it backed up or
14 when you first noticed it had backed up?

15 **A** No, when I first noticed it was straight.
16 The car was just straight. It was sitting right
17 there, the car was facing towards West Florissant.

18 **Q** Okay.

19 **A** There was the two boys, they were like
20 behind the car kind of like, like if he would of
21 continued to talk to them the way they was walking,
22 he would of had to back up to follow them. They was
23 like walking away from his car. So he backed up at
24 a slant going to the left to try to like block them
25 off.

1 **Q** Okay. Can you describe the two boys that
2 were walking that he backed up?

3 **A** Yeah, there was a big, really big, I
4 didn't know he was that young. He looked like he
5 was in his 20s and his friend was real skinny with
6 dreads. He looked really young.

7 **Q** Do you recall what the big guy had on?

8 **A** I remember he had on a white T-shirt that
9 was about it, like tan pants.

10 **Q** Was he wearing anything on his head?

11 **A** He had a red hat on.

12 **Q** Okay.

13 **A** A red Cardinals hat.

14 **Q** A Cardinals cap?

15 **A** Uh-huh.

16 **Q** And then the guy, you said he had dreads
17 and he was smaller?

18 **A** Yes.

19 **Q** Do you recall what he was wearing?

20 **A** Looked like he had on a gray, like a dark,
21 gray shirt.

22 **Q** Okay.

23 **A** I don't remember what kind of pants or
24 anything.

25 **Q** Okay. And you said you had, you had seen

1 the smaller guy before?

2 **A** Yeah, I had seen him before.

3 **Q** But not the big guy?

4 **A** No.

5 **Q** We know today that the big guy is Michael
6 Brown, correct?

7 **A** Yes.

8 **Q** Okay. And that's who you saw?

9 **A** Yes.

10 **Q** So when the car back-back, did it
11 back-back like hurriedly or slow or what fashion did
12 the car back-back?

13 **A** It was kind of like a fast, it was quick
14 like. I don't know how to explain it.

15 **Q** Okay. That's fine. Did it appear to
16 touch the two guys that it back toward?

17 **A** It looked like it did. I'm not saying
18 that it did, but the way they jump back, like they
19 were in shock like.

20 **Q** So you saw the two people that the car
21 back towards jump back?

22 **A** Yeah, kind of like what are you doing, you
23 know.

24 **Q** Okay. Now, we read and heard your
25 recorded statements because you made two statements

1 both to the FBI and the Department of Justice?

2 **A** Yes.

3 **Q** Correct?

4 **A** Yes.

5 **Q** And you mention that your vision was
6 somewhat impaired?

7 **A** Yes.

8 **Q** As far as you needing corrective glasses
9 or lenses?

10 **A** Yes.

11 **Q** On that day, did you have what you needed
12 to make your vision very good?

13 **A** No.

14 **Q** How would you rate your vision that day?

15 **A** Um, from one to ten, I would say like
16 five.

17 **Q** Okay. So like me. I could probably read
18 from here to Forsyth without glasses, but up close I
19 cannot see anything, okay. So was your long vision
20 better than up close vision?

21 **A** Um, I'm nearsighted, so I can't see far.

22 **Q** Okay. You need glasses to help you to see
23 far?

24 **A** Yes.

25 **Q** Are you pretty confident in what you saw

1 that day because how far would you say you were
2 away? Let's look at that again. When you first saw
3 it, where were you?

4 **A** Uh, probably like right there.
5 (indicating)

6 **Q** Okay. About right here. And where were
7 they when you first noticed them?

8 **A** About right here. (indicating)

9 **Q** Okay. Anyway to judge that in feet or
10 yards, I'm not good at that, but if you can tell us?

11 **A** I'm not certain. I would probably be
12 really off.

13 **Q** Okay. We got kind of a visual picture of
14 the map that you showed us. Am I getting too close?
15 No.

16 **Q** (By Ms. Whirley) You felt that you were
17 pretty secure in what you were looking at?

18 **A** Yes.

19 **Q** Even though you need contacts?

20 **A** It is not that bad. I can see the big
21 vehicle and how he pulled back like that.

22 **Q** Okay, just checking. How about your
23 hearing?

24 **A** I couldn't really hear much of anything
25 they were saying, there was a lot of other stuff

1 going on.

2 Q You have good hearing?

3 A My hearing is fine.

4 Q You don't need assistance to hear well or
5 anything?

6 A No.

7 Q Okay. So they back-back, the officer
8 back-back, it looks like they hit them because they
9 jump a little bit and look perturbed and look like,
10 hey, what are you doing, and then what?

11 A Well, the big dude, Michael Brown, like he
12 got mad kind of, he just went immediately to the
13 driver's window and they got into it. I don't know
14 how it started. I just know he went around to the
15 window and it looked like they was fighting.

16 Q Okay. Did the little guy seem to be
17 helping?

18 A No.

19 Q Did you notice him?

20 A He was standing there for a while, but
21 once they started fighting, he just ran.

22 Q Was he next to Michael Brown on the same
23 side of the car?

24 A Yeah, he was on the same side of the car
25 still at the back of it.

1 **Q** They're at the driver's side of the car
2 since they were fighting?

3 **A** Yes, ma'am.

4 **Q** Did it look like anybody else was in the
5 car with the officer?

6 **A** No, I couldn't tell if anyone else was
7 next to the car.

8 **Q** You never saw anybody else get out or
9 anything like that?

10 **A** No.

11 **Q** Now, describe for us why it looked like
12 they were fighting, what did you see?

13 **A** Um, it was like his arms.

14 **Q** You have to tell us whose arms?

15 **A** I'm sorry, Mike's arms are reaching into
16 the car. It looked like some type of struggle cause
17 he was like bobbing in and out like they were doing
18 something. Like I said, I couldn't exactly see what
19 was going on, what they were doing, but his actions
20 looked like there was some type of fight.

21 **Q** Could you see the officer's arms?

22 **A** Not really. His body was kind of blocking
23 the window.

24 **Q** Okay. And you could just see Mike's arms?

25 **A** Yeah.

1 **Q** So you're standing on this side?

2 **A** Yes.

3 **Q** And the car is over here?

4 **A** Yeah, about.

5 **Q** Facing West Florissant?

6 **A** So it was a little farther, like right
7 there.

8 **Q** So would you have been closer, would your
9 view have been closer to the passenger side of the
10 car or the driver's side of the car?

11 **A** The driver's side.

12 **Q** Okay. Because the car was going --

13 **A** It was facing towards West Florissant and
14 then he backed like a slant going to the left, like
15 right in the middle of the street almost. That's
16 why the cars couldn't go through, he was right in
17 the middle of the street.

18 **Q** What other cars did you notice?

19 **A** I saw, it was like a black van. I don't
20 know models of cars, but right beside me there was a
21 black van, as far as behind that going down, I'm not
22 sure.

23 **Q** Okay. What did you see after that?

24 **A** Um, after that I see they were struggling
25 in the window for about, it was not that long, a

1 couple seconds and then I heard the first gunshot.
2 And that's like, you know, kind of got everybody's
3 attention, people started paying attention after
4 that.

5 **Q** How do you know that people started paying
6 attention after that?

7 **A** Because his friend, after he ran, you
8 know, he just running around looking at stuff.
9 People outside on their porches, you know, because
10 you hear gunshot over there, especially when it is
11 like right in the middle of everything, so everybody
12 could hear it. You know, people start looking out
13 their windows.

14 **Q** You notice this yourself?

15 **A** Yes, ma'am.

16 **Q** You are kind of looking around at the
17 scene. You weren't just focused directly on the
18 police officer constantly?

19 **A** Yeah, that's another thing that throws off
20 some of my details, there's so much going on.

21 **Q** Okay.

22 **A** Like even the lady in the car that was
23 beside me, she was just like, you know, just
24 looking, everybody just started to pay attention to
25 it.

1 **Q** Did you talk to anybody while this is
2 going on?

3 **A** I was by myself, I didn't talk to anybody.

4 **Q** Nobody was yelling out anything to you?

5 **A** Not until the rest of the shots fired,
6 that's when everybody went crazy.

7 **Q** The first shot, was the officer in the car
8 when that shot occurred?

9 **A** Yes, the officer was still in the car.
10 Michael Brown was still in the window when I heard
11 the first shot.

12 **Q** Tell us what happened next?

13 **A** After that, he kind of backed up and just
14 looked down at himself.

15 **Q** Show us, if you wouldn't mind
16 demonstrating?

17 **A** Like, stand up.

18 **Q** Like he backed up and was looking at
19 himself?

20 **A** Okay. So I heard the first shot and he
21 was just like, his hands was in the car and after
22 that he backed up like, trying to check himself
23 making sure he wasn't hurt or anything.

24 **Q** Could you see if he was injured from your
25 vantage point?

1 **A** No.

2 **Q** You couldn't tell one way or the other?

3 **A** No.

4 **Q** Okay. And then what?

5 **A** Um, then he kind of stepped back a little
6 bit. I did see something fall on the ground, it
7 sounded metal. So, of course, the first thing I
8 assume was it was a gun.

9 **Q** Okay. You thought that somebody had a gun
10 that fell?

11 **A** Yeah, at first I was thinking he had a
12 gun.

13 **Q** Michael Brown?

14 **A** Yeah.

15 **Q** Go ahead.

16 **A** So the officer got out of the car, you
17 know.

18 **Q** This metal object that fell?

19 **A** Uh-huh.

20 **Q** Did it appear that the officer or Michael
21 Brown or anyone else retrieved that object?

22 **A** I didn't see anybody pick it up because at
23 that point was another point when I was looking
24 around.

25 **Q** Okay.

1 **A** When I did look back, that's when the
2 officer had the gun, he was pointing it at him.

3 **Q** Did you notice if that object that you
4 thought that fell on the ground was still on the
5 ground?

6 **A** It wasn't.

7 **Q** It wasn't there any more?

8 **A** No.

9 **Q** Okay. You did notice that?

10 **A** Yes, ma'am.

11 **Q** Okay. So the officer you said at that
12 point when you saw the officer again he was out of
13 the car?

14 **A** Yes.

15 **Q** And what was the officer doing?

16 **A** He was like just standing with the gun
17 facing him and then like.

18 **Q** Show us how he had the gun, the stance?

19 **A** He was just like, you know, officer, just
20 standing like this. Like he was, you know, going to
21 shoot him, like he did something.

22 **Q** Okay. Where was he though and maybe I
23 missed something. Let's go back to the shot went
24 off, Michael Brown checked himself out, was acting
25 like he was looking at himself. Then where did

1 Michael Brown go?

2 **A** He backed up a few steps. At first he
3 tried to run, at first when -- when he first looked
4 at himself he tried to run.

5 **Q** Where was he running to though?

6 **A** Back towards the back of Canfield, like
7 back where his friend ran right there.

8 **Q** So east on Canfield?

9 **A** Yeah, the car was about right here, he ran
10 to about right here. (indicating)

11 **Q** How did he get around the car, did he just
12 go from the back of the car?

13 **A** He was like next to it so he didn't have
14 to, you know, there was too much turning to go down
15 the street.

16 **Q** Okay. And you said at first he tried to
17 run?

18 **A** Yeah, he made a couple little steps like a
19 quick sprint, nothing more than like five to seven
20 steps.

21 **Q** And then what?

22 **A** He didn't get that far. And then he
23 turned around, the officer had the gun pointed at
24 him and then you just heard the rest of the shots.

25 **Q** Let me ask something though. Did the

1 officer like pursue him when he was running away?

2 **A** No, I didn't see him run after him.

3 **Q** The officer just got out of the car?

4 **A** Yes, I saw him standing there. I didn't
5 see him get out of the car.

6 **Q** Okay.

7 **A** You know, certain things I saw and certain
8 things I didn't see.

9 **Q** But when you caught it again, Michael
10 Brown had turned around?

11 **A** Yes.

12 **Q** Did you see him turn around?

13 **A** Yes.

14 **Q** Can you show us how he did that?

15 **A** Just. (indicating)

16 **Q** So like run that way, I mean, or walk that
17 way of however he was doing it?

18 **A** Okay. He just turned around like, you
19 know, he put his arms about shoulder length and just
20 stopped, like looking at him. And then, um, that's
21 when I heard the rest of the shots. I heard the
22 first two, I didn't see them. And then when I
23 looked at him, I saw him still shooting him.

24 **Q** Okay. So you heard two shots?

25 **A** Yes.

1 **Q** As part of this set of shots or two
2 separate shots and then a pause?

3 **A** No, it was all in a set. It was like in a
4 row like that. (indicating)

5 **Q** Okay.

6 **A** The first two of them I didn't see. I
7 wasn't looking. The rest of them I was looking
8 straight at him and I saw the actual shots going
9 into him.

10 **Q** It looked like the shots were going into
11 him?

12 **A** Yes.

13 **Q** How could you tell, what was it looking
14 like?

15 **A** I mean, I can't tell, you know, I can't
16 really tell. I'm just saying based on him pointing
17 the gun at him and hearing all the pops and seeing
18 the smoke coming off his gun.

19 **Q** You saw the smoke?

20 **A** Yeah, I saw the smoke and you could smell
21 it like, it was like firecrackers almost.

22 **Q** You could smell it from where you were?

23 **A** Yes.

24 **Q** Was it a windy day?

25 **A** I don't remember.

1 **Q** Was his arms up the way you showed us when
2 he was being shot?

3 **A** Yes, about, like his palms were out facing
4 forward, they were about at his ears, I'd say, like
5 shoulders, about like that.

6 **Q** Okay. What did that mean to you to have
7 your arms like that?

8 **A** That meant surrender, that meant take me
9 to jail.

10 **Q** You thought he was surrendering?

11 **A** Yeah.

12 **Q** Did you ever see him rush the officer
13 like, you know what I mean by rush?

14 **A** Yeah, like he was mad.

15 **Q** Was he running toward the officer or
16 charge him?

17 **A** I didn't see that.

18 **Q** Okay. Did you ever hear anybody ever say
19 anything?

20 **A** As soon as the shots got fired, like I
21 said, I was up here by these trees, I was behind a
22 mailbox. I was standing right there after the rest
23 of the shots got fired. His friend that was with
24 him was running around, he was running. He was like
25 here, I guess. I don't know what he was doing. He

1 was standing with some dudes, he started running
2 around the complex, they shot him, they shot my home
3 boy, he didn't even deserve that.

4 It was the police that killed him, it
5 was the police that killed him. That is what got
6 the big crowd out there real fast.

7 Q Just to go back to when those last shots
8 was fired. You thought it was about how many shots?

9 A It sounded about like six.

10 Q Did you see Michael Brown fall?

11 A Yes.

12 Q Were you watching him then?

13 A Yes.

14 Q How did he fall to the ground?

15 A He fell face forward. There wasn't no
16 pause on his knees or nothing, it was just straight
17 down. (indicating)

18 Q You didn't see him go down on his knees
19 and then fall, it was just from standing to
20 facedown?

21 A Yeah.

22 Q Okay. And then what did the officer do?

23 A The officer walked up to his body and was
24 standing over him like he was going to get back up.
25 He was just looking at him like, just looking down

1 at him like, I don't know.

2 Q Did the officer still have his weapon in
3 his hand?

4 A He still had his weapon in his hand.

5 Q Did you notice what he was doing with the
6 weapon or if he was doing anything?

7 A No, I just know he still had the gun right
8 at his side in his hand. He was just looking down
9 at him, just like walking around him, you know, just
10 like walking a circle around him like. I don't
11 know, it was just strange.

12 Q So he didn't holster the weapon at that
13 point after Michael Brown was down?

14 A No.

15 Q Okay. Show me where you saw the body fall
16 on the map?

17 A It was probably like right here. Like
18 right there, went a couple steps and fell.
19 (indicating)

20 MS. ALIZADEH: Can you do that again?

21 A About right here is where his body was.
22 (indicating)

23 Q (By Ms. Whirley) Where were you again?

24 A By this time I was over here.

25 Q Okay. What did you do after the body

1 fell?

2 **A** I ran in the house.

3 **Q** Which way did you go home?

4 **A** Back this way.

5 **Q** Okay. And again, you live in building?

6 **A** .

7 **Q** So you went back this way?

8 (indicating)

9 **A** Yes.

10 **Q** Okay. Did you see, at the time of the
11 shooting, were there any other police vehicles
12 there?

13 **A** No, when he first got shot he was laying
14 there I seen another police car pull up probably
15 about ten minutes later. It wasn't that long after
16 the police car pulled up. So there was two police
17 cars out there, they eventually, I guess they told
18 the cop that shot him to go home because he wasn't
19 out there after a couple of minutes.

20 **Q** Did that car that showed up, did it have
21 its head bar lights on too?

22 **A** Yes.

23 **Q** Did you talk to any police officers or any
24 investigators that day?

25 **A** No.

1 **Q** How did you come to talk to the
2 investigators?

3 **A** Honestly?

4 **Q** Honestly.

5 **A** I was at home enjoying myself watching a
6 movie and there's a knock on the door, and two big
7 guys with FBI things on. I told my boyfriend to get
8 the door, I don't want to talk to anybody, go get
9 the door.

10 So he answered the doors and says, I
11 was at work on that day, but my girlfriend was here
12 and saw the whole thing so. Oh, really, can we come
13 inside? I couldn't say no, the first thing he said
14 was just say no. So figure you can't say no to an
15 FBI agent. So, yeah, that's how it went.

16 **Q** Okay. So had you told your boyfriend
17 about what happened that day?

18 **A** Yeah, I told him because his son was
19 coming over. When she finally did get there, she
20 said, did you know somebody got shot? I was like,
21 yeah, I was just out there.

22 **Q** Did you tell her what happened too?

23 **A** No, I don't like her. We don't talk.

24 **Q** Okay. How old is the little boy?

25 **A** He's one.

1 **Q** Okay. All right. But you did share with
2 your boyfriend?

3 **A** Yeah.

4 **Q** All right.

5 **A** Because I never, I've never seen anybody
6 get killed. I've seen police brutality firsthand,
7 but I've never seen nothing like that, nobody's life
8 get taken.

9 **Q** Did you think this was police brutality?

10 **A** Honestly, to me it looked like murder.
11 I've seen the Ferguson police do some really awful
12 things. I've personally myself filed cases against
13 them for them coming into my house and basically
14 beating me up.

15 **Q** Okay. Tell us about that?

16 **A** Okay. So my boyfriend had got into it
17 with his son's mom.

18 **Q** Yeah, baby momma.

19 **A** Yeah.

20 **Q** Go ahead, we know about it.

21 **A** He got into it with her. The two of them
22 were fighting and arguing. I had just got off work.
23 She got off the bus with me so, you know, me and
24 her, why are you getting off the bus and going to my
25 house. It is my son's birthday, you know, I'm just

1 trying to get stuff for him, don't worry about it.

2 So she walked in the house, they get into it. I

3 didn't tell you could come over here.

4 So basically they started fighting,

5 he called the police on her. When the police

6 arrived, which was not that, it was like two minutes

7 later, like they was literally parked down the

8 street. When they arrived he was standing in the

9 doorway.

10 They walked straight up to him, they

11 didn't ask questions, they grabbed him, put him in

12 cuffs, told him to get on his knees. Like how am I

13 going to get on my knees when you're twisting my arm

14 up in the air.

15 They pushing his face all up on the

16 wall. Me and her are in there crying, he didn't do

17 nothing, he's the one that called you. They dragged

18 him outside.

19 She was getting ready to leave. So

20 her son, he wasn't even one at this time. He was,

21 where was he. He was sitting on the porch in his

22 stroller, still on the porch. It was freezing

23 outside, snow on the ground.

24 So they close the front door, left

25 him out there on the porch after they dragged

1 down the steps.

2 So they had me and her, and they sat
3 her on the couch. I come out of the kitchen because
4 it is a walk-around bar in the kitchen. So I come
5 around the bar in the kitchen, I'm like, what are
6 y'all doing in my house, why you doing my boyfriend
7 like that. He's the one that called y'all.

8 Like don't you understand, we had
9 nothing to do with this, we are trying to remove her
10 because we live here.

11 He was like the B word, don't say
12 nothing to me, this has nothing to do with you, this
13 is a police matter now.

14 **Q** They called you the B word?

15 **A** Yes. The Canfield security officer, he
16 came in, come on man, these are kids. Don't do them
17 like that. You shut up because this is a police
18 matter, we're taking over this investigation and
19 stuff like that. What investigation. These are
20 kids. They called you for this girl that don't live
21 here.

22 So I'm like yelling at him, yes, I
23 did get mad. I started yelling at him. I'm like,
24 my name is on the lease. I didn't have nothing to
25 do with this. Why y'all in my house, you tearing it

1 up and all of this.

2 Okay. You don't know how to reason,
3 somebody come put her in cuffs. This big huge
4 officer came and put the cuffs on me. He kicked me
5 all over my back and he got cuffs like this, and
6 there was cuts all around my wrist. I had bruises
7 on my body and then they let her go. They let the
8 momma go. She started crying my baby's in the snow.

9 Q She took the baby?

10 A She took the baby and walked down the
11 street. They put my boyfriend in the cop car. So
12 I'm in handcuffs walking around the house, so I walk
13 outside. Where's she going. Oh, there she is.
14 Don't you love how they just like to wander around
15 like the walking dead.

16 I'm out there like, where's my
17 boyfriend, looking in the police car and stuff. So
18 they come out there, he put me in the car and I'm
19 like, what am I going to jail for.

20 We search your name, you probably
21 have a traffic ticket. I don't even drive, I have
22 no car. Well, we're going to find out when we get
23 down there.

24 I get down there, they say I have a
25 Metro ticket for the MetroLink. They kept me in

1 there, I was a manager at this time. I had to open
2 my store at 9:00 in the morning. They kept me in
3 there until 2:00 p.m. They let my boyfriend out at
4 like 3:00 in the morning. Well, he called them.

5 **Q** Now, was this officer, you know the
6 officer who is involved in this case, Darren Wilson,
7 correct?

8 **A** Yes.

9 **Q** Was he involved in any of this that
10 happened with you?

11 **A** No, it was another dude.

12 **Q** It was another one?

13 **A** Big guy with a mustache.

14 **Q** Had you ever had any type of altercation
15 with Darren Wilson as a police officer?

16 **A** No.

17 **Q** How long ago did this happen to you?

18 **A** Um, that was probably like March and we
19 had been trying to get some type of justice up until
20 basically this. The security officer at Canfield
21 had everything on tape, like he recorded everything
22 he had taped that he sent to the landlord. He was
23 like, you need to do something. You need to take
24 this to court or sue Ferguson, he's telling her all
25 of this.

1 **Q** So, in your opinion, you mention tape, did
2 you tape any of this --

3 **A** No.

4 **Q** -- shooting?

5 **A** At that time I didn't have a phone that
6 could record.

7 **Q** Do you know anybody who has a tape of the
8 actual shooting?

9 **A** I saw a girl standing out there. It was
10 about that time when he was out of the car, she was
11 recording. She could have got most of the shooting,
12 but one of the officers took her phone.

13 **Q** How do you know that?

14 **A** I was standing there in the crowd at that
15 point. This was like 20 minutes after the shooting,
16 his body was still laying out there.

17 **Q** You saw an officer take her phone?

18 **A** Yeah, this was after I ran in house. I
19 put my bags down from the library, I was just
20 basically out there walking and, you know, mingling
21 around with all the people outside. I saw her
22 before I even went in the house, she was standing
23 like, she was standing like right here.

24 (indicating)

25 **Q** Okay.

1 **A** Her house is right here. She was standing
2 on her porch like over there.

3 **Q** Do you know her name?

4 **A** I don't know her.

5 **Q** Okay.

6 **A** That was my first time seeing a lot of
7 these people. But I saw her, she was like, I got
8 the whole thing, she's standing there like, yeah, I
9 got you on camera too. He came over and took her
10 phone.

11 **Q** Was it a Ferguson office?

12 **A** It was a Ferguson officer.

13 **Q** You know the difference between Ferguson
14 and County?

15 **A** And the County, yeah, it was Ferguson.

16 **Q** It was an Ferguson officer?

17 **A** Yeah.

18 **Q** Okay. One second. So based on your
19 knowledge of what's going on in the community, how
20 would you describe the relationship between the
21 police and the residence there in Canfield Green.

22 **A** From every instance I've been involved
23 with the police, I'm not a criminal. I don't have
24 any record. I don't have any reason to be arrested
25 or brutalized. A lot of people that I know over

1 there is the same way.

2 What I see when the police come, it
3 is like instant panic from people. You know, like
4 who called them, why would you call them over here.
5 We don't need them to solve this problem, you just
6 brought more trouble into the area and stuff like
7 that.

8 And I just see like, I mean, I seen
9 my daddy get beat by the police, I've seen friends
10 of mine will be out, you know, shopping and someone
11 told them we stole something and just get followed
12 by the police cars. I never seen, you know, I don't
13 think he deserves to get killed like that. And that
14 just kind of proves my whole image of what I thought
15 of the police.

16 **Q** Which is what?

17 **A** They abuse their authority to me.

18 **Q** Now, in one of your statements you
19 describe Michael Brown as looking scared when he
20 turned around. Do you recall that?

21 **A** Yes.

22 **Q** Explain to us what you mean by that. You
23 couldn't actually see his face, could you?

24 **A** No, I couldn't see his face.

25 **Q** What did you mean he looked scared?

1 **A** I mean, you know, when you see a really
2 big dude just kind of cowering.

3 **Q** Like stand up for us, demonstrate
4 cowering.

5 **A** Okay. If you stop and you are looking at
6 someone and you're, you know, it is cool, you know,
7 I'm all right, you know. And, you know, I don't
8 know how to explain, but when I see a big dude like
9 that kind of looking like he's afraid, like he's
10 like trembling like a child kind of.

11 **Q** Do it look like he was trembling?

12 **A** Yeah --

13 **Q** From that distance?

14 **A** Yeah, you know, the way his hands was,
15 they was moving or something. He was just like
16 scared to me, he looked scared.

17 **Q** It did not look to you that he was trying
18 to come at the officer when he was cowering or
19 moving his hands?

20 **A** No.

21 **Q** When Michael Brown fell to the ground, did
22 the officer stop shooting?

23 **A** Yes, I didn't hear any more mots.

24 **Q** You didn't hear any more shots. Did you
25 hear any shots when Michael Brown, after that first

1 shot and Michael Brown fled from the car before he
2 turned around, did you hear any shots?

3 **A** Like when he was running?

4 **Q** Yes.

5 **A** I don't remember.

6 **Q** Okay. I don't know if I've asked you this
7 already, but when you said there was one shot was in
8 the police car, did it appear that Michael Brown was
9 shot? You said he looked at himself, but you
10 couldn't tell if he was shot or not?

11 **A** I couldn't tell if he was shot. He just
12 looked at himself, like he was checking to see, like
13 he didn't know himself.

14 **Q** Okay.

15 MS. WHIRLEY: I don't have anything else
16 right now. Kathi?

17 MS. ALIZADEH: Yeah.

18 **Q** (By Ms. Alizadeh) So I'm going to ask you
19 a few more questions just to clarify a few things
20 and you're killing the court reporter because you
21 talk so fast.

22 **A** I'm sorry, I work at a call center.

23 **Q** I know you were getting excited. And I'm
24 really sorry that you had those experiences. Do you
25 think that Officer Wilson, do you hold him

1 accountable for the bad behavior that you've
2 experienced or witnessed or that you are aware of
3 other Ferguson officers?

4 **A** No, I don't hold him accountable really.
5 I think, you know, like I say with authorities, I
6 think he just got beside himself. Like, you know,
7 it turned into, you know, I'm going to tell you kids
8 you do this, you listen to me, you have an attitude.
9 And then it turned into him just being frustrated,
10 that's what it seemed like.

11 **Q** Okay. What I want to make sure, ,
12 and because this grand jury is going to consider
13 whether or not to indict the police officer for a
14 crime. And they're examining what happened that day
15 so that they can decide that, and I know that you
16 having had unpleasant or, you know, very bad
17 experiences with police officers, you know, it gives
18 you a bad impression of police officers I imagine.

19 But, you know, they need just to
20 relate what you saw today. They can only consider,
21 not that they can't consider other things, do you
22 know what I'm saying?

23 **A** What I saw, not what I heard.

24 **Q** Right. And I want to make sure that we're
25 not bringing all bad police officers behavior into

1 this picture.

2 **A** Right.

3 **Q** And you saw what you saw that day and you
4 have an opinion about what you saw that day and
5 that's fine and that's what we're interested in,
6 okay?

7 **A** Yes.

8 **Q** So when you said you were walking back
9 from the library and you first saw the two boys and
10 I just wanted to clarify, you said that maybe you
11 had seen him once before, were you talking about the
12 littler guy or Michael Brown?

13 **A** The littler one.

14 **Q** The littler one?

15 **A** Yes.

16 **Q** In what setting have you seen him before?

17 **A** One of the little community stores up the
18 street.

19 **Q** Okay. So you recognized him as having
20 seen him up at one of the convenience stores?

21 **A** Seeing him up close. Actually seeing
22 pictures of his face up close, I recognized that was
23 his structure.

24 **Q** So from where you were standing initially,
25 which was somewhere around here; is that right?

1 (indicating)

2 **A** (Nods head.)

3 **Q** And the boys were initially down about
4 here or where were the boys when you first saw them?

5 **A** They were about right here. I was like
6 right there. (indicating)

7 **Q** And you were about right here?
8 (indicating)

9 **A** Yes.

10 **Q** So from that distance you could see enough
11 of the smaller boy's facial features to realize that
12 you recognized him?

13 **A** Yes.

14 **Q** And so now, we know, did you say this
15 Building 1 is the leasing office, correct?

16 **A** Yes.

17 **Q** And you said that you first saw the
18 officer's car by the leasing office and I want to
19 make sure we're clarifying here, was his car always
20 on Canfield Drive when you saw it or was there ever
21 a time when his car was up here on Coppercreek Road?

22 **A** No, it was always on Canfield.

23 **Q** Okay.

24 **A** The closer it got to pulling in somewhere
25 was when I first approached him all the way back

1 here, it was somewhere around here. (indicating)

2 Q Did you see him turn into one of those
3 drives or streets at all?

4 A He was on this main street, he was about
5 probably like in one of these parking lots. By the
6 time I got right here, he was already up the street.

7 Q Did you see him come from a parking lot
8 onto Canfield?

9 A No. When I first was like all the way
10 down, the first side street, I saw him somewhere in
11 like one of the entrances to the parking lots.

12 Q When you were walking from this direction,
13 did you see any people outside?

14 A No, I don't remember. I wasn't paying
15 that close attention.

16 Q Okay. So just to clarify then, you're
17 saying that there could have been, but you weren't
18 paying attention?

19 A Yeah.

20 Q It is not that you say, no, there wasn't
21 anybody else?

22 A Right.

23 Q All right. But you said that you saw a
24 black van?

25 A Yes.

1 **Q** Was this a minivan type of van or the
2 bigger like?

3 **A** Soccer mom van.

4 **Q** Okay. Was there a soccer mom in the car?

5 **A** Uh, she might have been a soccer mom.

6 **Q** Was a woman in the car?

7 **A** Yes.

8 **Q** Was she an African-American?

9 **A** Yes.

10 **Q** And can you give me an idea about how old
11 she was?

12 **A** Probably, um, 36, 40, between 36 and 42
13 maybe.

14 **Q** Was there anybody else with her?

15 **A** I couldn't tell if there was anyone in the
16 back, but not in the front passenger seat.

17 **Q** Okay. And the other cars that you said
18 were lining up, you really didn't get a good
19 description of them?

20 **A** No.

21 **Q** You can't remember anything about those
22 other cars?

23 **A** No.

24 **Q** And when you first saw the police
25 officer's car, was the police officer's car moving

1 when you first saw it?

2 **A** No.

3 **Q** It was stopped?

4 **A** Yes.

5 **Q** And so you had described that the
6 officer's car backed up quickly?

7 **A** Yes.

8 **Q** Is that the first time that you saw the
9 officer's car move or did it go forward and then
10 back up from what you saw?

11 **A** Uh, no, it just backed up, it went forward
12 first.

13 **Q** So the first time you saw the officer's
14 car, it was standing still and were the boys walking
15 away from the car at that point?

16 **A** Yes, they was walking.

17 **Q** Okay. And then you saw the officer's car
18 back up quickly?

19 **A** Yes.

20 **Q** Did the tires make noise or did you hear
21 any screeching or any noise from the car?

22 **A** Yes.

23 **Q** And at this time could you see inside the
24 police car to see who was driving the car?

25 **A** At that point when he backed up I did see

1 him like, you know, with his arm out the car saying
2 something to him like, I don't know, saying
3 something to him. I just saw hand gesture like
4 doing something like that.

5 Q So you could see that there was a driver
6 in the police car?

7 A Yes.

8 Q Could you tell it was a man?

9 A Yes.

10 Q Could you tell whether he was
11 African-American or white at that point?

12 A Yes.

13 Q Okay. How about anybody else in the
14 police car, could you see if there was anyone else?

15 A No, I couldn't see if there was anyone
16 else.

17 Q But you could tell there was a policeman
18 in the car?

19 A Yes.

20 Q What about, now, you said you saw the red
21 and blue lights on the top of his car on?

22 A Uh-huh.

23 Q Were those always on from the first time
24 you saw the car or did he turn them on?

25 A From the first time I saw him all the way

1 down the street the lights was on.

2 **Q** The lights were always on from the first
3 time you saw the car?

4 **A** Yes.

5 **Q** Did you ever see the lights get turned
6 off?

7 **A** I don't remember that.

8 **Q** Now, you described when you saw Michael
9 Brown come to the window of the car. He went to the
10 window of the car kind of quickly, in your opinion
11 it looked like he was angry?

12 **A** Yes.

13 **Q** And then you described his hands and
14 shoulders and arms inside the vehicle. And today
15 you said he was bobbing in and out?

16 **A** Yeah, it was like, you could see the back
17 of his body, like his shoulders were just like
18 moving, like they were doing something in the car.

19 **Q** Okay. Did he ever leave his feet? In
20 other words, did he ever get like to the point where
21 he, you know, jumped halfway into the car or
22 anything?

23 **A** I wouldn't remember.

24 **Q** Okay. And you said that the struggle
25 lasted a few seconds; is that right?

1 **A** Yes.

2 **Q** I think in one of your previous statements
3 I think you said about 15 seconds, but does that
4 seem about right?

5 **A** Yeah, around that time.

6 **Q** All right. And then another thing I
7 wanted to clarify is that while this whole thing is
8 going on, you're moving. At some point you stand
9 still and then you move?

10 **A** Yes.

11 **Q** Can you narrate for me, I'm not telling
12 you this is what I want you to say, I'm just giving
13 you an example. If you say I'm walking down here
14 and right here is where I see, I see the police car,
15 so I stop right here. And then after the guy starts
16 running, I walk over here. So can you kind of move
17 the laser pointer.

18 **A** Yeah.

19 **Q** And give us an idea of how you were moving
20 and what was going on while you were moving?

21 **A** Okay. So like you said, I did come down
22 this street. I didn't actually stop until I got
23 like to the last tree.

24 **Q** Okay.

25 **A** That's when I was pretty close enough to

1 see what was going on.

2 Q Were you on the sidewalk or the street?

3 A Yeah, I was on this sidewalk right here.

4 (indicating)

5 Q That's on the south side of Canfield?

6 A Yes, ma'am.

7 Q Okay.

8 A I saw the police car sitting about here.

9 (indicating)

10 Q Okay. Keep the laser pointer where you
11 are while you are narrating, okay. So I know where
12 you are when you first see things.

13 A Okay. I was about right here when I first
14 stop to get a look, when they were at the car. The
15 first shot I was right here. I seen once he got out
16 of the car, kind of started moving towards this way.
17 I was standing about right here in the grass with
18 some people over here. I'm standing right here just
19 listening to them. That's when I heard the rest of
20 the shots. So I hid behind the mailbox kind of and
21 then after that, I just go down here and go home.

22 (indicating)

23 Q Where were you when you saw his body fall,
24 were you behind the mailboxes yet?

25 A Probably about right here in the grass in

1 this area. (indicating)

2 Q When you said you went behind the
3 mailboxes, I don't know what the mailboxes look
4 like, did you go behind there for shelter, like to
5 get out of the way?

6 A Yeah, I hear all of those shots, you know,
7 I went over there.

8 Q Okay. And so are those mailboxes, what
9 are they like, are they metal?

10 A Yes, ma'am, they're metal.

11 Q How tall are they?

12 A From the ground, they're about this tall.
13 (indicating)

14 Q I'm a little over 5 foot and I've got
15 heels on, so let's say today I'm 5'4".

16 A On the ground there about this tall, I can
17 reach up and touch the top.

18 Q So that's maybe about 5 foot high?

19 A Yes.

20 Q And is it a solid box with little
21 mailboxes in it?

22 A Yes, a solid long box with just a whole
23 bunch of little doors.

24 Q If you are standing behind the mailboxes,
25 does the mailboxes block your view of where Michael

1 Brown's body fell?

2 **A** No, I'm standing completely behind them.

3 **Q** Yes, okay. But you saw Michael Brown's
4 body fall?

5 **A** Yes.

6 **Q** You weren't behind the mailboxes?

7 **A** Not completely behind it, you know, just
8 kind of look around it kind of, like right here.

9 **Q** Okay.

10 **A** No cars right there, there is no cars, you
11 can see all the way down to right almost right here
12 on the street.

13 **Q** This white rectangle here that I'm
14 pointing at in front of this row of cars, these are
15 mailboxes?

16 **A** Yes.

17 **Q** Okay. And so were you on the west side of
18 the mailboxes when you finally got behind the
19 mailboxes?

20 **A** Oh yeah, back here. (indicating)

21 **Q** Okay. Can you people see what I'm
22 pointing at right here, the mailboxes?

23 But you were able to see everything
24 until about, including when Michael Brown fell on
25 the ground?

1 **A** Yeah.

2 **Q** And then you also describe that you saw
3 the officer walk up to the body and kind of walk
4 around it with his gun at his side?

5 **A** Yeah.

6 **Q** So were you behind the mailboxes at that
7 point peeking around or were you still out in the
8 open?

9 **A** I was still at this point just looking
10 around until everything was over and people started
11 coming outside and I went in the house.

12 **Q** Okay. And now you said today that when
13 Michael Brown turned around and he put his hand up
14 and you demonstrate that, that he looked like he was
15 scared; is that right?

16 **A** Yes.

17 **Q** When you saw that, were you over in this
18 area when he turned around?

19 **A** Yes.

20 **Q** Okay. And you described him being where
21 when you saw him turn around?

22 **A** Um, about right here. (indicating)

23 **Q** Okay. So just so I can help with trying
24 to understand things and with trying to get you to
25 understand things, are there, when he turns around

1 and he gets shot, does he ever move backwards or
2 forwards after he turns around?

3 **A** I don't remember that specific.

4 **Q** Do you remember telling the investigators
5 that you saw him taking steps backwards?

6 **A** Yes, after he ran, he moved a couple steps
7 with his hands up.

8 **Q** Yes?

9 **A** Yes.

10 **Q** He runs a few steps and he turns around
11 and he puts his hands up like next to his ears?

12 **A** Yeah, and takes like some short half
13 steps.

14 **Q** Backwards?

15 **A** Yes.

16 **Q** So what's the furthest point backwards
17 that he walks?

18 **A** He doesn't take too many backward steps.
19 The most move he made was running about here. He
20 didn't get much farther than this area. (indicating)

21 **Q** Okay. Now, eventually when he was shot
22 and hit the ground and his body laid there for quite
23 some time, is that where the memorial is now on the
24 street?

25 **A** Yes.

1 **Q** And so can you point on the map where the
2 memorial is?

3 **A** There's one right here by the Ferguson
4 apartment complex, one right here and one at the end
5 of my street and there's one on the street right
6 here where Canfield ends.

7 **Q** Where the word Canfield is?

8 **A** Yes, memorial right there.

9 **Q** Okay. So where the body laid and where
10 the memorial is, that's the farthest east that you
11 saw him get?

12 **A** Yes.

13 **Q** Okay.

14 **A** They kind of built the memorial on top of
15 the blood stain that was there. So that's where he
16 was.

17 **Q** So you never saw him from the farthest
18 point that he was east, you never saw him move
19 toward the officer?

20 **A** I didn't see him move toward the officer.
21 He could have, but I didn't see him do it.

22 **Q** So this would have been when you were kind
23 of over by the mailboxes?

24 **A** Yes.

25 **Q** And would you have been like peeking out

1 or whatever?

2 **A** Yes.

3 **Q** And you also said today and in previous
4 statements that, you know, you were kind of at that
5 point noticing that people were kind of coming out
6 and milling about?

7 **A** Yes.

8 **Q** So you were taking your eyes off of what
9 was going on a little bit?

10 **A** Yes.

11 **Q** Now, you said that you saw a woman come
12 out and say that she had videoed this on her phone?

13 **A** Yes.

14 **Q** Where did you see her when she came out?

15 **A** When I first saw her she was standing
16 right here in front of her apartment complex. After
17 I had went in the house and came back out, she was
18 over here with a big group of people over by the
19 apartment right here.

20 **Q** Okay.

21 **A** That's where I thought he took her to take
22 her phone, she was standing like right here, still
23 in front of her building. (indicating)

24 **Q** Okay. So you think she lives in
25

1 **A** Yes.

2 **Q** Do you know that?

3 **A** I don't know that.

4 **Q** Why do you think she's lives in that
5 building?

6 **A** She was standing on the balcony of, I know
7 the man that lives there, I know she was standing on
8 the balcony with them.

9 **Q** You don't know her name?

10 **A** No.

11 **Q** What about the man that lives there, do
12 you know his name?

13 **A** No.

14 **Q** If somebody, could you point to what
15 balcony it was?

16 **A** Yeah, I can point to what balcony it was.
17 If I saw him on the street, I would know him.

18 **Q** Okay so was the gal an African-American?

19 **A** Yes.

20 **Q** About how old?

21 **A** Probably her 20s.

22 **Q** Have you seen, after this happened, have
23 you seen people on the news who came forward who
24 said they saw it and describing what they saw?

25 **A** I did.

1 **Q** Did you ever see that girl, the one who
2 the officer took her phone, did you ever see her on
3 the news?

4 **A** No, I was expecting to see that video, but
5 I didn't.

6 **Q** Okay. Now you describe when you said
7 Michael Brown turned around and you said it looked
8 like he was scared and today you used the word
9 cowering. In previous statements you said it was
10 like he was crouched over.

11 **A** Yes.

12 **Q** On your recording from previous statements
13 we can't see what that means because it's an audio
14 recording. But you demonstrated today, and XXXXXX
15 was in between you and I so I didn't have a good
16 look at it. Can you describe or demonstrate what
17 you meant when he was crouched over or cowering.

18 **A** Okay. It was like his hands were about
19 like this. (indicating)

20 **Q** Can you stand up? He was standing up at
21 this point, right?

22 **A** Yes. His shoulders were like almost
23 touching his hands, um. No, that's kind of like the
24 stance for self-defense to me. So that's how I said
25 crouched over.

1 **Q** And so before when you were talking to the
2 FBI agents and the assistant U.S. attorney, remember
3 the guy with black hair that you talked to, the
4 attorney?

5 **A** Yes.

6 **Q** Okay. And you said to him that Michael
7 Brown was kind of crouching over and it sounded to
8 me like maybe you were trying to demonstrate it and
9 you said, so kind of bent over?

10 **A** Yes.

11 **Q** When you demonstrated it to them, was your
12 body bent over in any way?

13 **A** Yes, neck kind of bent forward, shoulders
14 going inward.

15 **Q** Okay. How about at the waist. Would the
16 body be upright or is the body bent over?

17 **A** No, the body is upright.

18 **Q** Body is upright?

19 **A** Like from the forearm up is kind of what I
20 meant.

21 **Q** Kind of like shoulder slumped?

22 **A** Yes, like, you know.

23 **Q** Okay. Okay. And just to be clear, from
24 the time after you heard one gunshot while Michael
25 Brown was at the vehicle.

1 **A** Yes.

2 **Q** And then you see him run. Does the
3 officer fire at Michael Brown while he's running
4 away?

5 **A** That I don't remember. I wasn't paying
6 attention at that point.

7 **Q** Okay.

8 **A** It is from the time that the officer got
9 out of the car from the gun, or whatever it was on
10 the ground being picked up or whatever, that part
11 I'm not sure.

12 **Q** Okay. And just to be clear, you said from
13 the gun being picked up off the ground, but you
14 don't know for sure what was on the ground; is that
15 right?

16 **A** Right.

17 **Q** It was black?

18 **A** Yes, it was black. It made like kind of a
19 plastic metal clink when it hit the ground. That's
20 all I know as far as the shape and what I know
21 exactly.

22 **Q** Did you see any yellow on it, was it black
23 and yellow?

24 **A** I didn't see any yellow.

25 **Q** It looked like it was all black and about

1 the size that a handgun would be?

2 **A** Yes.

3 **Q** You didn't see who picked it up, you just
4 know that later it was gone?

5 **A** Yes.

6 **Q** Okay. Did you see, as the boys were first
7 walking toward the car, after the officer backed up
8 and the boys approached the car, did you see
9 anything in Michael Brown's hands?

10 **A** No.

11 **Q** Did you ever see Michael Brown hand
12 anything to the little guy?

13 **A** No, I wasn't paying attention.

14 **Q** Okay. So just cause you were kind of
15 talking softly, you said, no, you weren't paying
16 that close of attention?

17 **A** Yes.

18 **Q** Okay. And so after the first gunshot and
19 Michael Brown backs away, kind of checks himself out
20 looks like and then he starts to run away, you say
21 he gets a few steps before he turns around, did you
22 hear any shots before he turns around?

23 **A** I don't remember.

24 **Q** Okay. And then after he turns around and
25 puts his hands up, and you said in your statement

1 trying to get some idea on this distance here. If
2 we can probably put it in terms of car lengths, like
3 a four-door vehicle, can you picture that in your
4 mind?

5 **A** Yes.

6 : Okay. Now, when you
7 started off, when you saw the officer's car, can you
8 give me an idea how many cars, 4-door cars can fit
9 between where the police officer's car is and where
10 you are when you first see him?

11 **A** Okay. It will be about probably four or
12 five car lengths.

13 : Okay. Four to five car
14 lengths, okay.

15 **A** Yes.

16 : Okay. And then when you
17 got to, were you still at that point when you heard
18 the first shot go off?

19 **A** Yes, ma'am. When I heard the first shot,
20 I was still by the tree.

21 : Okay. Then when you're at
22 the bank of the mailboxes, okay, are you still,
23 okay, where are they then?

24 **A** They're still in the same place about
25 right here. They're still in the same area.

1 (indicating)

2 : Okay. And so from there
3 to where they are, about how many car lengths would
4 that be you think?

5 **A** From where I was to the police car? From
6 where I was here to the police car?

7 : Yeah.

8 **A** I was closer, I was probably about two or
9 three car lengths.

10 Two to three car lengths.
11 And then at that point you're there about two or
12 three car lengths, at that point that's when you see
13 Michael Brown, you see the other bank of shots or
14 the other shots go off?

15 **A** Yes.

16 : Okay. I think that's all
17 I have.

18 Okay. On
19 August the 16th, your interview when you told the
20 authorities that you were walking home from the
21 library, you first said that you saw the police
22 officer back-back, you know, not hard but --

23 **A** Quick.

24 : Quick stop and almost
25 hitting the boys?

1 **A** Yes.

2 : I call them young men.

3 You said that, okay, what I need to understand,
4 cause you are on the same side as them, right?

5 **A** I'm on the opposite side of the street.

6 At the time when you saw
7 the police?

8 **A** Yes, during everything I was on the
9 opposite side of the street from the police car.

10 : Opposite side would be --

11 **A** This side of the street. The car was on
12 this side of the street, parked about right here at
13 first. (indicating)

14 : Okay. Let me rephrase the
15 question, you are so right. You are facing the same
16 side as you are facing to the back of everything
17 that's going on.

18 **A** Yeah, well, I'm facing towards the front
19 of the police car, but I'm facing the back of the
20 police officer, but while he was getting shot, I was
21 still facing toward Michael Brown.

22 : Right. My point is, when
23 you saw the action going on at the car and the
24 vehicle, I call it MB and PO, police officer. Did
25 it look to you when he came back at that quick stop,

1 even though they may have almost gotten hit, you
2 know, and they jump back, how soon would you say
3 that the action between MB and the PO took place?

4 **A** How soon did he walk up to the car window?

5 : Cause when you say walk up
6 to the car, I'm thinking somebody almost got hit,
7 it's like it's right here, I mean, it is like
8 instant, it is right directly in front of me?

9 **A** Yes.

10 : It would be like boom,
11 boom, you know.

12 **A** Uh-huh.

13 Just a jerk more than not
14 jump far back.

15 **A** Right.

16 : But when you say walk up
17 to the police car, did he have to like walk some
18 feet?

19 **A** No, just walk from the back of the car to
20 the driver's window. It wasn't like a walk, it was
21 just like, you know, probably like three steps. He
22 was already there by the car. He just walked from
23 the bumper to the driver's window.

24 : How soon did the
25 conversation that you did not hear take place?

1 **A** How soon after he backed up the car?

2 : Yeah.

3 **A** Um, like less than five seconds. It was
4 like instant after that happened, he just charged
5 right up to the window, he just went right over.

6 : So, and you said that you
7 saw his body waist up in the car?

8 **A** About his arms, shoulders right here like,
9 you know, somebody reaching, he's reaching in there.
10 Like they're in there fighting, he's reaching for
11 something but he's doing something in the car.

12 : His head and chest was
13 inside the vehicle too?

14 **A** His head was in the vehicle at one point
15 reaching in.

16 On August the 16th you
17 never mention that his body was inside the vehicle,
18 but on September 25th you mention that his body was
19 inside. You just said that it was his arm, it
20 looked like they were fighting.

21 So I'm just confused because like that's a
22 big gap, that's almost like a month after you had
23 your first interview. Did you like hear anything on
24 television or hear anyone in the neighborhood
25 talking about, you know, what they actually saw?

1 **A** No, it was just what I remember. It might
2 be off, but it was like a grapple, you know, head
3 bobbing and shoulders moving, arms moving.

4 : Okay. Thank you.

5 : . Continuing on
6 that same thought. You know the car backs up,
7 nearly hits Michael Brown and Dorian. You said
8 Michael Brown makes his way almost immediately, five
9 seconds or so, to the driver's side of the car.

10 Can you tell from your perspectives were
11 there words exchanged first, or was there kind of
12 immediate action with the arms?

13 **A** I couldn't tell.

14 : Okay. Thank you.

15 : When you
16 moved from the tree to the mailbox, were you walking
17 or running at that time?

18 **A** It was a mix, kind of like a jog almost I
19 say.

20 : That's a pretty good
21 distance, that's 50, 60 feet maybe?

22 **A** From the tree to the mailbox?

23 From the tree to the
24 mailbox?

25 **A** It's not really far when you are there.

1 It is not even this little amount of trees, I think
2 there is another one right here and there's another
3 one right here as well, that's not on this map.

4 : Is that the picture, you
5 are watching the ground as much as maybe you are
6 looking back at the scene too, so you're not seeing
7 everything?

8 **A** Yes.

9 : You are concentrating on
10 moving.

11 **A** Yes, that's what I stated earlier as well.

12 : Did you make it to the
13 mailbox before you heard the shots or was it as you
14 were moving that you were hearing shots?

15 **A** It was while I was there. At this point I
16 was kind of on the edge right here when the rest of
17 the shots rang out.

18 : You had already stopped.

19 **A** Yes.

20 : And turned around and were
21 facing him?

22 **A** Yes.

23 When you saw
24 Michael Brown turn around, you indicated earlier
25 that you couldn't identify any facial expressions.

1 Could you tell, and you said clearly that you
2 couldn't hear anything. Could you tell whether he
3 was saying anything or not?

4 **A** No.

5 : Or trying to say words?

6 **A** I wouldn't be able to see his mouth moving
7 or anything. I wasn't really listening for him
8 saying anything.

9 You didn't see his mouth
10 moving?

11 **A** I can't see his facial expressions.

12 : So you didn't hear
13 anything or you couldn't see anything?

14 **A** No.

15 Okay. Thank you.

16 : I just want to
17 go back to what were talking
18 about.

19 When I look at the transcript from
20 September 25th, and I compare it to the transcript
21 from August 16th, to me it looks like you are saying
22 something very similar.

23 From the 16th on page 15, it says he
24 approached the window of the vehicle, Mr. Brown, he
25 approached the window of the vehicle. Could you

1 tell if he reached in or the officer reached out. I
2 don't know.

3 And then you said, yet like his head and
4 shoulders were. And the FBI agent says, his head
5 and shoulders were in the window. And you said,
6 yeah.

7 Were his arms in the window as well. You
8 said yeah, his arms basically, you know, steady
9 reaching in. His whole top half in the window and
10 popping back out?

11 **A** (Nods head.)

12 : And then the one from the
13 25th, basically to me it looks like you are saying
14 the same thing. I want to make sure that I'm
15 reading this correctly.

16 **A** Okay.

17 : When he saw him go into
18 the window, it seemed like he just ran. And then
19 one of the lady officers, she says, was he in the
20 window or parts of his body inside the window. And
21 you said yeah, like his head and shoulders were.
22 And you said yes, that's what it looked like.

23 And then later you said you saw Michael
24 Brown, you said his whole top half in the window and
25 you said yes, just about.

1 I want to make sure I'm understanding.

2 **A** Yes.

3 : His head, shoulders and
4 arms were in the window?

5 **A** Yes.

6 : And that's what you said
7 in both statements.

8 **A** Yes.

9 : You said here, did you
10 see the police officer's face after Michael Brown
11 left the scene and the officer was getting out?

12 **A** After Mike Brown left the scene?

13 : After Mike Brown was
14 running away and the officer got out of the car, did
15 you see the officer's face?

16 **A** No, no.

17 : You didn't see if it was
18 bruised or anything?

19 **A** No, I couldn't tell. I didn't even see
20 him really get out of the car. When I looked up he
21 was already out.

22 : Do you know if Michael
23 Brown reached for his chest or under his waistband?

24 **A** I don't remember.

25 MS. ALIZADEH: His own or the officer's?

1 : Michael Brown.

2 **A** I don't remember.

3 : In one of the statements
4 the first two shots you didn't see?

5 **A** A couple of them I wasn't looking, but I
6 heard them ring back, to back, to back. After it
7 had to be like, I don't remember exactly, but they
8 were back to back. After about the third one, I did
9 look and see.

10 : And you said to officer
11 or district attorney, whatever her name is,
12 , in one of your statements that you had looked
13 away. And she said, if I told you we had evidence
14 that he moved forward toward the police officer,
15 what would you say about that. You said that might
16 have been one of the times I was looking away.

17 **A** Yeah.

18 : So I understand, you're
19 doing very well by the way, there's a lot going on,
20 you are scared?

21 **A** There was a lot going on.

22 : I understand, Hon. I
23 just want to make sure just because you are saying
24 you didn't see it, doesn't necessarily mean it
25 didn't happen.

1 **A** Right, right, that's the point I tried to
2 make.

3 : Okay. You said today
4 that you felt like this was murder. Can I ask you
5 how you felt, I want you to put yourself in the
6 officer's position. I want you to tell us what you
7 think he should have done?

8 **A** Okay. I mean, even if I heard that people
9 said that he reached in the truck, even if he did
10 attack you, he was unarmed. I feel like at the
11 point he tried to surrender, he could have put
12 handcuffs on him. They could have maced him, that's
13 why they have those nightsticks, that's why you have
14 all these other options.

15 This is a boy who has no weapons at
16 all, you exhaust your other options. Injure him,
17 but why kill him.

18 : Thank you so much.

19 MS. ALIZADEH: I have a question.
20 I can't remember from your previous statements, but
21 you've never heard the officer yelling any commands
22 or anything, did you?

23 **A** No.

24 MS. ALIZADEH: Your hearing is okay?

25 **A** It's okay.

1 MS. ALIZADEH: This thought just now
2 occurred to me because you are a young person. And
3 I've never asked anybody else, but did you have
4 headphones or ear buds that day as you were walking
5 back from the library?

6 A No.

7 MS. ALIZADEH: Kids walk around with
8 headphones on, so you didn't have anything in your
9 ears?

10 A No, I just wasn't really, I mean, it was a
11 lot of noise, a lot of commotion. It's usually a
12 lot of noise over there. So if they weren't where
13 they were, I probably wouldn't have heard it.

14 MS. ALIZADEH: You didn't hear any
15 screaming from anybody?

16 A No, I wasn't paying attention to it.

17 MS. ALIZADEH: Okay.

18 A Like I said, it's a possibility they could
19 have been, but I didn't catch anything or anything I
20 would remember word for word.

21 MS. ALIZADEH: All right, thank you.

22

23 I have one more question. You said that you saw
24 something hit the ground, you thought it was a
25 weapon?

1 **A** Yes.

2 : And I understand now we
3 know that Michael Brown was not armed?

4 **A** Yes.

5 But at the time we didn't
6 know that, correct?

7 **A** Right. At first I thought it was his gun,
8 like I thought that's what hit the ground.

9 : So it is reasonable to
10 think the police officer might think he has a gun.
11 I'm not saying that he deserved what happened to
12 him, we just didn't know that?

13 **A** Yes.

14 : Thank you.

15 . You just
16 stated to the prosecutor that you never heard the
17 officer yell out any commands. When Mr. Brown was,
18 you know, shots were going towards Mr. Brown, the
19 last what six shots or whatever, did you at any time
20 hear him cry out anything or cry out even in pain?

21 **A** No.

22 : No.

23 MS. ALIZADEH: Anyone else? Sheila?

24 MS. WHIRLEY: No. That will conclude the
25 testimony of this witness.

1 (End of the testimony of)

2 MS. WHIRLEY: We're still working

3 together. It is October 28th, 2014, approximately

4 11:21 a.m. We've concluded the testimony of

5 . Now we're going to start with the recording

6 of . You have transcripts of that.

7 The Grand Jury Exhibit Number 55, which is the

8 recording for her. We will play that. We are

9 anticipating she will be here as a witness probably

10 after lunch. It is somewhere around 30 minutes

11 long. With that said, XXXXXXXX, stop the recording.

12 : Who are the other people

13 listed on here?

14 MS. WHIRLEY: We didn't do these

15 transcripts. I'm not sure how, why all of these

16 folks spoke. This is what I did notice and you will

17 notice it when you hear the transcript, hear the

18 recording, there are several people at the house.

19 I'm glad you asked that question. Actually, there

20 are several people at the house, and then they kind

21 of isolate and the bulk of the

22 testimony is from her, but a few other people are

23 speaking.

24 : They may be family

25 members or bystanders?

1 MS. WHIRLEY: People that are in the house
2 when the FBI arrived there to find out what
3 happened. And then, I guess, they narrow her down
4 as really the witness. Okay. Good question.

5 (Playing of the interview of
6 .)

7 MS. WHIRLEY: That concludes the recorded
8 testimony of We do anticipate that
9 she will be here this afternoon, however, we are
10 going to break for lunch now. We'll see if your
11 lunch is here, first of all. And it is 11:55 a.m.,
12 October 28th, 2014.

13 (Lunch recess taken)

14 MS. WHIRLEY: I'm Sheila Whirley. We are
15 resuming our afternoon session in the shooting of
16 Michael Brown. It is October the 28th, 2014, at
17 approximately 12:56. Kathi Alizadeh is present, all
18 12 grand jurors are present and so is XXXXXXXX, the
19 court reporter. We are going to start with our
20 first witness, .

21 As you recall, you listened to one of her
22 statements this morning before lunch. She's here
23 live for testimony and she did also meet with the
24 federal investigative parties this morning. So she
25 has another statement that we don't have for you

1 yet. So we will see what she has to say today.

2 ,

3 of lawful age, having been first duly sworn to

4 testify the truth, the whole truth, and

5 nothing but the truth in the case aforesaid,

6 deposes and says in reply to oral

7 interrogatories, propounded as follows, to-wit:

8 EXAMINATION

9 BY MS. WHIRLEY:

10 Q Hi, as I introduced myself a little
11 earlier, I'm Sheila Whirley.

12 A How you doing, Miss Whirley.

13 Q I'm good dear, thank you. You met Kathi
14 Alizadeh, the 12 grand jurors are here, XXXXXXXX, the
15 court reporter, is here and I want you to introduce
16 yourself to the grand jurors and spell your name,
17 please?

18 A Yes. My name is .
19 .

20 Q Okay. And you know why we're here today?

21 A Yes, ma'am.

22 Q I know you talked to several people. How
23 many interviews have you given?

24 A Well, two.

25 Q Two, okay. And do you recall when your

1 first interview was?

2 **A** Uh --

3 **Q** If I say August the 16th, like a week
4 after, a little bit earlier than, I guess, a week
5 after, does that sound right?

6 **A** I want to say it was probably before that.
7 It could have been before then, it could have been
8 that day.

9 **Q** It could be August 16th, kind of around
10 like 11 in the morning?

11 **A** Yeah.

12 **Q** And then you had another interview today;
13 is that correct?

14 **A** That's right.

15 **Q** That you finished?

16 **A** This morning.

17 **Q** This morning. Okay. We just need you to
18 tell us what happened, so that's basically what
19 we're here for. I'm going to ask you to start at
20 the beginning. This would have occurred August the
21 9th of 2014, on a Saturday, is that how you recall
22 it?

23 **A** Yes, ma'am.

24 **Q** Do you live in Canfield Green?

25 **A** No, ma'am.

1 **Q** Did you live in Canfield Green that day?

2 **A** No, ma'am, I was riding through.

3 **Q** You were riding through. So what did your
4 morning start like, tell us about it?

5 **A** Well, actually, I was up early morning, I
6 was going to make a store run, but I also stay in
7 the area on .

8 **Q** Where is that in relation to Canfield
9 Green Apartment?

10 **A** Actually, it is not that far, it is like,
11 it is like down the street and around the corner.

12 **Q** It is like off West Florissant or behind
13 Canfield Green?

14 **A** I will say before you get to Canfield.

15 **Q** Okay.

16 **A** It's a house on the other side of Solway
17 and West Florissant. It is a side street you can
18 take to get to the Canfield.

19 **Q** Is it Jennings or is it in Ferguson or is
20 it unincorporated?

21 **A** Well, my house was the last house of
22 Jennings, so I would say it is --

23 **Q** So Jennings?

24 **A** Jennings.

25 **Q** Okay. So what time of day is it that

1 you're driving through Canfield Green Apartments?

2 **A** That I couldn't say. I honestly forgot
3 what time it was, but I was riding through coming
4 from the store and I seen a friend, I was going to
5 visit a friend, but he wasn't at home. So I seen a
6 couple of people that I knew outside and stopped to
7 ask one of the guys for a cigarette.

8 **Q** Are those all people that live in Canfield
9 Green, your friend and the other people that you
10 saw?

11 **A** Yeah, but my friend wasn't there.

12 **Q** All right.

13 **A** I didn't see him at all.

14 **Q** If I tell you it was around noon or so,
15 does that sound right?

16 **A** Yeah.

17 **Q** Where did you come from? I mean, this is
18 West Florissant over here just to orient you to the
19 map.

20 **A** Okay.

21 **Q** So where did you come from?

22 **A** I was, I came the back way through the
23 Northwinds Apartment.

24 **Q** So you're traveling, is it east on
25 Canfield toward West Florissant?

1 **A** Toward West Florissant.

2 **Q** That's a laser pen, it has a red light.

3 If you push the button, so why don't you pick that
4 up and there's a little button right there and,
5 yeah, okay. So show us how you were traveling?

6 **A** Okay. I was coming down Canfield.

7 **Q** Uh-huh.

8 **A** And I had stopped, this is a driveway
9 before you get to Coppercreek.

10 **Q** Okay.

11 **A** I pulled in there and I got out of the
12 car, I was talking to a friend.

13 **Q** And is this before everything happened?

14 **A** Before everything had happened.

15 **Q** Were you riding alone?

16 **A** Yes, I was.

17 **Q** What kind of car were you in?

18 **A** I had a .

19 **Q** What color?

20 **A** Burgundy.

21 **Q** Burgundy?

22 **A** I saw a friend, I got out and asked him
23 for a cigarette. He was just sitting there, we was
24 just talking in general. And as we was in the midst
25 of talking, Mike Brown and his friend was walking

1 across the lot.

2 Q Which way were they walking?

3 A They was walking towards --

4 Q Show us on the map if it is on the map.

5 A They was walking down Canfield on the lot
6 by the trash cans, they crossed and then they walked
7 down the street. I don't know where they was going,
8 I can't say.

9 Q Okay.

10 A So they walk towards West Florissant.

11 Q Okay.

12 A I can say that, don't know where they was
13 going.

14 Q Okay.

15 A So we just out there generally talking.

16 Q So when you saw them walking towards West
17 Florissant, nothing was going on then?

18 A Was nothing going on.

19 Q Did you know Mike Brown before this day?

20 A No, I didn't.

21 Q Did you know his friend?

22 A No, I didn't.

23 Q Describe Mike Brown so we know we are
24 talking about the same person?

25 A He was a big, tall, heavy set guy. He had

1 on like some khaki type shorts with like a gray like
2 T-shirt and flip flops, he had a hat on.

3 Q Okay. Do you remember the color?

4 A I'm not for sure.

5 Q Okay. And what did his friend look like?

6 A He was dark skin with dreads, he had on, I
7 think he probably had on like a white T-shirt.

8 Q Are you guessing or is that what you
9 recall?

10 A Well, I'm guessing. I really wasn't
11 paying no attention.

12 Q Okay.

13 A What really they had on.

14 Q You don't have to guess.

15 A All right.

16 Q If I ask you to give me an approximate
17 amount feet or something like that is a distance,
18 maybe as long as you let us know you are kind of
19 guessing.

20 A I was at the dumpster that's on
21 Coppercreek that I'm standing by. When they walk
22 past, they was like a little distance away from me.

23 Q Show me again where you were when they
24 walked past?

25 A This, I don't know where directly

1 Coppercreek is.

2 **Q** This is Coppercreek is going all the way
3 around.

4 **A** The dumpster is like right here on the
5 first parking lot.

6 **Q** Okay.

7 **A** My car was parked right behind it, but I
8 was standing not that far from the dumpster.

9 **Q** So you are having a smoke, you're talking,
10 you're chilling, this is a Saturday, you're enjoying
11 life, right?

12 **A** Yes, ma'am.

13 **Q** I saw your testimony or read it on the
14 transcript where you were happy to be out there?

15 **A** Yeah, it was a beautiful day.

16 **Q** Is that what you meant by that?

17 **A** Yeah.

18 **Q** Then what?

19 **A** So we was out there talking, notice
20 Ferguson was coming from the back, from the
21 Northwinds Apartment.

22 **Q** When you say Ferguson, you mean a police
23 officer?

24 **A** Ferguson police officer was coming.

25 **Q** He was in a marked police car?

1 **A** Yes, he was in a SUV.

2 **Q** And why did you notice him?

3 **A** I mean, because we was all standing on the
4 parking lot and they was coming.

5 **Q** When you say they, more than one?

6 **A** There was two in the car.

7 **Q** But just one car?

8 **A** Yes, SUV.

9 **Q** And tell me again why you notice the car?

10 **A** Because they was riding through. And, I
11 guess, that's their way of making their rounds or
12 whatever. So I really didn't pay no attention, but
13 in the midst of that I guess Mike Brown and his
14 friend, not guessing, they was on their way back up.

15 **Q** Which way were they walking down?

16 **A** They was coming back towards, like they
17 was coming towards the Northwinds Apartment.

18 **Q** Show me?

19 **A** They was coming back that way.

20 (indicating)

21 **Q** All right. And the police car, did it
22 have its light on or anything like that?

23 **A** No, it did not.

24 **Q** Was it like driving fast --

25 **A** No, they was like --

1 **Q** -- or like patrolling?

2 **A** Like patrolling.

3 **Q** All right. So Mike Brown and his friend
4 are walking east on Canfield Drive and what happens
5 then?

6 **A** They was walking in the middle of the
7 street.

8 **Q** Okay.

9 **A** I didn't hear what the police had said to
10 'em or what the remark was, but they was in the
11 middle of the street. I want to say the guy, his
12 friend was, we didn't stay that far, I heard him
13 say, we didn't stay far.

14 **Q** You heard the friend say that?

15 **A** I heard the friend say, we didn't stay
16 that far.

17 **Q** We didn't stay that far?

18 **A** Right.

19 **Q** Don't know what was going on with that?

20 **A** Don't know what was going on or what was
21 said.

22 **Q** Did you hear Mike Brown say anything?

23 **A** No, I didn't.

24 **Q** Did you hear the police officer say
25 anything?

1 **A** I didn't hear anything.

2 **Q** Now, I need you to show me again where you
3 were when you heard his friend say, we didn't go
4 that far or what he said?

5 **A** I was standing like right in the parking
6 lot, I was still standing like, not that close from
7 the dumpster.

8 **Q** Okay.

9 **A** And they was sort of walking like in the
10 middle of the street.

11 **Q** So where were they when you heard it?

12 **A** Right up in there. (indicating)

13 **Q** Where was the police car, right next to
14 them or something?

15 **A** It is like right next to 'em, they like in
16 the middle of the street, right in the middle of the
17 street.

18 **Q** Okay.

19 **A** He pulled up like, they divide each other.
20 They in the middle walking up the street, the police
21 coming down, of course, they like split up so the
22 car can go through.

23 **Q** Okay. So you saw them split up, they were
24 on either side of the police car?

25 **A** Yes.

1 **Q** What side of the police car was Mike Brown
2 on?

3 **A** On the driver's side.

4 **Q** What side was Dorian?

5 **A** The passenger side.

6 **Q** So they were on opposite sides of the car?

7 **A** Yes.

8 **Q** Was Dorian talking to anybody on the
9 passenger side?

10 **A** Huh-uh.

11 **Q** Okay. And then what did you see?

12 **A** I seen the police pull off and then next
13 thing you know, he pulled back.

14 **Q** In what manner did he pull back, was it
15 quick, was it just normal, was there anything
16 noticeable about how he pulled back?

17 **A** Wasn't noticeable.

18 **Q** So he pulls back?

19 **A** Pulls back.

20 **Q** Does he pull back straight in a line or
21 some other way?

22 **A** I want to say straight back in a line.

23 **Q** So like if I'm going to back, he just went
24 straight back, he didn't move one way or the other?

25 **A** No.

1 **Q** Okay, go ahead.

2 **A** So as he pulled back, I guess that's when
3 he went to go and try to grab him.

4 **Q** Did you say you guess?

5 **A** Well, no, he grabbed, he went to go and
6 grab him, that's when they start tussling.

7 **Q** So the police officer pulls back and grabs
8 Mike Brown?

9 **A** Yes, and they was tussling.

10 **Q** Could you see the officer's arm?

11 **A** He grabbed him from the outside, just
12 grabbed him.

13 **Q** I want to kind of focus on what you saw.
14 Did you see the officer's arm?

15 **A** No, I did not.

16 **Q** You didn't see the officer's arm, but he
17 was grabbing him?

18 **A** Like I say, I just seen a little
19 altercation. I didn't know if he was, oh Lord,
20 excuse me, I got nervous.

21 **Q** Don't get nervous, we're just trying to
22 find out what you saw.

23 **A** They was tussling I, can say they was
24 tussling. I didn't see his arm or anything.

25 **Q** You didn't see the officer's arm?

1 **A** No.

2 **Q** Could you see Mike Brown's?

3 **A** I did see him shy back, like he went to go
4 and jump back.

5 **Q** Okay.

6 **A** And that's when we first was like what's
7 going on. Then, that's when we heard the first
8 shot.

9 **Q** Okay. Now, before we get to the shot, I
10 want to make sure I understand. Can you see, where
11 you are looking at Mike Brown and the officer,
12 because all of this is real important, and I know
13 you probably know this because that's why you had
14 these interviews.

15 When you see Mike Brown and the
16 officer and you believe they're tussling, are you
17 looking, is your vision at the passenger side of the
18 car or the driver's side of the car?

19 **A** The passenger side.

20 **Q** Okay. So you're standing here and the car
21 is going west, so you're at the passenger side and
22 the driver's side --

23 **A** On the left side, so I really couldn't
24 see. So, therefore, when they was on the passenger
25 side, he grabbed back, that's when the first gunshot

1 went off.

2 **Q** Right. I know you want to get to that
3 gunshot, but I really want to make sure that we're
4 clear on your vantage point, you know, like where
5 you could see it, like where you were.

6 **A** I was standing right by the dumpster.

7 **Q** You can see Dorian still?

8

9 Just to help us a little bit, we don't know where
10 the dumpster is. Can you mark that on there for us,
11 please?

12 **A** Let's see. It may not even be on the
13 photo I don't think. I don't want to do it wrong.
14 There's another parking lot. I want to say it was
15 like right up here, dumpster right here, dumpster
16 right here. (indicating)

17 : You were right next to the
18 dumpster you said?

19 **A** I was like right up in there by the
20 dumpster. (indicating)

21 MS. WHIRLEY: Where are they when you saw
22 them, like you said, tussling?

23 **A** This is Coppercreek, this is Canfield,
24 here is the tree, they was like right up in here.
25 (indicating)

1 MS. WHIRLEY: Okay.

2 A Like right up in there. (indicating)

3 : Thank you.

4 MS. ALIZADEH: Can I ask while you were
5 standing up there. I couldn't see around you, use
6 the pen and where is the dumpster? No, just sit
7 down if you can.

8 A It is, I need glasses, it is right there.
9 (indicating)

10 MS. ALIZADEH: Good, all right, I just
11 couldn't see.

12 Q (By Ms. Whirley) Now, we've got to ask you
13 about your vision.

14 A I do need glasses, excuse me.

15 Q What do you need glass for?

16 A For?

17 Q To see far way?

18 A Yes, ma'am.

19 Q Do you need glasses like me to read up
20 close also?

21 A Yes.

22 Q Do you wear glasses?

23 A I don't have them, but I do.

24 Q Do you have contacts instead?

25 A No.

1 **Q** So you need help with your vision, but you
2 don't have any?

3 **A** No.

4 **Q** Okay. So that particular day were you
5 wearing anything to help your vision?

6 **A** Huh-uh.

7 **Q** But you did need some help?

8 **A** I mean, it was light so.

9 **Q** You were okay?

10 **A** I was okay.

11 **Q** So you're pretty firm and secure about
12 what you saw you are telling us about?

13 **A** Yes.

14 **Q** Even though your vision is not perfect?

15 **A** Yes.

16 **Q** How about your hearing?

17 **A** Fine.

18 **Q** No problem with the hearing?

19 **A** No problem.

20 **Q** Don't need an aid or anything?

21 **A** No.

22 **Q** Okay. You know, I'm going to ask you, do
23 you think you were as close to the scene where the
24 officer and Mike Brown were tussling as this room
25 depicts or was it much further than this room?

1 Like from where you are, I start
2 walking, is it beyond this wall, how close you were
3 to them?

4 **A** Yeah.

5 **Q** Okay.

6 **A** There was the street and the dumpster was
7 kind of a little ways.

8 **Q** So it was a pretty good little distance?

9 **A** Yeah.

10 **Q** But you see?

11 **A** But I could see.

12 **Q** And you're sure of what you saw?

13 **A** Yeah.

14 **Q** Now, you did tell us today that you
15 weren't sure what they were doing in the car, but
16 they were tussling?

17 **A** They was tussling.

18 **Q** At one point you thought that the officer
19 grabbed Mike Brown?

20 **A** When he pulled back.

21 **Q** When he pulled back, did he grab Mike
22 Brown. Are you sure or unsure about that today?

23 **A** I'm sure he pulled back.

24 **Q** When the officer pulled back, you mean
25 backed the car up?

1 **A** When he backed the car up.

2 **Q** He grabbed Mike Brown?

3 **A** Yes.

4 **Q** That was the first physical thing that
5 happened? Is that a yes?

6 **A** Yes, ma'am.

7 **Q** So how did he grab him, where did he grab
8 him at?

9 **A** Like by the shirt, like the neck collar
10 part.

11 **Q** So was the car window down?

12 **A** Yes, it was.

13 **Q** So did you see his arm?

14 **A** When it went out the window.

15 **Q** Uh-huh.

16 **A** Yes, ma'am.

17 **Q** Okay. You weren't clear on that earlier.

18 **A** Yes.

19 **Q** So you say you did see his arm?

20 **A** When he went out the window.

21 **Q** You could see, what color was he?

22 **A** He was white.

23 **Q** He was white. He didn't have --

24 **A** Uniform.

25 **Q** I mean, did he have on a uniform?

1 **A** Yes.

2 **Q** Long or short sleeve?

3 **A** Short sleeve.

4 **Q** Okay. And he grabbed him and what
5 happened when he grabbed him?

6 **A** That's when the tussling started, and
7 that's when the first pow went off.

8 **Q** Did you see them tussling once the officer
9 grabbed him, there was a tussle?

10 **A** There was a tussle.

11 **Q** How long would you say that tussle went
12 on?

13 **A** It wasn't long. It wasn't long at all.

14 **Q** Seconds, minutes?

15 **A** It was probably, maybe like two minutes.

16 **Q** Okay. We know that's a guess, correct?

17 **A** Yes.

18 **Q** All right.

19 **A** I'm not going to be --

20 **Q** Did you see Mike Brown hit the officer?

21 **A** No.

22 **Q** Okay. Did you see him with his fist, did
23 you see his hands?

24 **A** It was as if he was trying to get away.

25 **Q** Show us what you mean?

1 **A** He was like, when the police grabbed him,
2 it was like as if he was trying to, like break away
3 from the police.

4 **Q** Okay. So you didn't see his hands inside
5 the police car?

6 **A** No, ma'am.

7 **Q** You didn't see him, his body inside the
8 police car?

9 **A** No, ma'am.

10 **Q** Okay. So then what did you see?

11 **A** When the police grabbed him by the neck,
12 he shied away from him, that's when the first shot
13 went off. His friend Dorian ran and hid beside a
14 black Monte Carlo that was also parked on Canfield
15 in front of an apartment building. Not that far,
16 like right up in here. (indicating)

17 **Q** Okay.

18 **A** He hid right here. That's when Mike
19 Brown, on the first shot, he turned around and ran.
20 I was trying to run and there was another lady who
21 was also coming out of her apartment was in the
22 midst of running.

23 **Q** Did it appear that Dorian was hit by that
24 first shot? Not Dorian, Mike Brown, was hit by the
25 first shot?

1 **A** Yes, ma'am.

2 **Q** Why do you say that?

3 **A** Because when he turned around, I seen a
4 red spot on his shirt.

5 **Q** Now, you are pointing to your upper right?

6 **A** He got shot up in this area. (indicating)

7 **Q** Are you saying the right or the left?

8 **A** When you turn around, I want to say might
9 have been on the left.

10 **Q** I don't want you to guess.

11 **A** The left I will say.

12 **Q** Are you sure about that?

13 **A** Yeah, I'm sure.

14 **Q** Okay. And you saw a red --

15 **A** Red spot on his shirt.

16 **Q** Okay.

17 **A** And that's when he stopped and when he
18 stopped.

19 **Q** When you say he stopped, did he stop right
20 at the car?

21 **A** No, he stop, actually, like it's like a
22 light pole and a tree. He stopped right there at
23 that tree and the light pole.

24 **Q** We have to kind of take it step by step, I
25 know you are getting tired of all of this, but

1 that's how we have to do. I tell us how far he got
2 away from that car when he stopped, did you see him
3 leave the car.

4 **A** When I seen him break away from the car,
5 he was running. That gave me the assumption that I
6 was going to run.

7 **Q** Okay. What did he do when the shot was
8 fired, did he just break and run?

9 **A** He broke and run, but he stopped, he
10 stopped in stride.

11 **Q** I want to know about him running though,
12 where did he go behind the car?

13 **A** No, he didn't go behind no car.

14 **Q** What did he do?

15 **A** His friend ran behind the car.

16 **Q** Where did Mike Brown run to?

17 **A** He ran towards the light, he was running
18 like towards the light pole, like towards my
19 direction.

20 **Q** Okay. The dumpster you show us was here?

21 **A** Yeah, and he was running like towards that
22 way.

23 **Q** So in the grass?

24 **A** And he stopped his stride and stopped
25 right there like by the tree in between the light

1 pole.

2 Q Okay.

3 A He stopped, hands was up.

4 Q Can you show us how he, well, first of
5 all, you didn't say he turned around, did he turn
6 around or was he running backwards?

7 A No, he was running like towards my
8 direction.

9 Q Okay.

10 A Looking toward like my way.

11 Q Okay.

12 A He stopped.

13 Q Uh-huh.

14 A And that's when he turned around.

15 Q Show us that. Show us like, you know, go
16 that way and then show us how you turn around?

17 A He, I'm standing over there, he's running
18 and then he turns around and he was like that way.

19 (indicating)

20 Q Did you hear him say anything?

21 A He might of.

22 Q You don't have to guess, did you hear him
23 say anything?

24 A That's where I thought I heard him say he
25 gave up.

1 **Q** You heard him say what?

2 **A** I give up.

3 **Q** You're not sure?

4 **A** I heard him say don't give up.

5 **Q** Don't give up?

6 **A** I give up, I mean.

7 **Q** I give up.

8 **A** I give up.

9 **Q** Where did he say that?

10 **A** That's when he started walking back
11 towards the officer.

12 **Q** So how was he walking towards the officer?

13 **A** He went like this with his hands up, and
14 when he reached that way that's when the police
15 started four shots. (indicating)

16 **Q** How did he reach. You say he reached that
17 way?

18 **A** I mean, he had his hands up like this, he
19 never went down or reached out, he still had his
20 hands up. And that's when the police started
21 letting off more shots.

22 **Q** You never saw him like go to his waist?

23 **A** His hands never went down.

24 **Q** When the officer was shooting?

25 **A** When the officer start shooting, his hands

1 never went down.

2 **Q** How many shots did the officer fire?

3 **A** Uh, it was over six, it was six to nine
4 rounds.

5 **Q** All about --

6 **A** The first shot pow, pause.

7 **Q** And that was at the car?

8 **A** That was at the car.

9 **Q** Okay.

10 **A** When he turned around to go back, as if he
11 was surrendering, that's when the rest of the shots
12 started going off.

13 **Q** Okay. So when Mike Brown was surrendering
14 and he was walking towards the officer, what was the
15 officer doing before he started shooting or did he
16 just start shooting?

17 **A** He just started shooting.

18 **Q** The officer didn't back up or walk toward
19 Mike Brown?

20 **A** He just started shooting.

21 **Q** Did he say anything to him, like get down?

22 **A** No, he just started shooting.

23 **Q** He didn't tell him to stop or anything?

24 **A** If he did, I didn't hear that part, I just
25 know the gunshots start ringing off.

1 **Q** Were you close enough to hear it?

2 **A** The gunshots?

3 **Q** Were you close enough to hear if the
4 officer said something?

5 **A** No.

6 **Q** You were not close enough?

7 **A** No.

8 **Q** But you were close enough to hear Mike
9 Brown?

10 **A** He screamed like, I give up.

11 **Q** He was screaming?

12 **A** He screamed, I give up.

13 **Q** So if the officer was screaming a command
14 or something, do you expect to have heard it?

15 **A** I would have heard it.

16 **Q** Okay. Now, this other officer, when did
17 you see him, you said it was two officers in the
18 car?

19 **A** Yes, I mean, when he got out of the car, I
20 didn't really get no description of him.

21 **Q** Before you kind of jump too far. Are you
22 saying the officer, the other officer?

23 **A** He was in the passenger seat.

24 **Q** He was in the passenger seat, in the
25 front?

1 **A** The front seat.

2 **Q** Did you see him get out of the car?

3 **A** (Shakes head.)

4 **Q** Okay. So he did not get out of the car?

5 **A** No, ma'am.

6 **Q** Okay. From what you could see, what did
7 you, what did you tell us about the other officer
8 was he a black or white man?

9 **A** He was a white cop too.

10 **Q** Did he look young or old?

11 **A** He could have been middle age or young, I
12 don't know.

13 **Q** Did he look to be in uniform?

14 **A** They both was in uniform.

15 **Q** Okay. But he never got out of the car?

16 **A** No.

17 **Q** Or you didn't see him?

18 **A** I didn't see the passenger door open at
19 all.

20 **Q** Okay. And since your vantage point was
21 from the passenger side, that's where Dorian was?

22 **A** Yes.

23 **Q** You could see this other officer in the
24 car?

25 **A** Yes.

1 **Q** And that officer never got out to assist

2 --

3 **A** I never --

4 **Q** I have to ask the question and then you
5 answer. He can't take us both down at the same
6 time.

7 **A** I'm sorry.

8 **Q** You never, when the officer, when the
9 gunshot went off, you never saw the other officer do
10 anything?

11 **A** No, ma'am.

12 **Q** And when Darren Wilson we know is the
13 shooting officer, when he got out, the other officer
14 never got out to assist him?

15 **A** No, ma'am.

16 **Q** But you're positive there was another
17 officer in the car?

18 **A** Yes, ma'am.

19 **Q** Okay. Did you ever see a weapon fall?

20 **A** (Shakes head.)

21 **Q** Did you ever see Mike Brown with a weapon?

22 **A** No, ma'am.

23 **Q** And when I ask you about a weapon falling,
24 what was your answer?

25 **A** No.

1 **Q** Okay. When you saw Mike Brown stop and
2 turn around, I think your first statement on August
3 the 16th, and we've had your statement so we know,
4 at least the first one, of course, I think you
5 mention that he turned around as if he was defending
6 himself or giving up, which are two different
7 things.

8 **A** Well, there was so much going on, I meant
9 to say he was surrendering himself. I didn't say to
10 defend himself, I meant to say surrendering.

11 **Q** Okay. Surrendering or giving up?

12 **A** Giving up.

13 **Q** Is what you meant?

14 **A** Yes, ma'am.

15 **Q** Did it look like at any time he was trying
16 to defend himself from the officer to you?

17 **A** As far as getting away, he grabbed him,
18 yes, it was like as if he was like, why is you
19 grabbing me, like what did I do, that type.

20 **Q** Okay. Now, when Mike Brown was running
21 away, you were trying to explain to me how he ran.
22 So you said he didn't run very far, so explain that
23 to me?

24 **A** I mean, from the middle of the street to
25 the light pole like where, it is like light pole and

1 there is some trees right there in front of his
2 apartment building right there.

3 **Q** Uh-huh.

4 **A** Like the parking lot, he didn't run that
5 far from Mike from right here to there. It wasn't
6 far at all. (indicating)

7 **Q** Okay. Before he turned around?

8 **A** Before he turned around.

9 **Q** And when he was running away from the
10 officer, when he had his back to the officer, did
11 you hear any shots being fired?

12 **A** No.

13 **Q** How many shots would you say you heard
14 total from the start of the car?

15 **A** One, I'm going to say like it's about six,
16 between six and nine shots.

17 **Q** Okay. And when he was walking towards the
18 officer?

19 **A** He had his hands up.

20 **Q** He had his hands up?

21 **A** Yes, ma'am.

22 **Q** Did you ever see him like run towards the
23 officer?

24 **A** No, ma'am. He stopped and he turns around
25 and he like was walking back towards the officer.

1 **Q** What was your opinion of why he was
2 walking towards the officer?

3 **A** Like as if he was surrendering, and that
4 first shot, I guess, he noticed he was shot. So he
5 was surrendering hisself like, I give up. Like,
6 what did I do?

7 **Q** Did it look like he was falling into the
8 officer's body or something?

9 **A** No, it was like as if he was walking back
10 towards him. He was going back towards him, that's
11 when the police started letting off the shots.

12 **Q** Now, did you take any video or pictures of
13 the shooting?

14 **A** No, I didn't. I didn't get none of that
15 at all.

16 **Q** Did you get anything like after the
17 shooting?

18 **A** I got after the shooting, it's not much,
19 but I got some of it.

20 **Q** What did you do with that video, was it
21 video or pictures?

22 **A** I got videos on my phone.

23 **Q** Do you have it with you?

24 **A** Yes, ma'am.

25 **Q** Just hold tight, we will have to deal with

1 that later. Did you turn that over to the police?

2 **A** To the FBI.

3 **Q** The FBI have it?

4 **A** Yes.

5 **Q** Okay. That's what I need to know.

6 Do you know ?

7 **A** No.

8 **Q** Okay. Do you remember when you talked to
9 the FBI at the house, I guess it was in Canfield
10 Green?

11 **A** Uh-huh.

12 **Q** Whose house were you at when you were
13 talking to them?

14 **A** I was at my friend's house.

15 **Q** What is her name?

16 **A** No, that was a guy.

17 **Q** What's his name?

18 **A** .

19 MS. ALIZADEH: I'm sorry, what's his name?

20 **A** .

21 MS. ALIZADEH: ?

22 **A** Uh-huh.

23 **Q** (By Ms. Whirley) And he lived at Canfield?

24 **A** Yes.

25 **Q** Where was that apartment at that

1 lived at?

2 **A** Uh, this one right here. (indicating)

3 **Q** Is that

4 **A** Yeah.

5 **Q** Now, in the statement , so it could
6 have been ?

7 **A** I was at the house next to it.

8 **Q** who you were visiting?

9 **A** Yes, he was at work at the time. So I
10 stepped over here to a house next door.

11 **Q** At , not that you had to go?

12 MS. ALIZADEH: Sheila.

13 MS. WHIRLEY: How did you happen to go.

14 MS. ALIZADEH: It says we are at apartment
15 and then the person says .

16 MS. WHIRLEY: Okay. Thank you for that
17 correction. So you were right, is where you
18 were?

19 **A** Uh-huh.

20 **Q** (By Ms. Whirley) So what was , is that
21 where lives?

22 **A** Yes, he stay in , I was at .

23 **Q** How did you get to ?

24 **A** I was standing outside and I was talking
25 to the people the night before, I was talking to

1 them.

2 **Q** Okay.

3 **A** And the agent, all of them pulled up. It
4 was a burden on my chest just to know that it
5 happened like that and I felt like I should say
6 something, just give my opinions because I was
7 there.

8 **Q** Okay.

9 **A** So I just went on and I told them I seen a
10 little bit and I went on in and told them what I
11 saw.

12 **Q** Okay. You didn't know the people that
13 were at who lived there?

14 **A** No.

15 **Q** Because there was a few people there, they
16 were all talking?

17 **A** Yeah, they was talking. I don't know them
18 like that so, like I said, that was my friend's
19 house. Basically I can come over there and talk to
20 them in there.

21 **Q** You didn't know

22 **A** No.

23 **Q** Did anybody ever there show you a video of
24 the shooting?

25 **A** No.

1 **Q** Okay. Or say they had a video that you
2 know of?

3 **A** No.

4 **Q** All right. Now, you said you wanted to
5 say something because of the way it happened?

6 **A** Yes.

7 **Q** Well, tell us what you mean by that?

8 **A** I mean, I just fell like, I mean, he
9 didn't do anything wrong. I mean, from him walking
10 from the store or anything, or whatever, to the
11 place out in the street or what the police did, I
12 didn't know. But I just felt like it was wrong, why
13 would you shoot an unarmed child with his hands up.

14 **Q** And the part you did actually see some
15 kind of scuffle at the car or you said the officer
16 snatched him at the car or grabbed him?

17 **A** Grabbed him by his shirt.

18 **Q** You didn't see Michael Brown start any
19 type of physical skirmish or anything?

20 **A** No, ma'am.

21 **Q** You saw it from the very beginnings?

22 **A** From the very beginning, I was talking on
23 the phone. We was all out there just talking like I
24 said the police was riding down the street, they was
25 walking in the middle of the street, pulled up and

1 said something and he pulled back and that's when he
2 went to grab him by his shoulder.

3 Q Now, let's go back to when Michael Brown
4 turned around, had his hands up as you tell us, and
5 he was shot at least five or six times as he was
6 walking towards the officer. And did you see him
7 hit the ground?

8 A When he hit the ground, he fell hands up
9 and that's how he was laying.

10 Q Did he fall, how did he fall?

11 A He fell, like fell down like on his knees
12 and he just fell.

13 Q Did he go down on his knees for a minute
14 first, or how did he do?

15 A He dropped down and he fell.

16 Q Where did he land?

17 A In the middle of Canfield, like right up
18 in there. (indicating)

19 Q And was he, face on the beyond?

20 A Face on the ground.

21 Q All right. And what did the officer do
22 once he fell?

23 A I seen an officer walk over, check his
24 pulse, stand up, and he walked away.

25 Q What officer was that that checked his

1 pulse?

2 **A** I don't have the slightest idea, I don't
3 know.

4 **Q** Was it the officer that did the shooting?

5 **A** I don't know.

6 **Q** You're not sure?

7 **A** Not sure.

8 **Q** Initially you thought it was?

9 **A** I thought it was.

10 **Q** Why did you decide it may not have been?

11 **A** Because the picture of the police, didn't
12 look like the picture of the man who checked his
13 pulse.

14 **Q** What picture now?

15 **A** On the news, that didn't look like Darren
16 Wilson who took the pulse.

17 **Q** You said you didn't see the other guy who
18 was riding with him?

19 **A** No.

20 **Q** Now, on one part of your statement, let's
21 see, it is on page 17, have you ever looked at your
22 statement?

23 **A** Huh-uh.

24 **Q** We can let you if you need to, but I just
25 had a question about, um, you said that before, on

1 page 17 at the top, before the first shot, you talk
2 about slamming his hand and like I said once, I
3 guess once he flung his hand, that's when the first
4 shot rung off and it hit him. What did you mean by
5 slam his hand?

6 **A** I guess when he grabbed him by his shirt,
7 you know, reaction from a person grabbing your
8 shirt, you are going to initially grab his hand to
9 try to snatch it away or smack his hand away.

10 **Q** You talking about Mike Brown slamming the
11 officer's hand away?

12 **A** Yeah.

13 **Q** Did you see Mike Brown strike the officer?

14 **A** No, ma'am.

15 **Q** And once Mike Brown is down on the ground,
16 did the officer shoot any more?

17 **A** Somehow, all I know, I didn't know if he
18 got in the head. We notice there was a blood trail
19 coming from his head as he was laying on the street.

20 **Q** Okay. But my question is, you saw him hit
21 the ground?

22 **A** Yes, ma'am.

23 **Q** Did the officer shoot any more?

24 **A** No, ma'am, I don't think he shot any more
25 after he hit the ground.

1 **Q** You didn't hear any more shots after he
2 hit the ground?

3 **A** No, ma'am.

4 **Q** What did the officer do when he hit the
5 ground, do you recall?

6 **A** Nothing.

7 **Q** Okay. Was there any point that you
8 thought maybe when you first talked to the FBI
9 agents that the officer shot him while he was on the
10 ground?

11 **A** It could have happened that way like once
12 he fell.

13 **Q** Did you ever think that?

14 **A** Yes, I did.

15 **Q** Tell us why, tell us a little bit more
16 like that?

17 **A** There was too many shots. After a certain
18 many shots he fell. And I guess he was going to
19 make sure, I didn't know if he was absolutely there,
20 I don't know. It is how it happened.

21 **Q** But it seemed to you he was still shooting
22 at him once he fell?

23 **A** Yes, ma'am.

24 **Q** Does it seem that way today?

25 **A** Yeah.

1 **Q** Okay. But you didn't see it?

2 **A** No, ma'am.

3 **Q** You just assume it?

4 **A** I mean, I saw it.

5 **Q** I know, don't be nervous.

6 **A** It's crazy.

7 **Q** Try not to be.

8 **A** I think he did, I think he did shoot him
9 once while he's down on his knees.

10 **Q** But you're not sure?

11 **A** No, I'm not.

12 **Q** Was he on his knees for a minute?

13 **A** No, like once he fell, as he was shooting,
14 he was falling and.

15 **Q** So he wasn't like on his knees and the
16 officer was shooting him?

17 **A** Like um, um, um, he could have been
18 shooting him as he was going down, yes, ma'am.

19 **Q** But you didn't see him stand over him once
20 he is down?

21 **A** No.

22 **Q** You're sure of that?

23 **A** Yes, I'm positive.

24 **Q** Now, why did you think you needed to come
25 forward, you said you didn't like that, what are

1 your thoughts about that, did you feel that the
2 officer was being threatened by Mike Brown?

3 **A** He could have.

4 **Q** What are your thoughts on that in viewing
5 what you saw?

6 **A** I can't say on behalf of the police if he
7 felt threatened, he could have cause he was a big
8 guy. I thought he was a grown man when I saw him.

9 **Q** Okay.

10 **A** He could have felt threatened because of
11 his height and his weight. He could have felt
12 threaten by him.

13 **Q** I guess I should have asked that a little
14 differently. Did it appear to you that Mike Brown
15 was threatening him?

16 **A** No, it didn't seem like that at all. They
17 wasn't causing no trouble at all period. They was
18 like walking.

19 **Q** And why did you want to come forward and
20 tell what happened?

21 **A** Because it was wrong.

22 **Q** What was wrong?

23 **A** For the police to shoot him like that
24 numerous times. After the first shot, I mean, after
25 the first shot that should been enough if he's

1 surrendering with his arms up and not making no type
2 of movement saying that he had a weapon or anything,
3 I felt that was wrong.

4 **Q** So that from what you could see, there was
5 another officer to assist him in the car?

6 **A** Yes, ma'am.

7 **Q** You actually saw another officer?

8 **A** Yes, ma'am.

9 MS. WHIRLEY: I don't think I have
10 anything else. Kathi?

11 **Q** (By Ms. Alizadeh) Okay. Ma'am, I'm going
12 to ask you some more questions and they might seem
13 kind of tough questions, okay?

14 **A** Okay.

15 **Q** One thing we need to slow this down. That
16 means when I speak and answer a question, try to
17 wait until I'm finished with the question before you
18 answer.

19 **A** Okay.

20 **Q** It helps them to follow what's going on
21 and it certainly helps the court reporter because
22 his fingers are on fire right now trying to keep up
23 with this, okay.

24 And I might slow you down
25 occasionally.

1 **A** Okay.

2 **Q** I'm going to ask you a question. I don't
3 ask you this to embarrass you in any way. Do you
4 take any medication?

5 **A** No, ma'am.

6 **Q** Okay. Is there anything that you are
7 supposed to be taking medication for?

8 **A** No, ma'am.

9 **Q** Okay. So I see you raise your eyebrows.
10 I'm just asking because kind of ADHD and
11 sometimes he talks very fast and I didn't know if
12 anybody ever told you that?

13 **A** Huh-uh.

14 **Q** You're a fast talker.

15 **A** Yes, I am.

16 **Q** Okay. So let me back up, see if I can
17 understand. When you say that you were going into
18 the complex, I'm not sure if I understood the reason
19 that you were going in there.

20 You said you were coming back from
21 the store?

22 **A** I have a friend who stays right next door
23 to the apartment who I was, , he stays
24 in that apartment where I was going to visit.

25 **Q** Okay. Were you specifically going to

1 visit him or were you cutting through to go back to
2 your place and you were going to stop?

3 **A** It was a little bit of both.

4 **Q** And correct me if I'm wrong. I think you
5 said that it is not unusual for you to go through
6 Canfield to get to where you live, can you get to
7 where you live by going through Canfield?

8 **A** Uh-huh.

9 **Q** Okay. So when you were going through that
10 that day, were you going home, or were you going
11 through there to stop and visit your friend?

12 **A** I was going home, but just by me going
13 through, I was just generally just stopping to see a
14 friend.

15 **Q** Okay. And we know it was a beautiful
16 Saturday day?

17 **A** Uh-huh.

18 **Q** Do you know other people in the complex?

19 **A** No, I mean, I know just because I've been
20 over there with my friend. So, I mean, I just stop.
21 I saw them when my friend wasn't at home, saw them
22 and just generally speaking.

23 **Q** So your friend, I think ,
24 you've been inside his apartment before?

25 **A** Uh-huh.

1 **Q** How about anybody else that lives in
2 Canfield, have you ever been inside anyone else's
3 apartment?

4 **A** No.

5 **Q** The other people you met in Canfield was
6 kind of in passing by?

7 **A** Yes, ma'am.

8 **Q** And so on that day, you said you were
9 coming this direction?

10 **A** No, I was coming.

11 **Q** Oh, okay, I'm confused. You are coming
12 from this direction?

13 **A** Yes, ma'am.

14 **Q** And you turn onto Coppercreek Court?

15 **A** Yes. It is a lot like right here. I was
16 on the back lot. I pulled directly in front on the
17 lot in the back, back by the dumpster.

18 **Q** You are in the lot that's on Canfield
19 Court?

20 **A** Yes.

21 **Q** You were going to go visit this person
22 at --

23 **A** Yes.

24 **Q** -- at ?

25 **A** Yes, ma'am.

1 **Q** And is there, just out of curiosity, a
2 reason you didn't go and park closer to his
3 apartment?

4 **A** Like I say, it was neighbors standing out
5 right there and I stopped right there.

6 **Q** Okay. Who was standing out?

7 **A** His name is and I want to say
8 , I call her .

9 **Q** You saw a man named , you
10 call him ?

11 **A** Uh-huh.

12 **Q** And a woman named ?

13 **A** Uh-huh.

14 **Q** So when you pulled up into the parking
15 lot, were they outside?

16 **A** Yes, they were.

17 **Q** Were they on the ground or were they like
18 on a balcony?

19 **A** On a balcony.

20 **Q** Okay. Do you know what building number
21 where they were on the balcony?

22 **A** Uh, stayed in the next apartment on
23 the other side, on this side on the second floor and
24 he was up on the balcony.

25 **Q** Okay. So was on the balcony on the

1 second floor on , did you point right there?

2 **A** Not the apartment where I was standing at,
3 on the other side. I don't know quite what that
4 address is on the other side.

5 **Q** Just where I'm pointing, is that where you
6 had the laser pointer right here, he was on the
7 balcony?

8 **A** Yes, on the second floor.

9 **Q** On the second floor. And your friend
10 lives?

11 **A** Yes, over there on that side.

12 **Q** Did you get out of your car?

13 **A** Yeah, and walked right over toward
14 thing, and we was all standing right
15 there by the dumpster. Well, was
16 standing over there by the dumpster.

17 **Q** Okay. There's a dumpster here?

18 **A** Uh-huh.

19 **Q** That's in the parking lot of Coppercreek
20 Court?

21 **A** And my car was parked right there.
22 (indicating)

23 **Q** Hang on, let me finish. And there's a
24 dumpster here that's in the parking lot of Canfield
25 Court?

1 **A** Uh-huh.

2 **Q** Which dumpster was standing by?

3 **A** The one right there on Coppercreek.

4 **Q** The one on Coppercreek Court?

5 **A** (Nods head.)

6 **Q** Do you know was she standing, if this is
7 south, okay. Was she on the south side of the
8 dumpster, on the north side of the dumpster, was she
9 in the parking lot or was she behind?

10 **A** Parking lot.

11 **Q** In the parking lot. And was on his
12 balcony?

13 **A** Balcony.

14 **Q** So point to the map where you parked your
15 car?

16 **A** Like right up in here. (indicating)

17 **Q** Okay. And when you walked, where did you
18 walk to?

19 **A** I walked over to the balcony, got a
20 cigarette from , and then I walked over there to
21 talk to .

22 **Q** Okay. When you got the cigarette from
23 , did come down off the balcony?

24 **A** Not just yet, he didn't come down until
25 the commotion started.

1 **Q** Okay. Let's get to that in a minute.

2 **A** Okay.

3 **Q** But when he, so did he toss a cigarette to
4 you?

5 **A** Yes, ma'am.

6 **Q** Or did you go up?

7 **A** No, he tossed it down to me.

8 **Q** Okay. So you know him well enough, hi
9 can I have a cigarette?

10 **A** Yeah.

11 **Q** All right. So when you say, after you got
12 the cigarette, you walk down here?

13 **A** Uh-huh, because I was talking to
14 .

15 **Q** You call her

16 **A** Uh-huh.

17 **Q** You said you saw, at some point, maybe I'm
18 confused, when you first saw the boys, which
19 direction were they walking?

20 **A** They was walking towards West Florissant.
21 There was a lot right up here, this is a grass area.

22 **Q** Yes.

23 **A** They walked from somewhere up in this
24 area, they walked across the lot and go down
25 Canfield.

1 **Q** Okay. When the officer's car pulled up
2 and confronted the boys, is that as they were
3 walking this direction down Canfield?

4 **A** No, they was coming back.

5 **Q** Okay. That is what I was confused about.
6 So you're standing there talking to ,
7 smoking a cigarette and how long were you there
8 before you saw those boys again?

9 **A** Maybe 20, 25 minutes.

10 **Q** Just standing in the parking lot talking?

11 **A** We was just standing there talking.

12 **Q** Did you see any other people around this
13 area?

14 **A** It was some people standing out like by
15 the Canfield Court. I mean, there was lot of people
16 standing, I mean there was people standing in the
17 Canfield Court area. There was some people outside.

18 **Q** Did you ever see anybody that looked like
19 they were working on buildings or working on things?

20 **A** Some construction workers?

21 **Q** Yes.

22 **A** Yes.

23 **Q** Where were they?

24 **A** They was like, they was like on Canfield,
25 like back up in the this area by Canfield Court.

1 (indicating)

2 Q So you got the laser pointer on a grassy
3 patch between the sidewalk that's on the north side
4 of Canfield Drive and the actual street?

5 A Yeah.

6 Q In between Coppercreek Court and Canfield
7 Court. So what were they doing in this area?

8 A Can't say what they was doing, probably
9 working on some sewer lines.

10 Q So were they like digging or could you
11 tell?

12 A I want to say they was digging. They was
13 doing a lot of digging around there, so I say they
14 was digging.

15 Q Okay. Now remember when we talked before
16 we came in here, I don't want you to guess at
17 things. So remember I said if, I really don't know
18 is the right answer, that I'd rather have you say
19 that.

20 A Okay. I don't know.

21 Q Okay. Did you stay here with
22 the entire 30 minutes from the time the boys left to
23 when they came back?

24 A Yeah.

25 Q was still there when the boys

1 came back. So was she standing there at the
2 dumpster when the whole thing with the police car
3 happened at the police car?

4 **A** Yeah.

5 **Q** You mention that eventually came down
6 when the commotion started.

7 **A** He sat on his balcony so, when the police
8 did all the shooting, that's when he came down. He
9 knew I forgot to call the ambulance and stuff like
10 that.

11 **Q** Were you still standing, and I've got the
12 end of my pen here where that dumpster is on
13 Coppercreek Court, there's a little, looks like
14 painted lines in a little box so people don't park
15 in front of it, would that be fair to say?

16 **A** Yes, ma'am.

17 **Q** Were you like in that box?

18 **A** I was somewhere up in there.

19 **Q** Somewhere up in there. And so you saw a
20 police vehicle coming westbound on Canfield Drive?

21 **A** Yes, ma'am.

22 **Q** At this point did you see the boys walking
23 back?

24 **A** Well, not at that time, but when they got
25 closer up toward this apartment building, that's

1 when I saw them, like right up in here.

2 (indicating)

3 **Q** Now, let me ask you, ma'am, because if the
4 initial encounter at the vehicle, after the vehicle
5 backed up and the shooting occurred, did you ever
6 see that vehicle move again?

7 **A** No.

8 **Q** And so if I were to tell you that vehicle
9 was photographed by crime scene detectives right
10 around in this area, would that be about your
11 recollection?

12 **A** Yes, ma'am.

13 **Q** Can I ask you, ma'am, how it is if you are
14 at this dumpster, you can possibly see what's going
15 on at the police car because wouldn't this building
16 obstruct your view?

17 **A** No.

18 **Q** So you're saying if you stand at this
19 dumpster, I'm going to use a piece of paper as like
20 a straight edge.

21 **A** Uh-huh.

22 **Q** We all know people can't see around
23 corners, right?

24 **A** (Nods head.)

25 **Q** And so if the police vehicle was somewhere

1 around here and you are at that dumpster, do you see
2 that the line of sight for that area goes through
3 this building, doesn't it?

4 **A** Yes.

5 **Q** So can you explain to me how it is that
6 you can stand there and see what happens at that
7 police car?

8 **A** I mean, I saw. Cause it is like two
9 dumpsters on Canfield, on Coppercreek.

10 **Q** Okay.

11 **A** But it might be the second one, but it is
12 more like there is one right there closer toward the
13 street. I was closer toward the street.

14 **Q** So you think that you were closer toward
15 Canfield Drive?

16 **A** Yes, I was. The dumpster right there up
17 there by the apartment and then dumpster right down
18 here.

19 **Q** Despite the fact that you just for the
20 last 15 minutes or longer, when Sheila was
21 questioning you too.

22 **A** Uh-huh.

23 **Q** You put yourself here? (indicating)

24 **A** I mean, there's the dumpster that I see.
25 I mean, there is two dumpsters, so it can be either

1 one.

2 Q Okay. Do you believe that there's two
3 dumpsters there today?

4 A I mean, the one dumpster up there by the
5 apartment and the one down here closer to Canfield.

6 Q So you think there is another dumpster
7 that's in this parking lot that's closer to
8 Canfield?

9 A Yes.

10 Q Because I'm confused.

11 A Okay.

12 Q And I'm not trying to put you on the spot.

13 A No.

14 Q You remember I said we have got to ask
15 tough questions.

16 A Yes, ma'am.

17 Q And remember I said at some point you say
18 you know what, maybe I really didn't see that. If
19 that's the true answer, that's what we want today,
20 okay?

21 A Yes, ma'am.

22 Q And if you say absolutely not, I know I
23 saw it. If that's the true answer, that what I want
24 you to say, okay?

25 A Uh-huh.

1 **Q** But based upon what you're telling me
2 earlier, do you understand how it would be very
3 difficult for me to believe that you could see that
4 vehicle if you were at that dumpster and the police
5 car were here? (indicating)

6 **A** Uh-huh.

7 **Q** So now you're saying you were closer to
8 the street. Were you in the parking lot or on the
9 grass?

10 **A** I was on the parking lot.

11 **Q** Was with you at that location
12 or was she farther up the parking lot?

13 **A** She was like right there in the same area
14 where I was at.

15 **Q** She was next to you?

16 **A** Uh-huh.

17 **Q** Were you having a conversation?

18 **A** We was all having a conversation.

19 **Q** Okay, all right. I have to use my glasses
20 to read what I write, okay. Now, you said that when
21 the officer was driving west on Canfield, you see
22 him stop and talk to the boys?

23 **A** He said something.

24 **Q** And you hear --

25 **A** And then he pulled off.

1 **Q** But you said you heard the other boy?

2 **A** I didn't say, he said it loud enough to
3 where I don't say that far.

4 **Q** And then there was, did you see any
5 confrontation right then?

6 **A** No, the police pulled off.

7 **Q** Were the boys at the driver's window at
8 that moment?

9 **A** They was in the middle of the street.

10 **Q** I know you've said there were two
11 policeman in the car, were they at the driver's side
12 talking through the driver's window or were they on
13 the passenger side?

14 **A** They was on each side, one was on one
15 side.

16 **Q** Which one was on what side?

17 **A** Dorian was on, he was on the sidewalk
18 part, closer by the sidewalk, and Mike Brown was
19 like in the middle of the street like crossing over.

20 **Q** And then you said the officer pulled
21 forward, did the boys keep walking?

22 **A** They kept walking like as if they was
23 coming back towards where they was coming from, back
24 towards this way. (indicating)

25 **Q** All right. And how far did the officer

1 get toward West Florissant before he backed up?

2 **A** They wasn't down there this way.

3 **Q** No, no, I meant toward.

4 **A** They didn't go far at all.

5 **Q** Would it have been more than two car
6 lengths?

7 **A** Maybe, I would say.

8 **Q** And then you said he backed up, quickly or
9 normal?

10 **A** Normal.

11 **Q** All right. So you didn't hear any tires
12 squealing?

13 **A** No.

14 **Q** And then when he backed up, I'm so sorry
15 because I get confused with what everybody else has
16 said and I've listened to so many statements.

17 **A** That's fine.

18 **Q** If my pen is the police car and this is
19 obviously way bigger on the map, when somebody is
20 driving down the street, they drive in a lane and
21 they drive straight, correct?

22 **A** Uh-huh.

23 **Q** So when the officer backed up, did he back
24 straight?

25 **A** Backed straight.

1 **Q** He didn't angle his car in any way?

2 **A** (Shakes head.)

3 **Q** You are shaking your head no.

4 **A** No.

5 **Q** He didn't angle his car?

6 **A** No.

7 **Q** If I tell you that there is photos of that
8 vehicle after the fact where that vehicle is
9 actually angled in the middle of the street, you
10 don't recall that?

11 **A** No.

12 **Q** And when he backed up, and the boys now,
13 are they both on the driver's side when he backs up?

14 **A** No.

15 **Q** Still Dorian is on the passenger side?

16 **A** On the passenger side.

17 **Q** And Michael Brown --

18 **A** Is on the driver's side.

19 **Q** And then if you were in this position now,
20 or somewhere on this parking lot farther south than
21 the dumpster, than this dumpster that we have been
22 talking about.

23 If the officer's car is right around
24 in this area and Michael Brown was in the window.
25 If that car was angled, wouldn't you agree with me

1 that the car would be between you and Michael Brown?

2 **A** Yes.

3 **Q** And when you were at this location and
4 looking at the vehicle when Michael Brown was at the
5 driver's door, was the car in between Michael Brown
6 and you, the police car, yes?

7 **A** Yes, ma'am.

8 **Q** Okay. So the car is blocking part of your
9 view?

10 **A** Yes, ma'am.

11 **Q** And wouldn't you agree with me, now
12 Michael Brown we know that he was 6'5", right, and I
13 would imagine --

14 **A** I thought he was an adult, I didn't know
15 he was no child.

16 **Q** I would imagine if he was standing there.
17 He's probably taller than the car, would you think
18 maybe he was?

19 **A** Yeah.

20 **Q** When he was standing at the driver's
21 window of the car, could you see the top of his head
22 or any part of his head over the roof of the car?

23 **A** I'm not sure.

24 **Q** You're not sure?

25 **A** Yes.

1 **Q** That is the correct answer if you are not
2 sure, okay?

3 **A** Yeah, I'm not sure.

4 **Q** And so you said you saw the officer's arm
5 come out of the window and grab him by the shirt
6 collar. Let me ask you this. If the vehicle is in
7 between Michael Brown and you, are you looking
8 through the vehicle to see that?

9 **A** Yes.

10 **Q** Okay. So is the passenger window of the
11 vehicle open?

12 **A** Yes.

13 **Q** You remember the passenger window was
14 down, and obviously, if the officer puts his hand
15 through the driver's side window, we know that
16 window was down?

17 **A** Yes.

18 **Q** Okay. So you're saying that you could see
19 through those windows, and you saw the officer grab
20 Michael Brown by the shirt collar?

21 **A** Yes, ma'am.

22 **Q** Okay. So you're actually looking into the
23 car, if you are seeing through those windows, you
24 have to see into the car, right?

25 **A** (Nods head.)

1 **Q** And then you would see the front portion
2 of Michael Brown's body?

3 **A** Yeah.

4 **Q** And so if Michael Brown, I mean, if his
5 hands were up, at or near or inside that vehicle --

6 **A** His hands were not in the vehicle at all.

7 **Q** Okay. Do you remember saying before that
8 you couldn't really see either of their hands as far
9 as what their hands were doing?

10 **A** I know when he grabbed him by his shirt.

11 **Q** Right.

12 **A** I seen him when he went to go and like
13 knock his hands back. And that's when the first
14 shot was fired.

15 **Q** Well, you've said in your other statement
16 that when you talk about the officer putting his
17 hand out of the car, you say he pulled out and
18 grabbed him. This is difficult for me to do because
19 you guys talk over each other in these statements
20 and so I'm going to do my best and I'm going to show
21 you this so it will be easier for you to follow
22 along.

23 On page 11. So you're in this
24 conversation and SA, that's special agent, so that's
25 the FBI guy. So you were talking about, you know,

1 that the officer hadn't got out of the car, but I
2 mean was that, you said he pulled and then you said
3 he pulled.

4 And then the officer says, reach out
5 of the car? And you say, he pulled out and grabbed
6 him.

7 You mean the officer reached out and
8 grabbed Michael Brown, is that what you mean?

9 **A** Yes, ma'am.

10 **Q** He had already, he had his hand on his
11 gun?

12 **A** Yeah, I mean, for him to shoot while he
13 was sitting in his car.

14 **Q** Did you see that?

15 **A** No, I heard the pop.

16 **Q** My question is, did you see that the
17 officer had his hand on the officer's gun?

18 **A** Did I see?

19 **Q** Remember, I said don't guess at things.

20 **A** No.

21 **Q** Okay. When you were looking through the
22 vehicle?

23 **A** I didn't see the officer have his hand on
24 no gun.

25 **Q** Did you ever see the gun until the officer

1 got out of the car?

2 **A** I heard the pop, that's what I heard. I
3 heard the shot, I didn't see the gun, I heard the
4 shot.

5 **Q** Okay.

6 **A** And I didn't know that the cop went out of
7 his car.

8 **Q** Okay. And you understand that it is those
9 little details that matter?

10 **A** Yes, ma'am.

11 **Q** And you say evidently he already had his
12 hand on the gun, I was gathering by his word
13 evidently, that you were guessing at that?

14 **A** No, I was saying, what I was saying was
15 that evidently he had to have his hand on the gun in
16 order for him to shoot first cause he never had got
17 out of the car.

18 **Q** Okay. You're just guessing at that,
19 right?

20 **A** (Nods head.)

21 **Q** Is that right?

22 **A** Yeah.

23 **Q** Okay. And from your vantage point, you
24 never saw the gun in the officer's hand while the
25 officer was in the car?

1 **A** No, ma'am.

2 **Q** And so would it be safe to say that if the
3 officer had his gun in his hand, and if Michael
4 Brown had his hand on the officer's gun, you
5 couldn't see that either, is that fair to say?

6 **A** Yes.

7 **Q** Okay. Now, you testified today that when
8 Michael Brown turned around and he had his hands up,
9 I don't want to frustrate you, do you want some
10 water or anything?

11 **A** I'm fine.

12 **Q** And when he turns around with his hands up
13 you said that, I'm not sure how sure you were to
14 date on this because you said I think so and then
15 you said yes. You said that you heard Mike Brown
16 say, I give up.

17 **A** He did.

18 **Q** And then you also said you never heard the
19 officer saying anything?

20 **A** He didn't.

21 **Q** Okay. And I'm going to ask you again in
22 your first statement to the police, and this was on
23 August 16th, this happened on August 16th, would
24 have been the next Saturday when you are talking to
25 the officers on page 17. And the officer, and

1 you're and this is the special agent. And
2 you say, and that's when he turned around and he was
3 going back toward the police, defend, to give up.
4 And the officer asked, could you hear what was being
5 said.

6 And then another officer said do, and
7 then you said, no, I could not but I --

8 And then the agent says, can't hear
9 anybody yelling back and --

10 **A** I said no.

11 **Q** And you said no. Back on the 16th you
12 didn't hear anybody say anything?

13 **A** No. Like I said, when the first shot went
14 off, I know I heard him turn around and say, I give
15 up. Now, as far as him, I say him defending
16 himself, I meant to say he was surrendering himself.

17 **Q** Okay. I'm sorry, I started before you
18 finished.

19 **A** No, I was just saying that he was going
20 back to surrender himself. Like I say when he went
21 back and he turned around, his hands was up.

22 **Q** Okay.

23 **A** He never reached down or like if he had
24 anything or any type of weapon on him or anything.

25 **Q** Okay. I think you clarified that with

1 Sheila that you didn't mean --

2 **A** Right, I really didn't mean to say defend
3 hissself.

4 **Q** My question has to do with the fact that
5 today you testified that you heard Michael Brown say
6 I give up?

7 **A** He did say I give up.

8 **Q** But back on the 16th, a week after this
9 happened, you said you didn't hear either of them
10 say anything back and forth, back and forth?

11 **A** No, I didn't mean that.

12 **Q** Okay. Do you think it's possible, have
13 you talked to a lot of people since this has
14 happened about what you saw?

15 **A** No.

16 **Q** You're friends with , right?

17 **A** Uh-huh.

18 **Q** And she was there?

19 **A** She was there. She's just a neighbor and
20 she talks to everyone.

21 **Q** Yeah, I know, I've met her. So I'm asking
22 you since this happened this is a big deal.

23 **A** Yeah, it is, it is a very big deal.

24 **Q** You saw something and I know we already
25 talked about this, you wish you weren't there. You

1 were in the wrong place at the wrong time. And
2 there were a lot of people that wish they weren't
3 there to see that. And you people that were witness
4 to this share some special bond, I think, because
5 you were the ones who saw this. And I would think
6 it would be a natural thing to want to talk to the
7 other people because you have this, you know,
8 affinity with them. I saw it too, you have an
9 ability to kind of relate to each other. You don't
10 talk to people about this? You are shaking your
11 head no?

12 **A** No, I don't.

13 **Q** How about , did see it?

14 **A** He was on his balcony.

15 **Q** And did you ever talk to since
16 then about what he saw?

17 **A** No, ma'am.

18 **Q** All right. Do you watch any of the news
19 accounts about this?

20 **A** I try not to even look at it no more.

21 **Q** Okay.

22 **A** I saw enough.

23 **Q** After it first happened, did you watch
24 some of the news?

25 **A** No.

1 **Q** Okay.

2 **A** Only thing I saw on the news is when they
3 brought up the video saying he's at the store.
4 That's the only thing I saw. After that, I never
5 paid attention to it.

6 **Q** Have you joined in any of the activities
7 about, you know, whether it be to demonstrate or to
8 help raise money?

9 **A** (Shakes head.)

10 **Q** No?

11 **A** No.

12 **Q** Let me ask you this, you testified today,
13 you didn't actually come forward, you actually were
14 there, the police came, the FBI came and went to the
15 apartment, correct?

16 **A** Yes.

17 **Q** So you didn't come forward, but when they
18 were there, you told them what you saw?

19 **A** That's right.

20 **Q** You said it was somebody that encouraged
21 you to tell what happened?

22 **A** I mean, at first I wasn't going to say
23 anything, but it was a burden on me.

24 **Q** Uh-huh. I'm glad you did. But let me ask
25 you this. I know that you were interviewed today

1 and you were interviewed by a woman named ,
2 do you remember?

3 A Uh-huh.

4 Q There was a man named there,
5 do you remember him?

6 A Yes.

7 Q And when they talked to you today --

8 A I didn't talk to no man today.

9 Q Okay.

10 A It was three women.

11 Q Two female FBI agents?

12 A Yeah.

13 Q Do you --

14 A It was three, it was a prosecutor and I
15 want to say maybe two.

16 Q Okay. When you talked to them today, did
17 you tell them that one of the reasons why you're
18 coming forward and telling what you saw is because
19 you empathized with Michael Brown's mother?

20 A (Shakes head.)

21 Q You are shaking your head yes?

22 A Yes, ma'am.

23 Q So what does that mean?

24 A Because she's hurting, she lost a child.

25 Q Yes.

1 **A** I lost a brother, so.

2 **Q** So you know what it is like to lose
3 somebody. Did you lose your brother to violence?

4 **A** Two.

5 **Q** You are shaking your head yes?

6 **A** Yes, I did.

7 **Q** And that's a painful thing to have to live
8 through, I understand.

9 That's one of the reasons why you
10 wanted to help Michael Brown's family. And you are
11 shaking your head yes?

12 **A** (Shakes head.)

13 **Q** You need a minute? You want some water?

14 **A** (Shakes head) No.

15 **Q** Ma'am, I'm not saying that that's a bad
16 thing, okay. I think that that is totally
17 understandable because again, you share something
18 with them in a sense that you have a similar
19 experience. And you know what it feels like, it
20 would be normal to want to help bring them comfort
21 or closure, okay?

22 **A** Yes, ma'am.

23 **Q** Do you know Michael Brown's mother?

24 **A** No, ma'am.

25 **Q** Have you ever spoken to her?

1 **A** No, ma'am.

2 **Q** Have you ever spoken with anyone from his
3 family?

4 **A** No, ma'am.

5 **Q** How about attorneys that represent his
6 family?

7 **A** No, ma'am.

8 **Q** Other than the FBI agents that have
9 interviewed you now twice and coming in here and
10 talking to the grand jurors.

11 **A** This is it.

12 **Q** And finally, I want to clarify when you
13 said that you saw Michael Brown, the final shots,
14 okay. And Sheila asked you about did you see the
15 officer stand over him and shoot him. I'm not
16 really sure because in a way you said, it seems like
17 it happened that way, or something to that effect?

18 **A** It might as well.

19 **Q** It might as well. But you were there to
20 see it, right?

21 **A** I mean, he was like at the back of the
22 SUV. Mike Brown was going toward him and he was
23 just shooting at him like as he was walking toward
24 them, he's shooting and he's falling down face first
25 with his hands up.

1 **Q** So when he was on the pavement, were his
2 hands still in that position?

3 **A** Yes, ma'am.

4 **Q** Okay. And you saw his body on the
5 pavement?

6 **A** Yes, ma'am.

7 **Q** Did you stay at the scene for any amount
8 of time afterwards?

9 **A** I had stayed there until the whole thing
10 was over because I couldn't go nowhere.

11 **Q** Because your car was --

12 **A** My car was trapped in.

13 **Q** Okay. Did you stay down on Canfield
14 during that when the crowd started gathering?

15 **A** I moved further back away from it.

16 **Q** So you moved away from the body?

17 **A** (Shakes head.)

18 **Q** You are shaking your head yes?

19 **A** Yes, ma'am.

20 **Q** What I'm trying to clarify is, I want to
21 make sure we're getting what you saw and not what
22 you think happened.

23 So even though you say it might as
24 well have happened that way, but you didn't see the
25 officer stand --

1 **A** No, he didn't stand over him. He was
2 shooting as he was walking towards him. And as he
3 was walking towards the guy, he fell down and the
4 last shot. He didn't stand over him like as if he
5 walked over to him and stood over him, no, he
6 didn't.

7 **Q** Okay. You could see the officer as he was
8 firing those last shots?

9 **A** He was standing right there in the middle
10 of the street.

11 **Q** So you could see. You said that somebody
12 walked over and checked the pulse of Michael Brown?

13 **A** The officer, yes, he did.

14 **Q** If you see this officer, was it the
15 officer that you saw shooting that walked over?

16 **A** No, I don't know. It could have been a
17 different policeman.

18 **Q** Okay. Was it, was the scene taped off
19 when the officer checked his pulse?

20 **A** Yes, ma'am.

21 **Q** Okay. And I really appreciate your coming
22 in.

23 **A** No problem.

24 **Q** I'm very sorry I upset you.

25 **A** You didn't upset me.

1 MS. ALIZADEH: I don't want to bring up
2 your bad memories, but I appreciate you sharing them
3 with us, okay. Thank you.

4 MS. WHIRLEY: I just have one thing for
5 clarification. When you talked about you were asked
6 that you wanted to help Michael Brown's family, I
7 wasn't watching. I think you shook your head yes.
8 How do you want to help them, I'm not clear on that?

9 A As far as bringing, bringing the truth out
10 of what really happened. I mean, I didn't feel like
11 he did anything wrong. He didn't make no --

12 MS. WHIRLEY: You are telling this grand
13 jury that you absolutely saw what you told us here
14 today?

15 A Yes, ma'am.

16 MS. WHIRLEY: You're not making up
17 anything to help his family?

18 A No, ma'am, not at all.

19 MS. WHIRLEY: Are you making it worse than
20 what it really was?

21 A I'm going off on what I saw and it just,
22 it's just got to be right. Wrong, everything is
23 just wrong. He didn't do nothing wrong. He was
24 walking, where he was coming from he was walking.
25 It is not like he was attempting to do anything to

1 nobody or harm anyone, he was walking, him and his
2 friend.

3 So, I mean, for the police to assault
4 him or do anything, what was the reason?

5 MS. WHIRLEY: Questions?

6 . I
7 sympathize with your loss, sorry. I understood what
8 you just told Miss Sheila, let me understand your
9 feelings, you feel that the killing of Mr. Brown was
10 not justified to you?

11 A No, ma'am.

12 Regardless, you didn't
13 know what happened beforehand because like you say,
14 you just saw the tussling and after that?

15 A Right.

16 : But as far as him being
17 dead on the ground.

18 A Okay. What I'm saying is, if he did
19 something wrong, and the police had to protect
20 itself or to defend itself, then that would have
21 been the case, but for this young man to be walking
22 down the street, not causing any problems to no one
23 that was outside, what was the point. You could
24 have tased him instead of shoot him.

25 If you felt like he was harming you

1 in some type of way, you could have tased him. You
2 didn't have to pull your gun first. He didn't go to
3 show that he had any weapon on him at all.

4 So I felt like for him shooting him,
5 it was just too much. You could have tased him. If
6 anybody else run up and have an incident with a
7 police officer, that would be the first thing a
8 police officer will do to defend themselves. If you
9 felt like he had a weapon or anything.

10 He didn't show that he had any weapon
11 at all. He was just walking down the street and him
12 and his friend having a casual conversation, that's
13 what I saw out of them, so.

14 For him to just shoot that young man
15 like that I didn't think that was right.

16 Thank you.

17 . And
18 again, I also sympathize with you, this is a hard
19 thing, it is a hard thing for the parties involved,
20 for the grand jury, actually for the country. Okay.
21 It is some hard issues that are being brought up by
22 this, that's what we are charged to do. We have to
23 know the truth.

24 **A** Yes, ma'am.

25 : In order to make the

1 proper decision, okay?

2 **A** Uh-huh.

3 : Sometimes it might be hard
4 on you, it is with love, with love behind it, okay?

5 I have a question here. You said that, I
6 think this is on page 17 of your statement from what
7 is this, August 16th, at the top. When you're
8 saying that the officer backs up and then you know
9 Mike Brown is at the driver's side window, your view
10 is from the passenger side?

11 **A** Yes, ma'am.

12 : I think we've already
13 established the amount you can see.

14 **A** Uh-huh.

15 : You have a SUV with tinted
16 windows, Mike is between, his body is between you
17 and the SUV, then you have a cop in the car as well
18 and then Dorian also to the right side?

19 **A** Yes, ma'am.

20 Of the vehicle. Okay.
21 You said you heard the first shot, am right about
22 that?

23 **A** Yes, ma'am.

24 So if we can't see, you
25 know, hands going off or whatever, and I pose a

1 question, is it a possibility that the first shot
2 may have been an accidental shot and it was not a
3 shot intentionally to injure Mr. Brown?

4 **A** It could have been, but that doesn't count
5 for the rest of the shots that came after that when
6 he turned around. If that was a warning shot, the
7 rest of the shots, then or five or six shots
8 shouldn't have come from behind the first shot that
9 went off.

10 : Uh-huh.

11 **A** I don't feel like it was a warning, I feel
12 like it was intentionally done because the police
13 could have been intimidated. Like I say, I didn't
14 know he was a teenager, I thought he was a grown man
15 when I seen him.

16 So the police probably was
17 intimidated of his height, his weight, I don't know,
18 but I don't feel like it could have been a warning
19 shot.

20 But even if that was a
21 warning shot, that would be an intentional act by
22 the officer, okay?

23 **A** Okay.

24 So in the realm of
25 everything, there's a possibility just like the

1 first shot might have been an accident; is that
2 correct?

3 **A** It could have been yes, ma'am.

4 . As you mentioned
5 again, standing out there, a nice day on a Saturday,
6 talking with a couple people by the dumpster. A lot
7 of stuff going on as you mentioned out there. Was
8 it the act of the police car driving by that drew
9 your attention to then watch the entire scene, or
10 was it the first gunshot that had a big conversation
11 or smoke that drew your attention, what was it that
12 really made you focus solely on --

13 **A** What made me focused is when they pulled
14 back towards them.

15 Okay.

16 **A** What could they do. They was walking
17 across the street, they couldn't have been doing too
18 much, they wasn't doing anything.

19 : There wasn't any sound
20 associated with it, okay. Okay, thank you.

21 : I have a couple
22 questions.

23 **A** Uh-huh.

24 : And I want you to know
25 that these questions are hard for me to ask you,

1 okay?

2 **A** That's fine.

3 : I just want to verify on
4 page 29 of your statement, you said that, just now,
5 that was what I was going to ask you, . You
6 said the gunshot is what made me look for real?

7 **A** Yeah.

8 : We've established you
9 were looking through a car window that was tinted,
10 past one officer to another officer from the
11 opposite side of the street, and you really weren't
12 paying attention until you actually heard that first
13 gunshot, okay?

14 **A** Uh-huh.

15 : We've already established
16 that could have been an accident on either person's
17 side. The officer or Michael, they could have been
18 tussling. You didn't see his head, so you don't
19 know if he was in the car, right?

20 **A** No.

21 : You couldn't see the top
22 of his head?

23 **A** No.

24 : You have stated that he
25 was not in the car?

1 **A** He was not in the car at all.

2 : So, and then we also
3 established when you said the officer stood up over
4 him and emptied, and you didn't finish that, but
5 that's what it felt like to you, right?

6 **A** Yeah.

7 : He did not do that?

8 **A** No, he did not literally stand over him,
9 no.

10 : I just have a question
11 for you about . Was she outside with you
12 from the very beginning when the police car stopped?

13 **A** No.

14 Because you talked about
15 the first thing that you saw.

16 **A** No, she probably came outside right when I
17 pulled up, so.

18 : Okay. So again, when did
19 you pull up?

20 **A** I can't remember, it was afternoon.

21 : I mean, did you pull up,
22 I'm just trying to determine if you and
23 see the whole altercation?

24 **A** No, she probably did see the whole
25 altercation, I'm not going to say she did or not. I

1 know what I saw.

2 : And so you were visiting
3 a friend, you were going to stop by?

4 **A** Yeah, I just want to stop by and visit a
5 friend.

6 : And you realized he was
7 home?

8 **A** Right.

9 : Did you get of your car
10 and go to his door and knock?

11 **A** Yes, I did.

12 : After you got done, did
13 you see on his balcony?

14 **A** He was on his balcony and I was walking
15 like back towards my car, where the car was. And I
16 asked him for a cigarette and he threw it down and
17 that's when I saw .

18 Outside?

19 **A** Yes, ma'am.

20 And then today before you
21 said you heard him as he's walking away, Michael
22 Brown walking toward the police officer with his
23 hands up, you heard him say, I give up?

24 **A** I give up.

25 Then today you said, um,

1 let me find my notes. That you heard him say I give
2 up after the first shot?

3 **A** Yeah, no, no, when he walk, when he come
4 back, when he was running towards, he didn't say
5 when he turned around, when he noticed, I guess,
6 when he was shot, when he turned back around to walk
7 back towards the police, he was giving up. He was
8 surrendering hisself.

9 : I have a question for you
10 about that. I'm not saying he wasn't truly giving
11 up. If you were in the same situation and you were
12 giving up, would you continue to walk toward the
13 police officer or would you stop and get down?

14 **A** I probably would have stopped and got
15 down.

16 : So if you're telling me
17 that you would have stopped and got down, and the
18 reasonable thing would be to stop and get down. And
19 a 6'5", 285 pound man, even though he may have his
20 hands like this coming towards you, do you think
21 it's possible the police officer could have
22 misunderstood his act of surrender? (indicating)

23 **A** He probably could have misunderstood, but
24 that still didn't give him no reason cause he still
25 didn't ever move his hands from out of the air. I

1 could see if he walked, and then dropped his hands
2 and started back towards the police. And then I
3 could see some sort of, I need to defend myself. I
4 don't know what is going to happen, but when he was
5 going back towards the police, he had his hands up.
6 : But he always was walking
7 toward the police?

8 **A** He was walking toward the police.

9 : Thank you.

10 MS. WHIRLEY: Anything else?

11 : I have a few because I'm
12 confused with your answer there. I thought earlier
13 today that you had said when you got the cigarette,
14 was already out by the dumpster and you
15 stood next to her for like 30 minutes smoking and
16 you saw Michael and Dorian walking west Canfield.
17 That it was 30 minutes roughly that they came back.
18 Was there something different?

19 **A** When I was standing out there, I mean,
20 when they walk past, I was pulling up on the lot so.

21 : Okay.

22 **A** That's when I pulled up on the lot, they
23 was walking towards that, walking towards West
24 Florissant. I get out the car, knock on the door,
25 walk back down. on his place, ,

1 she's down by the dumpster.

2 She's already down by the
3 dumpster when you got the cigarette?

4 **A** Yeah.

5 : Before the first shot is
6 fired she's down?

7 **A** She was already outside when the first
8 shot went off.

9 : I just wanted to clarify
10 that.

11 MS. ALIZADEH: Any other questions?

12 MS. WHIRLEY: All right. That will
13 conclude her testimony.

14 (End of the testimony of .)

15 WITNESS 46,
16 of lawful age, having been first duly sworn to
17 testify the truth, the whole truth, and
18 nothing but the truth in the case aforesaid,
19 deposes and says in reply to oral
20 interrogatories, propounded as follows, to-wit:

21 EXAMINATION

22 BY MS. ALIZADEH:

23 **Q** Now, I'm going to tell you that I had
24 already explained to you we are making an audio
25 recording of what is going on in here and the court

1 reporter is going to transcribe what is being said,
2 but at this time I've had the court reporter pause
3 the recording so that I can have you introduce
4 yourself to the grand jurors.

5 I'm going to ask you where you live,
6 but not an address. You can tell me generally, you
7 can say I live in north county, I live in Jeff
8 County, I live in Illinois, something like that,
9 okay?

10 **A** (Nods head.)

11 **Q** And then after we're done with that, I
12 will have the court reporter start the audio or
13 recording again and after that I will refer to you
14 as Witness Number 46.

15 Is that okay with you?

16 **A** (Nods head.)

17 **Q** You have to answer out loud.

18 **A** Yes. I use that on Power Ball number,
19 okay.

20 **Q** Oh, the lucky number for you. Isn't faith
21 weird. So go ahead and introduce yourself to the
22 grand jurors, what's your name?

23 **A** My name is

24 **Q** And how old are you, ma'am?

25 **A** My age is I'm 50 years old.

1 **Q** Okay. And whereabouts do you live in St.
2 Louis?

3 **A** I live in North County area.

4 **Q** Okay. Do you live in the Canfield Green
5 Apartment Complex?

6 **A** No.

7 **Q** Have you ever?

8 **A** No.

9 **Q** Okay. So at this time now I'm going to go
10 ahead and have him start the audio recording. And
11 then I will again, , I will not refer to
12 you by your name after that, I will refer to you as
13 Witness Number 46, okay. And I will probably just
14 call you ma'am while I'm asking you questions, okay?

15 Now, we paused the recording while
16 you introduced yourself to the grand jurors and
17 herein after I'm going to refer to you as Witness
18 Number 46. And you understand that that's you
19 today, Witness Number 46; is that right?

20 **A** (Nods head.)

21 **Q** You have to answer out loud.

22 **A** Yes.

23 **Q** I will remind you if you forget, but as I
24 explained to you, not only are we recording what's
25 being said in here, but the court reporter is also

1 taking down what's being said and he can't take it
2 down if you shake your head yes or no. And so if I
3 can catch you doing that, I will probably say is
4 that a yes or is that a no, okay?

5 **A** Yes.

6 **Q** So try to remember to answer out loud.

7 And then also you know the people at
8 the very end of this table have to be able to hear
9 you, okay? And so --

10 **A** Hi.

11 **Q** When you answer questions, if your voice
12 is too low, they're not going to hear your answers
13 and I think it is very important that they hear what
14 you have to say, okay?

15 **A** (Nods head.)

16 **Q** And you are shaking your head yes?

17 **A** Yes.

18 **Q** And so when I ask you questions, if I
19 remind you to keep your voice up, I'm not trying to
20 be rude, it is just that I want to make sure that
21 they can hear you have to say, is that all right?

22 **A** Yes.

23 **Q** And they will raise their hands if they
24 don't hear what you are saying, okay?

25 **A** Yes.

Page 170

1 Q Okay. So now, ma'am, um, prior to me
2 beginning the recording, you told us the whereabouts
3 you live, but we established that you do not live in
4 the Canfield Green Apartments; is that right?

5 **A** Yes.

6 Q And have you ever lived in the Canfield
7 Green Apartments?

8 **A** Never lived in Canfield Apartments.

9 Q Okay. Now, do you remember August 9th of
10 this year?

11 **A** Yes.

12 Q And do you remember that that was a
13 Saturday?

14 **A** Yes.

15 Q Were you working that day or were you off
16 that day?

17 **A** I was at work, just getting off of work,
18 going over to my house.

19 Q All right. And where was your
20 house?

21 **A** She stay in Canfield Apartments, like the
22 part of the Canfield Apartments.

23 Q Okay. Have you been over to her house
24 before?

25 **A** Yes, lots of times.

1 **Q** Okay. Were you going into the complex
2 when something happened or were you leaving the
3 complex?

4 **A** I was going into the complex.

5 **Q** Were you in your car by yourself?

6 **A** Yes.

7 **Q** And what kind of vehicle were you driving
8 that day?

9 **A** A

10 **Q** Okay. What color was it?

11 **A** color.

12 **Q** And so, I'm sorry --

13 **A** My car got stolen after this.

14 **Q** Okay, I'm sorry about that. And so when
15 you came into the apartment complex, did you come
16 off of West Florissant?

17 **A** Yes.

18 **Q** Now, I'm going to let you look at Grand
19 Jury Exhibit Number 25, which is a map. We have
20 been using this because it shows an aerial view of
21 the streets and the buildings of the Canfield Green
22 Apartments.

23 **A** Uh-huh.

24 **Q** Looking at that, does some of that look
25 familiar to you?

1 **A** Uh-huh.

2 **Q** And you are saying yes?

3 **A** Yes.

4 **Q** Okay. And don't, you don't have to worry
5 about talking into the microphone because it won't
6 amplify your voice, it is recording and it will pick
7 you up, don't worry, you don't have to worry about
8 talking to into it, okay?

9 **A** Yes.

10 **Q** Here is a laser pointer, have you ever
11 used one of these? It has a little button right
12 here.

13 **A** Yes.

14 **Q** And when you press it, it will point on
15 something, okay?

16 **A** Yes.

17 **Q** So when I ask you questions, I might ask
18 you to use that laser pointer and refer to Grand
19 Jury Exhibit Number 25 to show us what you are
20 talking about, okay?

21 **A** Yes.

22 **Q** All right. So now, ma'am, about what
23 time, if you recall, was it when you came into the
24 Canfield Apartments?

25 **A** It was like probably about like 2:00,

1 2:30, 2:40, I was coming into the apartment to take
2 her to the grocery store. I just left my other job.

3 Q Okay.

4 A I was really released from work, going to
5 take her to the grocery store and pick me up some
6 items.

7 Q Were you in a hurry or was there anything
8 about your trip that was stressing you out that day?

9 A No, I was relaxed.

10 Q It was a beautiful day?

11 A Beautiful, warm day, not too warm, not too
12 hot, beautiful day.

13 Q So when you were driving in your car, do
14 you remember did you have your windows open or
15 closed?

16 A I had my driver's side open.

17 Q Were the other windows closed?

18 A Yes. My passenger side was half, but not
19 fully down.

20 Q Okay. How about music, did you have music
21 playing in your car?

22 A Yes, gospel music.

23 Q Do you play your music up loud or do you
24 have it a normal level?

25 A It is at a normal level, unless it is a

1 good gospel song I want to hear, then I turn it up
2 loud.

3 Q Then you crank it up?

4 A Then I crank up my gospel.

5 Q Do you remember if you were cranking up
6 your music when you came into the complex that day?

7 A No.

8 Q You don't remember or?

9 A It was not turned up.

10 Q Okay. So when you came into the apartment
11 complex off of West Florissant, did you travel down
12 Canfield Road?

13 A Yes.

14 Q And on the map here, if this map went out
15 this direction, West Florissant would be over here?

16 A Yes.

17 Q So were you traveling eastbound on
18 Canfield Drive if that's east?

19 A Right, I was coming, can I show you?

20 Q Sure, you can sit there and use the
21 pointer, use the pointer?

22 A When I come in through Canfield
23 Apartments, the leasing office is right there, the
24 first.

25 MS. WHIRLEY: Use the pointer so we can

1 see.

2 MS. ALIZADEH: Use that pointer. Where is
3 the leasing office?

4 A The leasing office is right up there in
5 the front. Say this is West Florissant right.

6 Q (By Ms. Alizadeh) West Florissant you
7 can't see.

8 A That's what I'm saying, right over here.
9 This is front of the apartments and Canfield
10 Apartments, and when I turned in this front of the
11 apartments and she stayed right back up in here.
12 (indicating)

13 Q Okay. If you were able to get to your
14 destination that day, you would have turned up this
15 street right here and gone?

16 A Right, I could turn up that street right
17 there or I can come right here and come back to the
18 back way. (indicating)

19 Q Okay. So when you turned into the complex
20 that day, did you see anything unusual?

21 A Well, when I turned up into the apartment
22 complex, the first thing, when I was driving in
23 there, I'm going to be honest y'all, God help me.
24 The police was behind me. So most of us think when
25 the police behind us, oh, my God, I've got a ticket,

1 when is the police stopping me.

2 So I pulled over to the side right
3 over here before I got into the apartment complex.
4 I said oh, my God, you know, what do he want with
5 me, you know. I'm driving my speed limit, what is
6 wrong. (indicating)

7 Q Okay. So now the police officer, was it
8 in a marked police car that was behind you?

9 A Yes.

10 Q Did you know if it was a Ferguson officer?

11 A It was a Ferguson police officer.

12 Q Was it a car, like a sedan or was it like
13 an SUV or was it something else?

14 A It was a regular police car.

15 Q A regular police car?

16 A Right.

17 Q Did he have his light bar on, the lights
18 that are on top of the car?

19 A It was not really, it was not the sirens,
20 what do you call the thing?

21 Q Was there any audible on the cars
22 sometimes, you know, of course there's a siren, but
23 then they also have a thing that kind of squawks or
24 whoop?

25 A No.

1 **Q** You didn't hear any of that?

2 **A** Huh-uh.

3 **Q** So if you were coming into the apartment
4 complex, you would have been traveling on the right
5 side of the road; is that right?

6 **A** Right.

7 **Q** And so was he traveling behind you in the
8 same direction you were going?

9 **A** Right.

10 **Q** And so when you pulled over, did you pull
11 over to the right of the roadway?

12 **A** Uh --

13 **Q** Or did you pull off of the roadway?

14 **A** I pulled over to the right before I pulled
15 into that apartment complex. I said oh, my, you
16 know, I thought he was coming, I got a ticket, okay.

17 **Q** Everybody gets that feeling when you look
18 up and you see that.

19 **A** And you see a police, I pulled over to the
20 side and I said oh, my God, I know he got me, you
21 know. I thought he was coming for me.

22 **Q** So use the laser pointer and point on the
23 roadway here where you were when you pulled over?

24 **A** Right over, like right over in here.

25 (indicating)

1 **Q** Okay. And so did the officer pull in
2 behind you?

3 **A** No, he went around me.

4 **Q** Okay.

5 **A** I mean, he was behind me for what I'm
6 saying, he went around me.

7 **Q** Okay.

8 **A** So I stopped. I said thank you, he wasn't
9 for me.

10 **Q** So did you see where his vehicle went
11 then?

12 **A** His vehicle kept going up this way about,
13 about right there. (indicating)

14 **Q** So it stayed on Canfield Drive?

15 **A** It stayed on Canfield Drive.

16 **Q** Okay. And at that point what happened?

17 **A** And at that time it was two black guys or
18 young men or kids or whatever they was, walking down
19 the complex.

20 **Q** Did you recognize either of them?

21 **A** I don't even know the kids.

22 **Q** You hadn't seen them before, right?

23 **A** I might have seen them in the complex, you
24 know, but I don't know you personally enough to wave
25 at you or nothing.

1 **Q** Well, that's my question. Did you
2 recognize them as having been people you had seen in
3 the complex before?

4 **A** No.

5 **Q** So can you describe where they were? Were
6 they in the street, on the sidewalk, in the grass?

7 **A** Mostly over in Canfield, we don't have too
8 much of a sidewalk, you know what I'm saying? So
9 the street thing is where everybody walks anyway
10 because see, as you can see, Canfield don't have too
11 much of a sidewalk. We walk in the street anyway,
12 you know.

13 **Q** Aren't there sidewalks on either side of
14 the street there?

15 **A** Yeah, but that's not too much of a
16 sidewalk. There is trees and stuff over there.

17 **Q** Okay.

18 **A** So everybody is going to walk in the
19 street.

20 **Q** So these kids were in the street and I'm
21 going to call them kids, you call them?

22 **A** I call them kids.

23 **Q** Okay.

24 **A** Because they're kids under me.

25 **Q** And they were in the street?

1 **A** And they was in the street, and I'm
2 looking, you know, what the police doing.

3 **Q** So let me stop you. Were the kids walking
4 in which direction?

5 **A** They was walking up, coming up this way.

6 **Q** So they were walking?

7 **A** They was not walking towards West
8 Florissant area, they was walking like they was
9 going to somebody's apartment complex.

10 **Q** Okay. Use the laser pointer and show me
11 where they were when you first saw them walking?

12 **A** Okay. When I first saw them walking, they
13 was like over here and they was walking like this
14 away. (indicating)

15 **Q** Okay. So they were walking into the
16 complex?

17 **A** Not to the one I was turning into, but I
18 mean straight down, straight.

19 **Q** Okay. You were going to turn this way,
20 when I say into the complex, I'm saying that this is
21 the apartment complex?

22 **A** Right, right.

23 **Q** So they were walking on Canfield Drive?

24 **A** Uh-huh.

25 **Q** And down in this direction, east on

1 Canfield? (indicating)

2 **A** Uh-huh.

3 **Q** Yes?

4 **A** Yes.

5 **Q** Okay. And so when you were pulling in
6 there, you saw their backs, would that be fair to
7 say?

8 **A** Right.

9 **Q** And did you notice anything about them,
10 how could you describe them?

11 **A** They was black men, they was one had a cup
12 of something in their hand, other one had nothing in
13 their hand and they was just walking.

14 **Q** Okay.

15 **A** Like a soda, you know.

16 **Q** There were two?

17 **A** There was two guys. One looked bigger
18 than the other one.

19 **Q** Okay. So let's call the bigger one, the
20 bigger kid or bigger boy or bigger one and the other
21 one we will call the smaller one, okay?

22 **A** (Nods head.)

23 **Q** So had one had a soda or something in his
24 hand?

25 **A** The little one.

1 **Q** Could you see that it was a soda cup or
2 could you see that it was a cup?

3 **A** It was just a cup.

4 **Q** Okay. What about the bigger one, did you
5 notice if he had anything in his hand?

6 **A** Huh-uh.

7 **Q** So are you saying no, he didn't have
8 anything or he didn't?

9 **A** No, I didn't notice that he had anything
10 in his hand.

11 **Q** Okay. And so when you first saw them
12 walking, was the police car still behind you?

13 **A** No, he was in front of me.

14 **Q** Okay. So he had already passed by you
15 when you first saw the boys walking?

16 **A** Uh-huh.

17 **Q** And they're walking in the same direction
18 that the police car is traveling?

19 **A** Right. Let me tell you this, they was --

20 **Q** You can use the laser if you want.

21 **A** Say that my car is right here, right.
22 (indicating)

23 **Q** Uh-huh.

24 **A** And the two young boys or kids, as I call
25 them, walking over here, you know, passed up your

1 car and you see the police was right here, okay, on
2 the other side, because he passed around me.

3 Q Did the boys walk past your car?

4 A Yeah.

5 Q So you were pulled over on the side when
6 the boys walked past your car?

7 A Yeah.

8 Q All right. So was the police officer then
9 already past you when the boys passed your car?

10 A No, the boys passed my car and the police
11 was like, how can I say, say like you right there
12 where I'm at, okay, you walking forward and I'm the
13 police and I'm about 10, 20, 25 feet from you.

14 Q Okay.

15 A And you're passing me up, I'm the
16 policeman and I am right diagonally sideways of you.

17 Q All right. Let me stop you here. When
18 you saw the police officer at first he was behind
19 you?

20 A He was behind me.

21 Q Had you seen the boys yet?

22 A Before the police officer?

23 Q Before you saw the police officer?

24 A I seen them in my mirror, but it wasn't
25 nothing.

1 **Q** So the boys were in your --

2 **A** Was walking, but they was not.

3 **Q** So when you first saw the boys, they were
4 behind you?

5 **A** Well --

6 **Q** You said you saw them in your mirror?

7 **A** In the mirror, but not directly behind me.

8 **Q** Okay.

9 **A** You know what I'm saying on the side of
10 you.

11 **Q** Okay. I thought you said that the boys
12 were like down in this area? (indicating)

13 **A** They was up before me right on the side of
14 you, how can I say this.

15 Here is your car, okay. Here is the
16 young men right here. (indicating)

17 **Q** Let's use, let's say this is your car,
18 don't say your car, it is your, it is my car?

19 **A** This is my car.

20 **Q** Right.

21 **A** You see the young man is right here, they
22 are coming right here walking like this in the
23 middle of the street, okay. Excuse me.
24 (indicating)

25 **Q** So is West Florissant over here?

1 (indicating)

2 **A** West Florissant is behind me.

3 **Q** So which direction is your car facing in
4 this scenario, this thing, is it driving this way?

5 **A** It is driving on Canfield.

6 **Q** Is it driving that way? (indicating)

7 **A** Yeah.

8 **Q** So you're facing that way?

9 **A** Okay. I'm facing this way, I'm driving up
10 Canfield, whatever you call that street from West
11 Florissant, the young men says right here they are
12 walking over here, police that was behind me went
13 around here. (indicating)

14 **Q** Okay. So let me stop you here.

15 **A** On the opposite side.

16 **Q** Let me stop you here. I don't want to try
17 to confuse you, but in this scenario, are you
18 driving on the correct side of the street?

19 **A** Yeah.

20 **Q** So that would have your car over on the
21 right side of the street?

22 **A** Right.

23 **Q** So the officer wouldn't have passed you on
24 this side?

25 **A** What I'm saying, I'm driving right here I

1 guess in the middle of the street or call it closer
2 to the right side, okay. And the police did this,
3 you pulling over so can get out of the police way.
4 You're scared, you know how Ferguson, I'm scared of
5 the police, y'all, I'm scared of the Ferguson
6 police, I'm telling you.

7 **Q** Let's try to get through this where we can
8 describe what happened, okay. And then we'll talk
9 about that, but I want to try to make sure we
10 understand.

11 You said you were driving on the
12 right side of the road as you are coming into
13 Canfield?

14 **A** Coming, however you say, right side of the
15 middle.

16 **Q** In the middle?

17 **A** Right side of the middle. What I'm saying
18 is right here, the right side, but closer to the
19 middle, you know.

20 **Q** But you also said that when you saw the
21 officer, you pulled over to the right?

22 **A** Right. What I'm saying is right here
23 because I'm pulling in here, I'm closer to the right
24 side, okay, because other people come out of the
25 complex and come down the left side, okay.

1 Q Sure.

2 A When they come out the apartment complex.

3 So I'm closer over here to the right side, okay.

4 Q Uh-huh.

5 A And the is behind me, so I

6 pulled right over here closer to the right side.

7 Q Okay.

8 A To get out of his way. He comes around

9 here and goes to the left side to go around.

10 Q So he if this is your car, he's passing

11 you on the left side?

12 A Right.

13 Q Not the right side?

14 A Right.

15 Q All right. So the boys now --

16 MS. ALIZADEH: Yes.

17 . So are

18 you saying he passed you on the side closer to the

19 sidewalk?

20 A Closer to the sidewalk.

21 Q (By Ms. Alizadeh) No?

22 A No, no, closer to --

23 Q The middle.

24 : Middle line.

25 A Middle line.

1 : To the middle line, okay.

2 **A** Yeah, closer to the complex, whatever you
3 want to call it.

4 **Q** (By Ms. Alizadeh) Okay. Now we've got the
5 officer having passed you on your left?

6 **A** Uh-huh.

7 **Q** And then did he continue down Canfield?

8 **A** He said, the boys is right here. I don't
9 know what he said to the boys. I really wasn't
10 paying attention. I was into my gospel music and he
11 said something to the boys and they kept on walking.
12 And then as you go down here, I seen the boys right
13 here steady walking down Canfield. The police said
14 something to them, I don't know what they said back
15 to them, I cannot say, you know, because I was
16 really not paying attention. I was paying
17 attention, but I was not listening. I was in my
18 own, you know, listening to my gospel music. So I
19 was not open to their conversation.

20 And then I seen the police stop, I
21 don't know if he told them to stop or whatever
22 because young kids stop right up in here, you know,
23 go further down I'm looking, what the hell you
24 doing, excuse my French, what the hell you doing
25 with them kids, what did they do now.

1 **Q** Okay. So let me stop you now. The
2 officer stops his car in the street and you said it
3 looked like he was talking to the boy.

4 **A** Right.

5 **Q** Which side, where were the boys in
6 relation to the officer's car?

7 **A** Towards the, how can I say.

8 **Q** Well, there's the driver's side?

9 **A** The driver's side, you closer to the
10 driver's side, okay, but you mostly in the middle of
11 the driver's side and the other side.

12 **Q** So they were on the side of the car?

13 **A** Not directly on the side, this is your
14 car, right. Here is your driver's side over here.
15 We'll say driver's side right here, okay. And here
16 is the middle side so they directly in the driver's
17 side, driver's window right here. I'm right here.
18 The center of the driver's side. (indicating)

19 **Q** So were the boys in front of the car?

20 **A** Half, yes. So mostly towards the driver's
21 middle, you follow me?

22 **Q** Not really.

23 **A** Anybody follow what I'm saying?

24 **Q** So you said the boys were talking to the
25 officer, were they at the driver's window talking to

1 them?

2 **A** They was not at his window, he was over,
3 okay.

4 **Q** You know what, it is too hard for us to
5 use this because they can't really see what you're
6 doing.

7 I'm going to do my best to help you
8 to explain it, okay? It's just, I think it is too
9 difficult, they are not going to be able to see what
10 you're doing, but if you --

11 **A** You know what I'm doing, don't you?

12 **Q** If the officer is driving his car, right?

13 **A** Right.

14 **Q** And the driver's seat is on the left side
15 of the car?

16 **A** The driver's seat is always on.

17 **Q** The left side of the car; is that right?
18 Yes?

19 **A** I got to think how I drive my car.

20 **Q** In America the driver's seat is on the
21 left side of the car?

22 **A** Yeah.

23 **Q** And so if the officer stops to talk to the
24 boys, did he get out?

25 **A** No, if it's on the left side, he was

1 talking to the boys, I don't know what he said to
2 the young men.

3 Q Uh-huh.

4 A Okay. And he slowed his car down and I'm
5 looking what's going on here. And at that time the
6 police got out of his car and I'm looking, what the
7 hell is he getting ready to do with these kids?

8 I thought, now wait a minute, this is
9 Ferguson police, what's going on because we scared
10 of our police. I'm scared to be here because of the
11 police.

12 Q Ma'am, let's try to keep on track. I
13 don't want you to get emotional, you are doing fine,
14 okay. I know you are doing fine, so let's try to
15 push forward and we will talk about, I know you
16 don't like the police and you don't want to be here.
17 If we can get through this, it will be better
18 because you will be done, all right. You
19 understand?

20 I'm not trying to be mean, I don't
21 want you to get emotional because that makes it
22 difficult for you to tell the jurors what you know,
23 okay?

24 Okay, so let me --

25 A Give me strength, Lord, give me strength,

1 Jesus.

2 Q Let me have you keep going with what you
3 saw. You said the officer got out of his car?

4 A Yes, ma'am.

5 Q And am I correct in assuming he got out of
6 the driver's door?

7 A Yes, ma'am.

8 Q What did you see happen?

9 A He walked up to the police, I don't know
10 what was said or what.

11 Q Who walked up to the police?

12 A I mean, the police walked up to the young
13 men.

14 Q Okay.

15 A I don't know what was said or whatever.
16 Then the police went back, was going to his car. I
17 guess they was arguing or something because the boys
18 was saying something to him and stuff, and I'm
19 looking here go another Ferguson incident. And the
20 police kept talking to the boys and the boys were
21 steadily walking, and the police was talking to them
22 or fussing at them or whatever.

23 I'm looking at this and I'm looking
24 what the heck is going on. So I kind of turn my
25 music down to try to hear the conversation, and

1 which I really couldn't hear. I had my windows
2 down. I said, Lord, what's happening now. Next
3 thing I know, I turn my head to answer my cell
4 phone, turn my head, I bent down to pick up my cell
5 phone off my seat and that's when I seen the police
6 pull a gun out.

7 So I seen a little, I guess they was
8 fussing, you know, or whatever, but I seen the
9 police pull his gun and I'm saying, what's the hell
10 going on, excuse me.

11 **Q** That's all right.

12 **A** I'm talking to this lady here. So I said,
13 what the hell is going on. And it was a, I don't
14 know, the one little boy, the little small guy ran
15 behind on the side, of the other side of the police
16 car. And the Big Daddy, I call him Big Daddy.

17 **Q** You call him what?

18 **A** I call him Big Daddy, I'm just using big
19 names.

20 **Q** Big Daddy?

21 **A** I don't know him, but we usually say Big
22 Daddy.

23 **Q** Okay.

24 **A** And Big Daddy and the police officer, this
25 guy, they was arguing.

1 **Q** Now, is the officer, you've already said
2 the officer got out of his vehicle. Is he still
3 outside of his vehicle when they're arguing?

4 **A** Uh-huh.

5 **Q** Yes, okay. So is his car door still open?

6 **A** Uh-huh.

7 **Q** You said he walked back to his vehicle.

8 **A** When he got back to the vehicle, when he
9 got back to his vehicle, I can't use you.

10 **Q** No, no, he's can't, he's got --

11 **A** I was going do grab his arm, I can't use
12 him. But when I walk back to my vehicle, okay. I
13 had one of the boys steady talking to me and I'm
14 talking to them. So then when I turn back to the
15 vehicle, me and you is doing a little tussling.

16 **Q** Now, you were just, in describing that,
17 you were pretending to be the police officer?

18 **A** Right, I'm the police officer and I'm
19 sitting up, what's going on here. And next thing
20 I'm seeing, hear a noise and the little boy had,
21 which is the little guy, was hollering, saying
22 something and the big guy was steady fussing at him,
23 and they are walking back towards the car, police
24 car, not mine. The police car.

25 And next thing I know that the

1 policeman pulled his gun, like I told you, and start
2 firing.

3 Q So was the police officer outside of his
4 car when he was firing?

5 A Uh-huh.

6 Q Yes?

7 A (Nods head.)

8 Q And what or who was he firing at?

9 A He fired at the Big Daddy.

10 Q How far away was the Big Daddy when he was
11 firing at him?

12 A By this time Big Daddy, he's aware from
13 the car, he's laughing at me. Big Daddy was away
14 from the car, and he was walking, the other guy, the
15 little small guy, he was steady walking too. He
16 walked on the opposite side.

17 So Big Daddy was walking in front, I
18 don't know what he said. The only thing I heard he
19 said, I ain't got nothing. And I'm looking, what
20 the heck is going on here.

21 Q So you heard Big Daddy say to the officer,
22 I ain't got nothing?

23 A Right.

24 Q Okay. Have you ever told anybody that you
25 heard him say that before?

1 **A** The people, the FBI -- the people I talked
2 to.

3 **Q** You told the people that you talked to
4 before and they were recording your statement,
5 right?

6 **A** I guess they did.

7 **Q** Okay. That's fine.

8 **A** So by this time I'm sitting up calling
9 people, something happen y'all, Ferguson police
10 messaging with our young men again.

11 So everybody was telling me what's
12 wrong. I said I don't know, you know how these
13 police over here. Something is going to happen,
14 y'all. And everybody was saying, what's happening?
15 I'm saying, I don't know.

16 **Q** Okay. Let me stop you. Who are you
17 talking to?

18 **A** I told you I picked up my cell phone and I
19 started dialing numbers, that's what I just said.
20 And I called and I said, something's happening with
21 these police over hear, they are messing with our
22 young men again. And everybody was telling me
23 what's wrong. I said, I don't know, but by this
24 time the police pulled his gun out.

25 Help me, God, please.

1 **Q** Did you see the officer fire his gun?

2 **A** (Nods head.)

3 **Q** All right. You are shaking your head yes?

4 **A** Yes, ma'am.

5 **Q** All right. And did you see whether or not
6 that bullet hit anybody?

7 Do you think that the bullet hit
8 anybody after that first shot?

9 **A** The first shot, I don't think it hit
10 anybody.

11 **Q** Okay.

12 **A** But I seen the little boy when he turned
13 back around he said, I didn't do nothing, I didn't
14 do nothing. He's got his hands up like this and the
15 other guy ran the other way, the small guy, and the
16 police just fired again. There about, I'm trying to
17 think about 20 or 30 feet, 25 feet from me to you.

18 **Q** There was 25 to 30 feet between the big
19 guy and the police officer when he fired again?

20 **A** Uh-huh.

21 **Q** Okay. Was the officer still out of his
22 car?

23 **A** Uh-huh.

24 **Q** And you're saying yes, right?

25 **A** Yes, ma'am.

1 **Q** Okay. Do you remember when you talked to
2 the detective and that was, we talked about that
3 before you came in, do you remember talking to
4 Detective at the NAACP, and you are
5 shaking your head yes?

6 **A** Yes, ma'am.

7 **Q** Do you remember telling him during your
8 conversation that I heard, I've seen them when they
9 was talking to the police and I thought it was just
10 a friendly talk.

11 **A** I did, I didn't know.

12 **Q** Hang on, okay. Do you remember saying, so
13 the next thing I see the police reach out his car
14 and I seen one boy run behind the police car on the
15 side of the police car.

16 Do you remember telling them that?
17 So when you told them that before you said the
18 officer was inside the car and you put his gun,
19 reached out the car with his gun for the first shot?

20 **A** Right, but it was not, he was out of the
21 car.

22 **Q** So your memory is that he was actually
23 outside of the car when he did the first shot? You
24 are shaking your head yes?

25 **A** Yes, ma'am.

1 **Q** Okay. And you also didn't mention at any
2 time when you were talking to Detective about
3 the boy saying anything, do you remember when you
4 said, did you remember telling him about the boy
5 saying anything when they were at the car?

6 **A** They was talking, like I told y'all, they
7 was talking to the police, I thought, like I'm
8 telling you just like I talk to you.

9 **Q** Okay.

10 **A** We think friendly conversation, or
11 whatever, like I told you y'all just know. I don't
12 know what they're talking about.

13 **Q** Okay. But I just want to clarify, today
14 you said you heard the big guy say, I don't --

15 **A** That's after he got up further, the big
16 guy said, I ain't got nothing.

17 **Q** We jumped ahead then. We're still at the
18 car and you heard one shot, the officer is outside
19 of the car, he fires one shot, but you don't think
20 it hits Michael Brown or the big boy at that time?

21 **A** Right.

22 **Q** What does the big boy do after that first
23 shot goes off?

24 **A** He started walking up, further back
25 towards the apartment complex.

1 **Q** Okay. Was he walking in street or did he
2 walk off of the street?

3 **A** In the street.

4 **Q** Does he stay on Canfield Drive?

5 **A** Yes.

6 **Q** Was he walking east then in that
7 direction?

8 **A** Yes, ma'am.

9 **Q** Okay. How was he walking, was he running,
10 was he jogging, was he sprinting fast?

11 **A** No.

12 **Q** How was --

13 **A** Walking fast.

14 **Q** Walking fast. Okay. So he's walking away
15 from the police officer?

16 **A** Right.

17 **Q** Now, the officer's out of his car you've
18 already said?

19 **A** Right.

20 **Q** So what does the officer do as the big guy
21 is walking away from him?

22 **A** He was saying something to the young men,
23 I wish to, God knows I wish I would have heard
24 everything, but I was into my music.

25 **Q** Now, you said you turned your music down?

1 **A** I turned my music down, but not completely
2 off down.

3 **Q** Okay.

4 **A** Enough so I can still hear the bass, you
5 know what I'm saying? Down low music.

6 **Q** So do you think the officer said something
7 then after the big guy started to walk quickly away?

8 **A** Yes.

9 **Q** Could you hear him say something?

10 **A** I heard him, you know how you can look and
11 see conversation being done, but you cannot make out
12 what is done, you know what I'm saying?

13 **Q** Yes, that's what I'm trying to get at.

14 **A** Right.

15 **Q** So you couldn't make out the words?

16 **A** Right.

17 **Q** Could you hear something, like
18 (indicating) could you hear something and just
19 couldn't make it out?

20 **A** I heard when the boy screamed out, I ain't
21 got nothing.

22 **Q** Okay.

23 **A** He didn't say it as a low tone of voice.

24 **Q** Okay. That's jumping ahead. I'm talking
25 about Michael Brown is moving away from the officer.

1 The officer is outside of his car and I said what
2 does the officer do, and you said the officer, you
3 heard him say something, but you couldn't make it
4 out?

5 **A** Right.

6 **Q** Is that something you actually heard or is
7 it something you assumed because of the way he was
8 acting?

9 **A** It was something I heard, you know, no
10 way, the police move, you know what I'm saying.
11 When you are talking to a person.

12 **Q** Okay. So you heard the officer say
13 something, but you didn't, you couldn't tell what he
14 said?

15 **A** I could not tell what it was.

16 **Q** Okay. And what did Michael, I'm sorry, I
17 keep wanting to call him Michael Brown, you know
18 that is his name, correct?

19 **A** Right.

20 **Q** You know who we're talking about?

21 **A** I call him Big Guy. I don't know these.

22 **Q** Okay. So when the officer says something,
23 what does the Big Guy do, does he continue to walk
24 away from the officer or does he stop at that point?

25 **A** They was communicating at first.

1 **Q** Who was?

2 **A** Michael Brown and the little small guy,
3 what's his name.

4 **Q** So let's just call him little small guy,
5 you don't know his name, right?

6 **A** No.

7 **Q** So we'll just keep calling him the little
8 small guy?

9 **A** The little small guy and Michael Brown is
10 Big Daddy.

11 **Q** So they were communicating?

12 **A** With the police.

13 **Q** Have we gotten back to the beginning of
14 this then because we've got, you already said the
15 little guy ran?

16 **A** When the boy, we are at the middle right
17 now when the little boy was talking, he was talking
18 to Big Daddy, okay, Michael Brown, okay. And the
19 little small guy was there too. I don't know where
20 little Brown, little Brown, little small guy was
21 saying to the police officer. Little Brown started
22 walking slowly, Big Daddy started walking faster.

23 **Q** Is this before any shots or after shots?

24 **A** Before.

25 **Q** Okay. And that's kind of a problem

1 because it is difficult to follow what you are
2 talking about if we keep skipping around. I want to
3 take this a step at a time so we can be sure.

4 **A** I want to get it over with, I'm scared,
5 I'm scared now.

6 **Q** Let's push forward. So when Michael Brown
7 was moving away from the officer, when Big Daddy was
8 moving away from the officer and you said he was
9 walking quickly. Was his back toward the officer
10 then?

11 **A** At the time his back was towards the
12 officer.

13 **Q** Okay. What happened then?

14 **A** With his back, he kept walking forward,
15 the other guy was walking, how can I say, to the
16 side of the police car. They wasn't together.

17 **Q** Okay.

18 **A** They was together, but one walking on the
19 other side, you know what I'm saying? One walking
20 on one side and the other one was walking.

21 **Q** Okay. What happened then?

22 **A** And that's when the policeman start
23 fussing, I mean not fussing, communicating with
24 them. And they was communicating back and the Big
25 Guy, I guess, walked away and the police start

1 firing.

2 **Q** Okay. Let me ask you. You said that Big
3 Guy, I don't know what word you used, what's the
4 word you used? Sounded to me like you said
5 murder-cate, what did you say?

6 **A** I said Big Daddy.

7 **Q** Big Daddy, communicate?

8 **A** Communicate.

9 **Q** All right, sorry. I just want to make
10 sure I'm clear. Who is communicating with who?

11 **A** Communication was with Big Daddy and the
12 police.

13 **Q** Okay.

14 **A** And the other boy was saying something,
15 the little small guy was saying something.

16 **Q** Okay.

17 **A** But the police was looking at like I'm
18 looking at you.

19 **Q** Now, is this before or after Michael Brown
20 has already started to walk away.

21 **A** While Michael was walking.

22 **Q** So what happens then?

23 **A** The other guy was walking, Michael's
24 walking here, your friend walking on the other side,
25 but he's not directly right next to you, you know

1 what I'm saying? You're not directly right next to
2 me, you are a little farther away from me.

3 Q Okay. And what happened then?

4 A Help me, Jesus, help me, Lord. Give me
5 strength.

6 Q How far did Michael Brown walk, can you
7 show with the pointer on the map, laser pointer how
8 far you saw him walk?

9 A I'm sorry, y'all, please forgive me.

10 Q I just want help you get through this
11 because I know it is tough for you, and if we can
12 get through it, you'll be done, okay. So here is
13 the pointer, show me how far Michael Brown walked?

14 A Okay. They was like up about, okay, say
15 he was right here, I'm over here on the side, they
16 are over there. They walk around here to the middle
17 of the complex thing, or whatever y'all call it,
18 street thing. About right up in here. About how
19 can I say. (indicating)

20 Q Okay. You pointed that's fine, you said
21 right up in here. So this is about at the
22 intersection of Canfield Drive and then?

23 A That's what about 20, 30.

24 Q The eastern leg of this horseshoe like?

25 A Right.

1 **Q** All right. So what happened then when he
2 got to this point?

3 **A** The police start shooting.

4 **Q** Was Michael Brown still, was his back
5 still toward the officer at that point?

6 **A** Can I do it?

7 **Q** Yes.

8 **A** Okay. Say the police car here and I'm
9 walking, steadily walking fast and then I'm turning
10 around and then I ain't got nothing, and he kept
11 walking. You see what I'm saying?

12 **Q** Okay.

13 **A** Say this is Michael. You are right here,
14 this is police car, right. And I was walking fast
15 and you saying something to me and I turned, I ain't
16 got nothing, I ain't got nothing like that, he kept
17 walking and the other guy is you, you walking over
18 there, you my friend, hi friend. But you my friend
19 and he's walking on the other side of me.

20 **Q** Okay.

21 **A** He kept turning around like I don't know
22 what the police said. He said I ain't got nothing,
23 what do you want. I heard that he said it in a very
24 large tone of a voice. And I just turned around and
25 start calling, you know I was scared because I

1 didn't know what's going to happen.

2 **Q** Okay. So after the boy had turned around
3 and said he put his hands up and said I ain't got
4 nothing, and you demonstrated kind of in a manner
5 like to show your hands like you didn't have
6 anything in your hands?

7 **A** Right.

8 **Q** And then he kept walking and then what
9 happened?

10 **A** And the police start firing.

11 **Q** Okay. Was the boy still walking away from
12 the police officer when he starts firing?

13 **A** Michael stopped right there, and I don't
14 know if the man said halt, because you was walking
15 like this and when you turn around, I ain't got
16 nothing man, I ain't got nothing like this. Next
17 thing I know, I just start hearing shots going.

18 **Q** Okay. So the shots happen after Michael
19 Brown turns around?

20 **A** The first shot was before when, like I
21 said, before he started.

22 **Q** Okay. How many shots do you think you
23 heard?

24 **A** I'm scared of bullets.

25 **Q** I think we're all scared of bullets.

1 **A** Okay. You can shoot, I'm going to run up
2 and hide on the floor, okay.

3 **Q** Did you hide, you told the police that you
4 put your head down?

5 **A** I put my head down when I heard the second
6 shot, not all the way down. I did my head like this
7 on my driver's, on the steering wheel. Because I'm
8 used to, when I'm young, my parents used to say you
9 hear a bullet, hit the floor.

10 **Q** So there was a time that you had put your
11 head down?

12 **A** Right on the thing.

13 **Q** So did you see Michael Brown fall on the
14 ground?

15 **A** I seen when after, yes.

16 **Q** Okay.

17 **A** I seen, I mean. The police just stand
18 over him and kept shooting like this. (witness
19 starts crying) Jesus, help me.

20 **Q** Do you need to take a break? You want to
21 take a break for a couple minutes?

22 **A** Lord help that child, help me Jesus.

23 **Q** Do you want to take a break for a couple
24 minutes?

25 **A** Yes.

1 **Q** I don't know what time it is.

2 MS. ALIZADEH: We are going to take about
3 a five minute break. It is 3:49.

4 (Recess)

5 MS. ALIZADEH: We're back on the record
6 and we took a few minutes for a break. While
7 Witness Number 46 needed to kind of have a break to
8 collect herself. And she has asked if me could she
9 come in here and try to finish explaining what she
10 saw. So rather than me ask you questions, I felt
11 like maybe I was upsetting you. I'm going to let
12 you just finish telling what you saw. And if they
13 have questions, they can ask you, okay. This is
14 their investigation and they will ask you questions
15 if they need you to explain, okay.

16 **A** Yes.

17 MS. ALIZADEH: So Witness Number 46, why
18 don't you start from where you said the officer was,
19 Michael Brown is moving away from the officer and
20 the officer starts shooting and then you can pick
21 up, that's kind of where we were and you can just
22 finish or keep going from there, okay.

23 **A** Okay. Michael Brown, which I call Big
24 Daddy, the police fired and the young man turned and
25 said I don't have anything. I don't know what their

1 communicating mean I don't have anything, but he
2 said it loud, not in a low tone voice, in a holler
3 voice is I don't have anything.

4 And the other young man, which is
5 small ball, he was on the other side, but he was
6 diagonally like a distance from like me and you.

7 And the young man kept walking fast
8 and the police had shot one shot, I don't know where
9 it hit or what, because at that time I put my head
10 down behind, you know, the wheel. I raised back up
11 and the police just kept firing and the second shot,
12 which I seen that hit the boy cause he jumped. I
13 don't know where it hit him at, but it hit the boy.
14 And the police just kept firing and saying something
15 to the boy, and kept firing. The boy kept saying, I
16 got, my hands is up, I don't have anything, what do
17 you want.

18 And next thing I know, I don't know
19 where it hit, but when the boy fell, there was blood
20 shot everywhere.

21 And the police just stand over him
22 and shot him like he playing darts at a board. At
23 that time the police, the other boy was gone, not
24 gone, but standing and off to the side. Mostly
25 toward the passenger side of the street.

1 And when the policeman kept shooting
2 at him like he's a dartboard, I got out of my car,
3 and I went to the police I said, can I help the
4 young man, can I please help him, he's bleeding.
5 The police told me.

6 MS. ALIZADEH: You can say the bad word.

7 **A** The police told me, get the fuck away from
8 over here. When he told me that, I turned around
9 and I said, you ain't said nothing but a word. So I
10 jump back in the car, this time I started panicking.

11 So I pulled my car into the complex,
12 I call my and I told her I just seen a
13 boy got shot. For what, I said I don't know, I
14 don't know, he's shot. He's in the street. She
15 said what street, I said right on the side of your
16 house, and they said they heard gunshot, so
17 everybody started coming outside.

18 By this time a young man, I don't
19 know who he is, gave me a cigarette. I haven't
20 smoked a cigarette since I was young. I smoke now.
21 I took the cigarette, I smoked it and then I asked
22 for more cigarettes, the guy gave me three
23 cigarettes. I smoked it, I walked back up there,
24 after the police told me to get away.

25 By this time it was like a crowd of

1 people, and this is before they put that orange tape
2 around or yellow tape around, and I asked, I said
3 what is going on here. Everybody was hollering and
4 stuff, everybody was crying this, somebody said call
5 the police, and one lady said that is the police.

6 And the only thing I just remember
7 from that that I was screaming and hollering, people
8 was hugging me, I don't even know nobody out there
9 besides my .

10 And I told them, like I told Kathi
11 and the other lady, if I could have saved him,
12 because , I thought I could save him, I
13 wanted to save him, not because he was bleeding,
14 because any time, say for instance if you look at,
15 what if that's your child laying on that ground.
16 What if that's your daughter laying up there that
17 the police shot. What would you do. Would you sit
18 there and see somebody else's child that I don't
19 even know lay on the ground?

20 Flashbacks went in my mind. That's
21 my boy. I don't know these kids, but just think
22 y'all, what if that's your boy. Picture your boy
23 laying on that ground. Picture that blood running
24 out of your boy's face. Picture that boy's arms
25 wide open and saying whatever, you know. His hands

1 up in the air.

2 Take your time right now and close
3 your eyes, please close your eyes, close your eyes
4 for a minute, please. And just think that's your
5 child, your nephew, your daughter, laying on that
6 ground. What would you do, would you sit there and
7 let them bleed?

8 Would you ask them, can you help
9 them?

10 MS. ALIZADEH: Now, ma'am, when I told
11 you, you had said that to me outside and I told you
12 that we know that that boy when he was shot in the
13 head, he was killed instantly. There is nothing you
14 could have done to save him.

15 **A** I feel that maybe I could have stopped the
16 bleeding, sometimes now after that happened, I feel
17 it was my fault. Maybe I should have been speeding
18 so the police can stop me.

19 MS. WHIRLEY: Let us see, Number 46, if
20 there are any questions though, okay?

21 **A** Ferguson police, I'm scared y'all. I go
22 to my now, I'm scared. A week
23 after that, my got stolen. I don't know if it
24 with this stuff, I don't know what it was. But I
25 know y'all if whatever you do, please help our

1 police department. I'm scared of my own police, you
2 know, police is supposed to be your best friend.

3 MS. WHIRLEY: We're just going to see if
4 there are any questions, Number 46. Are there any
5 questions from any of the jurors? No, okay. We
6 really appreciate you coming in.

7 (End of the testimony of Witness Number
8 46.)

9 ,
10 of lawful age, having been first duly sworn to
11 testify the truth, the whole truth, and
12 nothing but the truth in the case aforesaid,
13 deposes and says in reply to oral
14 interrogatories, propounded as follows, to-wit:

15 EXAMINATION

16 BY MS. ALIZADEH:

17 Q This is Kathi Alizadeh and I am with the
18 prosecutor's office as well as Sheila Whirley is
19 present, all 12 grand jurors are present and so we
20 are having our final witness for today testify.

21 Can you state your name, please?

22 A My name is .

23 Q And I'm going to stand back here,
24 , because you are kind of soft spoken.
25 The microphone that's in front of you does not

1 amplify your voice. So it is not going to help you
2 to speak into it, so speak loud enough so that
3 people all the way back here would be able to hear
4 you, okay?

5 **A** Yes, ma'am.

6 **Q** , how old are you?

7 **A** I am years old.

8 **Q** And where do you live, you don't have to
9 give me your address, do you live in Missouri?

10 **A** No, ma'am, I stay in .

11 **Q** Okay. And back in August of this year,
12 where were you living?

13 **A** On Canfield Drive.

14 **Q** Okay. Would that be in the Canfield Green
15 Apartment Complex?

16 **A** Yes, ma'am.

17 **Q** And who did you live there with?

18 **A** .

19 **Q** So did you have an apartment with

20 **A** Yes, ma'am.

21 **Q** And I'm going to direct your attention to
22 a map that's Grand Jury Exhibit Number 25. And
23 right here is a laser pointer. So if you press that
24 button, the dot comes out and can you use that and
25 show the grand jurors? Does this look familiar to

1 you, the street of Canfield Drive that cuts through?

2 **A** Yes, ma'am.

3 **Q** And this is over in this direction if you
4 went and drove this way is West Florissant?

5 **A** Okay.

6 **Q** Can you show where your
7 was?

8 **A** (Indicate.)

9 **Q** So you pointed right here, is his
10 apartment face Canfield?

11 **A** Yes, ma'am.

12 **Q** All right. And so were you home on, or at
13 your dad's, were you living there or were you just
14 visiting?

15 **A** I was living there.

16 **Q** Okay. Did you know many people in the
17 Canfield Apartment Complex?

18 **A** No, ma'am.

19 **Q** How long had you been living with your
20 at that point?

21 **A** About a month.

22 **Q** Okay. Were you working or going to
23 school?

24 **A** No, ma'am.

25 **Q** Do you, now, you know that we're here

1 regarding the investigation of the shooting of
2 Michael Brown?

3 **A** Yes, ma'am.

4 **Q** Did you know who Michael Brown was before
5 this day?

6 **A** Something like that.

7 **Q** Okay. How is it that you knew Michael
8 Brown?

9 **A** He's a friend of a friend.

10 **Q** And who is the mutual friend that you
11 have?

12 **A** His name is .

13 **Q** ?

14 **A** Yes, ma'am.

15 **Q** So you met Michael Brown through your
16 friend,

17 **A** Yes, ma'am.

18 **Q** And so how well do you think you would say
19 you knew Mr. Brown?

20 **A** I didn't know him very well.

21 **Q** So would it be accurate to say you guys
22 were just acquaintances?

23 **A** Yes, ma'am.

24 **Q** Did you know his last name?

25 **A** Uh, no, ma'am, I didn't.

1 **Q** All right. What did you call him, what
2 was his nickname or did you call him Mike?

3 **A** I mean, we only saw each other one time.
4 So I didn't really say his name at all.

5 **Q** Okay. Had you seen him in the complex?

6 **A** No, ma'am.

7 **Q** So you just met him the one time and
8 that's the only time you'd seen him?

9 **A** Yes, ma'am.

10 **Q** Did you tell officer's previously that you
11 called him, you believed him or knew him to be
12 Mike-Mike?

13 **A** Yes, that's what everybody called him.

14 **Q** Mike-Mike?

15 **A** Yes, ma'am.

16 **Q** So on the 9th of August of this year,
17 which was a Saturday, were you at your
18 apartment that day?

19 **A** Yes, ma'am.

20 **Q** And you remember was anything special
21 about that morning?

22 **A** No, ma'am.

23 **Q** Did you have any special plan for that
24 day?

25 **A** No, ma'am.

1 **Q** And did something during the day direct
2 your attention to the outside?

3 **A** No, ma'am, I just go outside every day.

4 **Q** So you were hanging outside or did you go
5 outside to go see somebody?

6 **A** I was just hanging outside.

7 **Q** Okay. So your unit being right
8 here, I know we know there's three floors to each
9 building?

10 **A** Yes, ma'am.

11 **Q** What floor was he on?

12 **A** The second.

13 **Q** So when you say you were outside, were you
14 like on the balcony or were you down elsewhere in
15 the complex?

16 **A** I was on the balcony.

17 **Q** Okay. Were you by yourself?

18 **A** Yes, ma'am.

19 **Q** And what were you doing?

20 **A** Just looking around.

21 **Q** Watching people?

22 **A** Yes, ma'am.

23 **Q** Okay. And so did something happen that
24 you thought was unusual or drew your attention?

25 **A** No, ma'am.

1 **Q** Okay. Did you go back into your
2 apartment?

3 **A** Yes, ma'am.

4 **Q** And why did you go back into your
5 apartment?

6 **A** Because I had to go get my cell phone.

7 **Q** Why did you have to get cell phone?

8 **A** Because of the Michael Brown incident, I
9 was going to go record it.

10 **Q** Okay. So let's get back and that is kind
11 of why I was trying to get at while you were
12 outside, an incident started; is that right?

13 **A** Yes, ma'am.

14 **Q** Okay. And so tell the grand jury, or I'm
15 going to let you kind of tell your narration and
16 then if need be, we'll go back and kind of clarify
17 things.

18 Why don't you tell them what you saw
19 while you were standing on the balcony of your
20 apartment?

21 **A** Okay. Well, as I was sitting down, I
22 notice Mike Brown and another young man walking down
23 the street. They were in the middle of the street,
24 and then moments later a police cruiser pulls up.
25 I'm not sure if they exchanged any words or

1 anything, but that's when I went in the house to go
2 get my cell phone. I heard a gunshot and I rush
3 back outside, and I went to the other side of the
4 balcony and that's when I seen Mike Brown turning
5 around holding his wounds and then the police
6 officer continued to fire.

7 Q Okay. Keep your voice up, I know it is
8 natural for you to kind of talk to the person that's
9 closer to you, and your voice kind of goes down.
10 Will you do that? Make sure you are talking so we
11 did hear you back here.

12 I'm sorry to interrupt you, but go
13 ahead, you said, and I missed part of what you said.
14 So you said when you came back out after getting
15 your cell phone, let's start at that point.

16 A Came back out from getting my cell phone,
17 I seen Mike Brown holding himself, like holding his
18 wounds. And he turned around and took, I guess,
19 like a step towards the officer, whether he was
20 lunging forward because he was falling from his
21 getting shot. I know the officer just kept firing.
22 And as he was going to the ground, the officer fired
23 a couple more shots and then that was it.

24 Q Okay. So during this whole incident,
25 other than to go in to get your cell phone, did you

1 stay on the porch or the balcony, what do you call
2 that area that's right outside the front door?

3 **A** The balcony.

4 **Q** The balcony. Did you stay there during
5 that entire incident other than like you said, you
6 went in to get your phone?

7 **A** No, ma'am.

8 **Q** Where did you, where did you go?

9 **A** I just went in the house and back outside.

10 **Q** Okay. Was that, I'm talking about you've
11 already said that you were outside and you see a
12 police officer and some boys?

13 **A** Yes.

14 **Q** And at this point you hadn't heard any
15 gunshots, right?

16 **A** No, ma'am.

17 **Q** Then you went in your house to get the
18 phone?

19 **A** Yes.

20 **Q** While you were in your house, you heard a
21 gunshot?

22 **A** Yes, ma'am.

23 **Q** And then you come out?

24 **A** Yes, ma'am.

25 **Q** So from the time you come back out until

1 Mike Brown is lying in the road, did you stay on
2 your balcony?

3 **A** Yes, ma'am.

4 **Q** Okay. And so, um, so can you use the
5 laser pointer, so you stayed right around this area
6 and can you show the grand jurors where the police
7 car was when you first saw it?

8 **A** Around this area. (indicating)

9 **Q** Do you recall what direction it was
10 facing?

11 **A** It was facing towards this way.
12 (indicating)

13 **Q** If this is east and the police car was
14 facing east?

15 **A** Yes, ma'am.

16 **Q** Now, when you looked, when you first
17 noticed it, was it standing still or was it moving?

18 **A** It was standing still.

19 **Q** Okay. So you didn't notice anything
20 before you looked and you saw the police car
21 standing, or not moving and it was in the middle of
22 the street?

23 **A** Correct.

24 **Q** And where were the boys when you first saw
25 the police car?

1 **A** Um, they were sort of kind of in front of
2 it.

3 **Q** Okay. Were they walking or standing
4 still?

5 **A** They were walking.

6 **Q** And which direction did it look like they
7 were walking?

8 **A** They were heading east as well.

9 **Q** Okay. So they were going in that
10 direction as well?

11 **A** Yes, ma'am.

12 **Q** And so from your vantage point then, could
13 you see the driver's side of the car?

14 **A** No, ma'am.

15 **Q** So you are looking at the passenger side?

16 **A** Yes, ma'am.

17 **Q** And so could you see the officer inside
18 the car from that at this point from your balcony?

19 **A** No, ma'am.

20 **Q** And so you said that you saw the two boys
21 and the officer appear to have some kind of
22 communication?

23 **A** Yes, ma'am.

24 **Q** Could you hear what was being said?

25 **A** No, ma'am, I was too far away.

1 **Q** Could you hear anything like, you know,
2 words, but you couldn't make it out?

3 **A** No, ma'am.

4 **Q** No screaming?

5 **A** No, ma'am.

6 **Q** Okay. And what, if anything, could you
7 see going on while the boys were at the vehicle?

8 **A** Just look like they were talking.

9 **Q** Okay.

10 **A** Like exchanging a few words and that's
11 when I went to go get my cell phone.

12 **Q** Okay. Can you give me an idea or an
13 estimate as to how long you were in the house
14 getting your phone before you came back out?

15 **A** Probably about 30 seconds to a minute.

16 **Q** Okay. And while you were inside is when
17 you heard the first gunshot?

18 **A** Yes, ma'am.

19 **Q** And then did you come right out after
20 that?

21 **A** Yes, ma'am.

22 **Q** Did you have your phone with you?

23 **A** Yes, ma'am.

24 **Q** Did you start videotaping anything?

25 **A** No, ma'am.

1 **Q** And so why did you go in to get your
2 phone?

3 **A** To videotape, and actually to check it
4 too. I usually don't go outside without bringing my
5 phone, I just happen to leave it in there.

6 **Q** So you went in to get your phone because
7 you thought maybe something was going to happen and
8 you wanted to record it?

9 **A** Yes, ma'am.

10 **Q** And then you went in, you got the phone,
11 you hear a gunshot when you came out, but you didn't
12 start recording?

13 **A** No, ma'am.

14 **Q** Why not?

15 **A** Because it all happened too fast.

16 **Q** Okay. Too fast for you to really react?

17 **A** Yes, ma'am.

18 **Q** And so when you came out after hearing
19 that first gunshot, where was the officer? Was he
20 still in the police car or was he outside the police
21 car?

22 **A** He was outside the police car.

23 **Q** And where was Michael Brown?

24 **A** He was right across from me.

25 **Q** Was he standing up in the street or was

1 he, is this a point where he's down in the street?

2 **A** He was standing up.

3 **Q** Okay. What about the littler guy, where
4 was he?

5 **A** He was nowhere to be found.

6 **Q** Okay. So he somehow disappeared from your
7 view?

8 **A** Yes, ma'am.

9 **Q** And did you ever see him again during the
10 incident?

11 **A** No, ma'am.

12 **Q** Okay. So when the officer, you come back
13 and the officer is outside of his car, is the door,
14 driver's door of his car open, do you recall?

15 **A** I don't remember, I didn't look at the
16 police officer's car.

17 **Q** Did you notice, did the officer have the
18 lights on on top of his car?

19 **A** Not that I remember.

20 **Q** All right. And when, so you said you saw
21 the officer out of his car and Michael Brown was
22 right there, can you describe for the grand jurors
23 like where they were in relation to the officer's
24 car?

25 **A** They were probably about a good 10 feet

1 from the officer's car.

2 **Q** So who was closer to the car, the officer
3 or Michael Brown or neither?

4 **A** The officer, where they was probably
5 directly across from each other, I probably say the
6 officer was.

7 **Q** Okay. So was the officer, if he's
8 standing next to his car, was he facing the rear
9 part of his car or was he facing the front part of
10 his car or was he directly facing the car?

11 **A** Here was, can you repeat the question,
12 please?

13 **Q** Sure. If this, for example, is the
14 officer's car and the officer is outside of the car
15 now, is he facing his vehicle as I'm facing this
16 now, or if this is the front of the car, is he
17 facing the front of the car, is he facing away from
18 his car or is he facing the rear of his car or
19 something else?

20 **A** Well, they weren't by the car at that
21 point.

22 **Q** You said they were about 10 feet away?

23 **A** Yes, ma'am, but he was facing towards Mike
24 Brown. They were --

25 **Q** Were they facing each other?

1 **A** Yes, they were facing each other.

2 **Q** Did you see the officer's gun at this
3 point?

4 **A** Yes, ma'am.

5 **Q** Where was the gun?

6 **A** He had it drawn.

7 **Q** Okay. So it was out of his holster?

8 **A** Yes, ma'am.

9 **Q** Do you recall which hand it was in?

10 **A** No, ma'am.

11 **Q** And how was he holding it?

12 **A** I don't recall.

13 **Q** So you don't recall if it was by his side,
14 if it was pointed?

15 **A** It was pointed, I know that.

16 **Q** It is pointed?

17 **A** Yes, ma'am.

18 **Q** Okay. And so, and Mike Brown is facing
19 the officer at this point?

20 **A** Yes, ma'am.

21 **Q** How far away from the officer is Mike
22 Brown?

23 **A** Probably about seven or eight feet.

24 **Q** Seven or eight feet?

25 **A** Yes, ma'am.

1 **Q** And then what happens?

2 **A** And then the officer starts to fire.

3 **Q** Okay. And does he fire in the direction
4 of Mike Brown?

5 **A** Yes, ma'am.

6 **Q** So the officer is outside of the car?

7 **A** Yes, ma'am.

8 **Q** And he's seven to eight feet from Mike
9 Brown at that point?

10 **A** Yes, ma'am.

11 **Q** Do you see if he hits Michael Brown?

12 **A** Judging from Mike Brown's reaction, it
13 looks as if he hits him.

14 **Q** Okay. Did you see any blood?

15 **A** No, ma'am.

16 **Q** So can you describe, or even if you can
17 demonstrate what you mean when you say judging from
18 Michael Brown's reaction?

19 **A** Well, he was holding his wounds as the
20 officer was firing, he started to fall towards the
21 ground. He fell to his knees first and then
22 collapsed all the way.

23 **Q** Okay. So let's, I think I understand that
24 there's a section missing here, so you said the
25 officer's vehicle was stopped here?

1 **A** Yes.

2 **Q** Did he ever move that car?

3 **A** No.

4 **Q** So when you came back out and you saw the
5 officer and Michael Brown facing each other, and the
6 officer had his gun drawn, can you use the pointer
7 and show me where on the map they were?

8 **A** This area right here. (indicating)

9 **Q** And so what do you see happen then?

10 **A** I see the officer use excessive force to
11 take down Mike Brown.

12 **Q** Okay. So let's back up a little bit. You
13 said Mike Brown was standing facing the officer and
14 it looked to you like he, the officer fired at him
15 and it looked like he was hit?

16 **A** Yes.

17 **Q** And you describe that Michael Brown looked
18 like he was holding his wound at this point?

19 **A** Yes.

20 **Q** Was he holding his wounds before the
21 officer fired the shot that you saw or did he grab
22 his wounds after that shot?

23 **A** He was holding before.

24 **Q** Before?

25 **A** Yes.

1 **Q** Can you demonstrate to the grand jurors
2 how you saw Michael Brown holding himself? Can you
3 stand up so they can all see you?

4 **A** Like this. (indicating)

5 **Q** So you have your right arm across your
6 torso, a little bit above your belly button area?

7 **A** Yes, ma'am.

8 **Q** And so you said Michael Brown had his arm
9 in that fashion and the officer fired a shot that
10 looked to you like it hit him?

11 **A** Yes.

12 **Q** And then what did Michael Brown do then?

13 **A** It looked like he just took the impact and
14 the officer kept firing and then that's when he
15 started to fall towards the ground.

16 **Q** Okay. Now, did you say a little bit ago
17 you saw Michael Brown take some steps?

18 **A** I seen him take one step.

19 **Q** One step?

20 **A** I don't know if he was taking the step or
21 if he was just, you know, falling forward.

22 **Q** Okay. And so you only saw him take one
23 step?

24 **A** Yes.

25 **Q** And this is first thing that you see when

1 you come back out of your apartment is that they are
2 already at a point somewhere around here. You said
3 where they're facing each other and the officer
4 fires and then Mike Brown lands at that point on the
5 ground?

6 **A** Yes, ma'am.

7 **Q** Okay. So whatever happened from the time
8 you saw Mike Brown at the vehicle until they're
9 here, you didn't see any of that?

10 **A** No, ma'am.

11 **Q** And so how close did you say that the
12 officer was eight to ten feet away from Michael
13 Brown when he was firing the shots?

14 **A** Seven to eight feet.

15 **Q** Seven to ten. Did Michael Brown, did you
16 ever see him put his hands up in the air?

17 **A** No, ma'am, I did not see that.

18 **Q** But like I said, there's parts that you
19 didn't see since you come out and at this point
20 Michael Brown already has his hand here?
21 (indicating)

22 **A** Yes, ma'am.

23 **Q** If he had his hands up prior to that, you
24 didn't see it?

25 **A** No, ma'am.

1 **Q** And you didn't see him running from the
2 officer?

3 **A** No, ma'am.

4 **Q** Now, you said, did you see, did you ever
5 see him run from the officer?

6 **A** No, ma'am.

7 **Q** Okay. From the first gunshot that you
8 heard while you were inside, is the next gunshot you
9 hear the one that you see when he fires, when he's
10 face-to-face with him?

11 **A** I'm not, I don't remember.

12 **Q** Okay. How many total gunshots do you
13 think you heard?

14 **A** Six or seven.

15 **Q** And you said that you saw Michael Brown
16 fall forward?

17 **A** Yes, ma'am.

18 **Q** Did he fall to his knees first or did he
19 just fall straight down?

20 **A** He fell to his knees first.

21 **Q** Okay. Did he remain on his knees for any
22 amount of time even if it was a couple of seconds?

23 **A** Yes, ma'am, it was probably a couple
24 seconds.

25 **Q** Okay. So he fell to his knees, did the

1 officer continue to fire?

2 **A** Yes, I think he let go one more shot.

3 **Q** And then you saw Michael Brown from his
4 knees, then did he fall forward?

5 **A** Yes, ma'am.

6 **Q** And when he was on his knees, did you see
7 him put his hand up?

8 **A** No, ma'am.

9 **Q** And when he was falling forward, did you
10 see him put his hands up?

11 **A** No, ma'am.

12 **Q** So when you saw him, he had a hand across
13 his torso?

14 **A** Yes, ma'am.

15 **Q** What was the other hand doing?

16 **A** I'm not sure, I couldn't see.

17 **Q** Okay. And did he keep his hand in the
18 position that you saw his hand the whole time you
19 saw him?

20 **A** Yes, ma'am.

21 **Q** Did he fall that way with his hand across
22 his torso?

23 **A** Yes, ma'am.

24 **Q** Did you, after he fell to the ground, did
25 the officer continue to fire?

1 **A** No, ma'am.

2 **Q** Did you see what the officer did then?

3 **A** No, ma'am.

4 **Q** And why not?

5 **A** I was too busy looking around to see if
6 anybody else saw what I saw.

7 **Q** Okay. And did you see other people around
8 there?

9 **A** No, ma'am, not at the time until like
10 after, you know, a couple of minutes went by and
11 then I saw other people start to come outside.

12 **Q** Okay. Did you see, now you're in this
13 building, right?

14 **A** Yes.

15 **Q** Did you see anybody on the balconies over
16 here?

17 **A** No, ma'am.

18 **Q** And did you see cars, how about cars on
19 the street that might have been stopped?

20 **A** No, ma'am.

21 **Q** Did you see cars in either direction?

22 **A** No, ma'am, I didn't see any cars.

23 **Q** And, okay, so let's clarify. Are you
24 saying that there weren't cars there or you saying
25 you don't know if there were cars there?

1 **A** I don't know if there were cars there.

2 **Q** Okay. And the same thing with somebody
3 being on the balcony here, are you saying there
4 wasn't anybody on the balcony next to you or you
5 saying you don't know if there was?

6 **A** I don't know if there was.

7 **Q** Okay. And then did you see the officer
8 who did the shooting, did you see him approach
9 Michael Brown's body after he fell on the ground?

10 **A** I don't remember.

11 **Q** Okay. Did you see what he did after that,
12 after Michael Brown fell on the ground?

13 **A** I don't remember.

14 **Q** During the time you saw the initial
15 encounter until Michael Brown was dead on the
16 ground, did you see any other police officers?

17 **A** No, ma'am.

18 **Q** Did you see any other police cars?

19 **A** No, ma'am.

20 **Q** Eventually did other police officers and
21 cars come?

22 **A** Yes, ma'am, eventually.

23 **Q** Did you go down to the street afterwards?

24 **A** No, ma'am.

25 **Q** Did you stay up in your apartment?

Page 240

1 **A** Yes, ma'am.

2 Q And the next day you left is
3 that right?

4 **A** Yes, ma'am.

5 Q You had somebody, a family member drove
6 you ?

7 **A** Yes, ma'am.

8 Q Was that because of this that you felt you
9 needed to get

10 **A** No, ma'am.

11 Q So was this already planned that you were
12 going to ?

13 **A** Yes, ma'am.

14 On the ?

15 **A** Yes, ma'am.

16 Q But at some point, somebody came and
17 discovered that you had witnessed this?

18 **A** Yes, ma'am.

19 Q You didn't talk to the police that day?

20 **A** No, ma'am.

21 Q Why not?

22 **A** I really didn't want to be involved with
23 the whole entire situation.

24 Q Had you ever had a bad experience with the
25 Ferguson police officers?

1 **A** No, ma'am.

2 **Q** Did they have a good or bad reputation or
3 if you know?

4 **A** I'm not sure.

5 **Q** Okay. So you not wanting to be involved
6 is just because you just didn't want to be involved
7 or was it because of distrust of the police officers
8 or?

9 **A** I just didn't want to be involved. I
10 didn't want that attention.

11 **Q** Do you know how it was that the police
12 found you?

13 **A** No, ma'am, I don't.

14 **Q** But eventually on August 18th, you recall
15 a couple FBI agents coming to talk to you ?

16 **A** Yes, ma'am.

17 **Q** Did you tell them what you saw?

18 **A** Yes, ma'am.

19 **Q** And now you actually here with
20 your mother to testify in this case; is that right?

21 **A** Yes, ma'am.

22 **Q** And did you do that willingly?

23 **A** Yes, ma'am.

24 **Q** And you met with the FBI, was it
25 yesterday?

1 **A** Yes, ma'am.

2 **Q** And you made a recorded statement with
3 them?

4 **A** Yes, ma'am.

5 **Q** Okay.

6 MS. ALIZADEH: I don't have any more
7 questions. Sheila?

8 MS. WHIRLEY: Thank you.

9 **Q** (By Ms. Whirley) Why do you say it was
10 excessive force?

11 **A** After the first shot, it's excessive.

12 **Q** I'm sorry?

13 **A** After the first shot that was excessive.

14 **Q** You thought after?

15 **A** After I came outside and I seen him
16 holding his wound, he didn't really have to keep
17 shooting. Mike Brown didn't pose a threat, to my
18 knowledge, he didn't pose a threat.

19 **Q** And you didn't see anything happening at
20 the police car, you just said, why did you go, what
21 was happening when you went and got your cell phone
22 again?

23 **A** They were just at the police cruiser.

24 **Q** You didn't see any tussling or car moving?

25 **A** No, ma'am.

1 **Q** Any loud noises or anything?

2 **A** No, ma'am.

3 **Q** And then you went in to get your cell
4 phone because you always have it?

5 **A** Yes, ma'am.

6 **Q** You heard a shot?

7 **A** Yes, ma'am.

8 **Q** While you were getting your cell phone?

9 **A** Yes, ma'am.

10 **Q** You didn't see what was happening when the
11 shot first went off?

12 **A** No, ma'am.

13 **Q** All right. And then was it just one shot
14 you heard before you got back out?

15 **A** I know one shot for sure, but I don't
16 remember.

17 **Q** Where were you at like on the balcony or
18 something?

19 **A** When I heard the shot?

20 **Q** Yeah, when you came back out and saw
21 everything?

22 **A** I was on the balcony.

23 **Q** So you never went downstairs?

24 **A** No, ma'am.

25 **Q** You were watching from the balcony?

1 **A** Yes, ma'am.

2 **Q** So after you came out to the balcony with
3 your phone, a shot had already occurred?

4 **A** Yes, ma'am.

5 **Q** You say you saw Michael Brown facing the
6 officer?

7 **A** Yes, ma'am.

8 **Q** When he was holding his torso and that's
9 when all of these shots, you heard some more shots?

10 **A** Yes, ma'am.

11 **Q** Okay. Could you hear him saying anything?

12 **A** No, ma'am.

13 **Q** You weren't close enough to hear them
14 talking?

15 **A** No, ma'am.

16 **Q** What do you think the officer should have
17 done?

18 **A** Anything other than kill him. I'm pretty
19 sure the police training and police training they,
20 you know, have any other means of, you know,
21 corralling a suspect other than killing him.

22 **Q** You said he was wounded when he was shot
23 dead?

24 **A** Yes, ma'am.

25 **Q** I wasn't clear, did you record any of the

1 incident, even afterwards?

2 **A** Afterwards, yes, ma'am.

3 **Q** So what did you record?

4 **A** I just recorded his body laying right
5 there and the officer just, I guess he was walking
6 around, I'm not sure.

7 **Q** But you didn't record the actual shooting,
8 you weren't quick enough to do that?

9 **A** No, ma'am.

10 **Q** Did at any time when you saw him with his
11 hands, we call this the torso, right?

12 **A** Yes, ma'am.

13 **Q** Around his torso, did he appear to be
14 going for a weapon?

15 **A** No, ma'am.

16 **Q** It was clear to you that he appeared to be
17 wounded?

18 **A** Yes, ma'am.

19 **Q** Could you see blood?

20 **A** No, ma'am.

21 **Q** Okay. And so why do you think he was
22 wounded again?

23 **A** Because I heard gunshots.

24 **Q** Okay. And it didn't look like he was
25 going for a weapon?

1 **A** No, ma'am.

2 Q Did he ever look like he was rushing
3 toward the officer?

4 **A** No, ma'am.

5 Q Okay. And where were his hands when he
6 was falling to his knees before collapsing to the
7 ground?

8 **A** I don't remember.

9 Q And again, it did not appear to you like
10 he was charging the officer?

11 **A** No, ma'am.

12 MS. WHIRLEY: Questions.

13 . When
14 you were looking at the police car, you were looking
15 at what, t he driver's side or the passenger side?

16 **A** Passenger side.

17 : Passenger side. So the
18 police vehicle was facing west or toward West
19 Florissant.

20 **A** No, it was facing towards east, going
21 towards Northwinds.

22 : That way's east. If it
23 was facing east, then the driver's side would have
24 been toward you?

25 **A** Correct, but I wasn't, the balcony isn't

1 all that big.

2 : All right. You were at
3 an angle?

4 **A** Yes, ma'am -- yes, sir, I apologize.

5 : That's close enough.

6 I just
7 need to clarify something. Did you hear any shots
8 while you were walking back into the apartment to
9 get your cell phone?

10 **A** No, ma'am.

11 The first shot you
12 actually heard when you came back out?

13 **A** The first shot I heard was when I was
14 inside.

15 : You heard one while you
16 was on the inside?

17 **A** Yes, ma'am.

18 : That was the shot you
19 heard?

20 **A** Yes, ma'am.

21 : Okay.

22 MS. ALIZADEH: Anyone else?

23 . I guess, did you
24 have head phones or anything on, were you listening
25 to music out on the balcony or playing a video game

1 or anything, or were you just sitting out there?

2 **A** I'm just sitting out there.

3 : Just watching?

4 **A** Just watching, looking around.

5 : I had another question. I
6 guess you know when you looked up and saw Michael
7 Brown at the police car, something must have made
8 you want to think it is more than just an innocent,
9 you know, stop right there. Because you ran in to
10 get your phone, can you think of why or what made
11 you think there was something to record? Did you
12 hear loud voices, did you look at Michael's face,
13 did you know something was about to happen.

14 **A** It was just a gut feeling. Something just
15 toll me in my mind that you might want to go get
16 your phone.

17 : So you just saw a few
18 seconds of that, whatever happened there. And then
19 it sounds like you just saw the very last few
20 seconds at the end before Michael Brown was shot to
21 death?

22 **A** Yes, sir.

23 : Okay. Thank you.

24 . Your cell
25 phone, what room was your cell phone in?

1 **A** It was in the kitchen.

2 : It was in the kitchen.

3 Was it plugged in a charger at that time?

4 **A** No, ma'am.

5 : Okay. When you came from
6 the balcony into the house to get your cell phone, I
7 think you have to enter through the sliding doors in
8 the living room, is that how you enter your
9 apartment?

10 **A** You can or you can just go through the
11 main door.

12 : The main door, how did you
13 get in there?

14 **A** I went through the door.

15 You went through the door?

16 **A** Yes, ma'am.

17 So where is that in
18 relationship, you have to walk to your left to the
19 right of the sliding glass doors or where are you
20 exactly positioned to the main door?

21 **A** It is on the right.

22 : On the right. And how far
23 were you away from the main door at that point?

24 **A** Probably about two or three feet.

25 Two or three feet. You

1 know about how many feet you traveled in the
2 apartment to get to your cell phone?

3 **A** I'm not sure.

4 : Not sure?

5 **A** I'm not sure.

6 : Okay. When you came back
7 out, did you also go back out through the main door,
8 the same path?

9 **A** Yes, ma'am.

10 Okay, all right, thanks.

11 : I don't have anything any
12 more.

13 MS. ALIZADEH: No more questions from you.
14 At this point if there is no more questions, that
15 will end the testimony of this witness.

16 (End of the testimony of .)
17
18
19
20
21
22
23
24
25

1

2 State of Missouri

3 SS.

4 County of St. Louis

5 I, XXXXXXXX, a Licensed Certified Court

6 Reporter by the Supreme Court in and for the State

7 of Missouri, duly commissioned, qualified and

8 authorized to administer oaths and to certify to

9 depositions, do hereby certify that pursuant to

10 Notice in the civil cause now pending and

11 undetermined in the County of St. Louis, State of

12 Missouri.

13 The said witness, being of sound mind and being

14 by the grand jury first carefully examined and duly

15 cautioned and sworn to testify to the truth, the

16 whole truth, and nothing but the truth in the case

17 aforesaid, thereupon testified as is shown in the

18 foregoing transcript, said testimony being by me

19 reported in shorthand and caused to be transcribed

20 into typewriting, and that the foregoing page

21 correctly sets forth the testimony of the

22 aforementioned witness, together with the questions

23 propounded by counsel and grand jurors thereto, and

24 is in all respects a full, true, correct and

25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9

10 -----

11 XXXXXXXXXXXXXXXX

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XVII

12

13 10/28/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XVIII

Date: November 3, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 3, 2014

VOLUME XVIII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 3rd day of November, 2014, before _____.

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XVIII

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is Monday, November 3rd,
5 it is 9:26 a.m. This is Kathi Alizadeh. Sheila
6 Whirley is present as well, and all 12 grand jurors
7 are here, as well as the court reporter, who's
8 taking down and recording what is being said.

9 Some matters that I wanted to discuss
10 before we start with evidence today. I would like
11 you all to give us some dates for next week. And,
12 you know, I had told you in the past that we are
13 getting close to wrapping up, but you know, I don't
14 know how long, you know, this is still going to last
15 for sure and, of course, I don't know how long. We
16 don't know how long you will need to deliberate.

17 And so just go ahead and pick some dates
18 for next week. If you could give us three days,
19 that would be great. I understand, you know, with
20 your schedules, you have to work around and we will
21 work around those schedules.

22 A couple of other matters is the floor
23 plan with no door, remember the floor plan? So I
24 had Detective talk to the gal, the leasing
25 agent and she drew the door in here. They didn't

1 change it other than she drew a little line where
2 the door is on these second two bedroom version.
3 And then she also wrote next to the marks, which
4 would indicate a window, she wrote sliding door.

5 These are new, I don't know if you all got
6 rid of the old ones that I've given you. If you
7 haven't, go ahead, and you want to give those to me
8 and I will shred them so we don't get those
9 confused. That's your newest version of that.

10 So, for the record, I had previously
11 marked that floor plan as Exhibit Number, Grand Jury
12 Exhibit Number 51. I'm going to remark the new one
13 that shows the door, as Grand Jury Exhibit Number
14 51. And I'm going to tear up the old one so we
15 don't get those confused. I'm just using the same
16 number, I just replace it with the accurate version.

17 And then so we have the week scheduled out
18 pretty busy, hopefully we're going to be chugging
19 along here and trying to get some of these witnesses
20 in and out.

21 We talked about you all seeing the
22 vehicle. We actually had a plan, we were going to
23 try to do that today, we have now discovered because
24 I had, I don't know if I was told this or I don't
25 recall who even told me, I had believed that Officer

1 Wilson's vehicle was back in service and the door
2 had been repaired and it was back on the road being
3 used as a police car in Ferguson.

4 But last week we learned that it is not
5 repaired and it is still missing the door. So we
6 can't really have somebody drive it down here. It
7 would draw too much attention if that was driving
8 around like that.

9 So I have a couple of options for you. We
10 could have the vehicle towed to a location where the
11 new call center is. There is a secure garage in
12 there. We could have the vehicle towed there and
13 then we could have you all, depending on the time of
14 day we do this. If we do it at the end of the day,
15 you all take your own vehicles out there, then you
16 could leave directly from there rather than coming
17 back to Clayton, or if necessary, we could get a van
18 and take you all out there together to see it.

19 Of course, then we'd have to bring you
20 back here to get your vehicles, so that is an
21 option. If you want to see the actual Ferguson
22 vehicle.

23 The limitations with that are going to be
24 that the door is not on the car. And we have the
25 door and I can throw the door in the back of the

1 truck and you all can look at the door, but it is
2 not going to be on the car.

3 And so depending on what you want to see,
4 it might be a better option for you if I could get a
5 Ferguson Tahoe, same year and same model and
6 everything, and that way you would have a complete
7 truck, in other words.

8 I will also tell you that I had someone
9 from the Crime Scene Unit go out and measure the
10 actual truck, the actual Ferguson vehicle points
11 like from the ground to the top, you know, the roof
12 from the ground to this and so forth. So we do have
13 actual measurements if those are important to you,
14 we'll give those to you as well.

15 So maybe during your lunch break today you
16 can talk about whether or not, if we just get a
17 lookalike Ferguson truck, we can do that here, we
18 had previously talked about doing that in the
19 sallyport here which is where prisoners are brought
20 in so they are automatic doors, it is secured, we
21 would be able to have that area for 30 minutes.

22 It is monitored by cameras because it has
23 to be, but we've arranged that the cameras would be
24 shut off so nobody is going to be seeing you.

25 Of course, no recordings will be made of

1 you while you are up around the vehicle. If we get
2 the lookalike, we can do it here. If we are going
3 to need the actual vehicle, we are going to have to
4 make the arrangements to take you to another
5 location to view that. So you can talk during your
6 lunch break about what you want to do, or if you
7 want to do both. If it is important that you see
8 both, we'll do whatever, okay.

9 How y'all doing, okay. I can't recall if
10 there was any other things that needed to be talked
11 about or brought up and if there are, yes.

12 : I saw on KSDK over the
13 weekend, or I think late last week, that they
14 indicated that Dr. who did the family
15 autopsy had mentioned that he was willing to come
16 and testify before us and also that there is
17 reportedly some of his findings doesn't agree with
18 our findings regarding some, I guess it is stippling
19 or whatever. So I know you put it out there already
20 inviting him to come at your request to come
21 testify.

22 I don't know if you've heard from him?

23 MS. ALIZADEH: The latest is we are trying
24 to get him here. He had not, still has not
25 completed his report. And he indicated that he

1 needed a copy of the St. Louis County Medical
2 Examiner's Report in order for him to complete his
3 report, which is protocol, it is.

4 And you will hear from medical examiners
5 we are going to bring in that that's necessary
6 because obviously when you are doing a second or
7 third autopsy, things that were done previously, you
8 need to know is this something that, you know, was
9 caused or created in the autopsy or is this a
10 different wound. And so it is not unusual and in
11 fact, you know, I don't want to say protocol, I
12 think that is the appropriate medical procedure is
13 to have the previous autopsy reports so that you can
14 know what was done previously.

15 Obviously, the bullets were removed
16 already and things that were done are not going to
17 be seen in a second or third autopsy.

18 So we have forwarded a copy of that to the
19 appropriate people to get to him. And so we've also
20 contacted the appropriate people to have him check
21 his schedule, let us know when he might be
22 available.

23 Obviously, we can't wait if I'm not
24 available until January, we're going to have to make
25 a decision on what to do about that in the event

1 that happens. But yes, we have things in place
2 right now where we are trying to get him to come
3 here and testify for you.

4 So that's being done and was there any
5 other things that you guys wanted or needed that?
6 . I was going to
7 see, we have learned a lot about Michael Brown
8 through testimony. I still don't know a lot about
9 Officer Darren Wilson.

10 I know we brought his supervisor in
11 briefly to talk about protocol, what happened that
12 day. His story was very different from Darren
13 Wilson's. Would be interested to know if we know
14 about what his morning was like.

15 MS. ALIZADEH: What?

16 : What his morning was like
17 that day. History, you know, behavioral, awards,
18 whatever that may be. I know a lot about Michael
19 Brown, but not a lot about Darren Wilson.

20 MS. ALIZADEH: We have his personnel file
21 and that is something we will get to you. Kind of
22 our strategy here is once we get done with all of
23 our eyewitnesses, then we are going to have some
24 experts still testify. And then probably the last
25 witness is going to be Detective who is the

1 primary case officer on this. And so a lot of, some
2 of that stuff is going to come in through him.

3 But we talked about the fact that there
4 may have been witnesses who testified earlier in the
5 process that now that you know more than you did
6 back then, you may wish us to recall some witnesses.

7 As you know, we cannot compel Officer
8 Wilson to testify. So all I could do is extend an
9 invitation if you wanted him to come back.

10 If anybody else that now you look at, you
11 know, what you now know and you are comparing what
12 the witness said previously. If you have additional
13 questions for any witness who has already testified,
14 just let us know and we will do our best to get them
15 in here again.

16 So we talked about that last week that you
17 know, this whole thing began two months ago so and
18 you've heard from, you know, what am I on now, how
19 many witnesses have we had, 47. We have had 47
20 witnesses. So it is a lot.

21 So you guys can discuss that as well. If
22 you want to recall any witnesses and again, it would
23 be an invitation to Officer Wilson if you wanted to
24 have him back. We would do what we can to get him
25 here.

1 Other matters is that we have the taped
2 statement of who testified last week
3 and it is an hour and 26 minutes or so. And if you
4 would like to hear that statement, we could play it.
5 If you just want to get the transcript, I can pass
6 that out to you, but that's something you can
7 discuss during lunch as well if you want to hear her
8 statement because we've got a witness here now so
9 we're going to play some statements of that witness
10 and then get her on the stand.

11 And then when this is close to being
12 concluded, Sheila and I are going to have to go
13 through the notes and the transcripts to make sure
14 that we've given you, we kind of got out of playing
15 all the statements before the witness and, you know,
16 we've proceeded with okay, we'll play those later.
17 I want to make sure that we don't miss anything that
18 there was a statement that we forgot to play or
19 present to you.

20 So we'll make sure we try to get that the
21 boxes checked off to make sure you guys have heard
22 everything.

23 So at this time now we're going to play
24 some recorded statements from a witness who we will
25 identify as Witness Number 48.

1 We have transcripts for two statements.

2 The first statement is ten minutes and 58 seconds.

3 The second statement is a minute 35 seconds, which
4 is just a phone call and then we have transcripts
5 for those two.

6 Then there is a third statement that is 22
7 minutes and 32 seconds with no transcript for that
8 since that was just done last week, and so I would
9 ask that we'll go pause the recording while we are
10 playing statements. , you do not need to
11 transcribe the first two statements, but I would ask
12 that you transcribe for the third one.

13 So at this time, if you the want to pause
14 that.

15 So now that we're paused, I will tell you
16 the two transcripts are together.

17 : A whole list of all the
18 witnesses so we make sure that we have them also
19 what you have.

20 MS. ALIZADEH: Absolutely, I have been
21 keeping track of that.

22 The other thing is over the weekend I was
23 trying to organize the exhibits and I'm still
24 missing Number 48. So if anybody keeps track of the
25 numbers.

1 MS. WHIRLEY: What is 48?

2 : Exhibit 48?

3 MS. ALIZADEH: It is the witness number
4 coincidentally.

5 MS. WHIRLEY: Okay .

6 MS. ALIZADEH: Is everybody ready to start
7 the statements? Okay.

8 (This will be the playing of the audio
9 recorded statements of Witness 48.)

10 (This is the playing of audio interview
11 number three of Witness Number 48 that is being
12 transcribed.)

13 : This is special agent

14 We are at FBI 2222 Market Street. It is
15 Wednesday, October 29th, 2014, approximately
16 9:21 a.m. I'm with USA and DOJ trial
17 attorney and we are here
18 interviewing.

19
20 Is your name
21 spelled

22 Uh-huh.

23 : Are you still at

24

25 No, no.

1 : What's your residence

2 address?

3 Um, I don't know the

4 address, but I know the street I live off of

5

6 Okay.

7 Where is that

8 Yeah.

9 : Okay. If I needed to get

10 ahold of you, what is best number to call?

11 I don't know, my mom.

12 : Your mom's, okay. What about

13 your godmother who is here with you?

14 She's probably the best

15 person to call. I wasn't even thinking about her.

16 : What's her name?

17

18 : She's waiting outside for

19 you here today?

20 Uh-huh.

21 : She came down with you?

22 : Do you know what her phone

23 number is?

24

25 Okay. And what's your date

1 of birth?

2

3 : And what's your social
4 security number.

5

6 :

7

8 : okay.

9

10 : Okay.

11 MR. All right. thanks for
12 being here today. We wanted to follow-up on some
13 statements that you gave before, all right. I know
14 that on August 14th you talked to investigators,
15 okay, and we just had a few questions about that and
16 wanted to follow-up.

17 Before we do that, I just want to go
18 through some preliminary things that we do with most
19 witnesses, okay, or basically I want to remind you,
20 obviously, you know this is being recorded, and you
21 have to say yes or no.

22 Yes.

23 MR. : Just because it is being
24 recorded you have to, if I ask you a question, yes
25 or no answer, be sure to a yes or no just so it

1 shows up on the tape, okay?

2 Okay.

3 MR. : I also want to tell you
4 don't answer any question you don't understand,
5 okay? If I ask you something and you're not sure
6 exactly what I mean by that, just feel free to ask
7 me to explain it, I will do that, all right, you
8 understand?

9 : Uh-huh.

10 MR. Basically we don't want you
11 to answer any questions that you don't understand.

12 All right.

13 MR. : All right. I need to warn
14 you that it is a crime to lie to the FBI or federal
15 investigators, okay?

16 Uh-huh.

17 MR. : So you need to be sure to
18 tell the truth today, you understand that?

19 : Yes.

20 MR. : Basically we are just
21 looking for the truth here. We've talked to a lot
22 of different witnesses and all we are looking for is
23 what you actually saw and heard on August 9th of
24 this year, okay?

25 : Uh-huh.

1 : I know there have been a lot
2 of things in the media and that sort of thing. If
3 you are going to refer to any of that or whatever,
4 that's fine, you just need to let us know, but
5 otherwise, we are just looking for what you actually
6 saw.

7 : Okay.

8 MR. : All right. Okay, I also
9 wanted to ask you are you under the influence of any
10 drugs or alcohol today?

11 No.

12 MR. Is there anything else that
13 would influence your ability to tell us the truth
14 today?

15 : No, just anxiety. That's
16 not going to stop me from telling the truth though.

17 MR. : You just a little nervous?

18 Yeah.

19 MR. : Okay. That's normal, don't
20 worry about that, that's perfectly normal.

21 : Okay.

22 MR. : Let's go back through. As I
23 said, I know that you gave a statement on
24 August 14th and I understand that on that date you
25 were in an minivan with your family; is that right?

1 : That's right.

2 MR. : Were you sitting in the
3 minivan?

4 I was sitting in the second
5 row, in the middle of the second row.

6 MR. : Did you have a clear view of
7 what was going on?

8 : Yes.

9 MR. : What was your view? I mean,
10 where were you looking?

11 The windshield.

12 MR. : All right. You looking the
13 front through the windshield?

14 Yes.

15 MR. : And you see a young man
16 that's standing near a police cruiser; is that
17 right?

18 Yes.

19 MR. : The young man, do you know
20 who that is now?

21 : I know now.

22 MR. : And based on just things
23 that have happened since then?

24 : I really don't like listen
25 to radio or news like that.

1 MR. Uh-huh.

2 : So the only thing I know is
3 his name for real that's because I have been back to
4 the complex

5

6 MR. : ?

7 : Yes.

8 MR. : What is the name of the
9 young man at the side of the police cruiser?

10 : Michael Brown.

11 MR. : Did you know that at the
12 time?

13 No.

14 MR. Did you know him at all?

15 : No.

16 MR. Okay. Is it okay then if we
17 just refer to that young man as Michael Brown since
18 you learned what his name is since then?

19 Yeah.

20 MR. : So you see him standing here
21 at the police cruiser?

22 Yes.

23 MR. : And the police cruiser is in
24 the street?

25 **A** Yes.

1 MR. : And what do you see
2 happening there at the police cruiser?

3 I see Michael Brown
4 standing in front of the cruiser by the driver's
5 side of the door.

6 MR. : Is he facing the police
7 cruiser?

8 : Yes.

9 MR. : Facing the driver's side
10 door?

11 : Yes.

12 MR. About how far away do you
13 think he is from the door?

14 A couple inches.

15 MR. Basically right there.

16 : Yeah.

17 MR. : What do you see?

18 : I see him talking, I don't
19 know really what he was doing. I know that he had
20 his back to me.

21 MR. : Uh-huh.

22 : His hands were in front of
23 him. I don't know like, if you see a person behind,
24 from the behind and you just see their arms, you
25 don't see them like hanging down.

1 MR. : Okay.

2 : You see them in front of
3 him?

4 MR. : So he's facing the police
5 cruiser's driver's side door?

6 : Yeah.

7 MR. : Is there a police officer in
8 the cruiser at the time?

9 Yes.

10 MR. : Where is the police officer?

11 : In the driver's seat.

12 MR. : Okay. I understand it is an
13 obvious question, but so the police officer is in
14 the driver's seat, Michael Brown is facing the
15 police officer?

16 Yes.

17 MR. : At the driver's side.

18 MS. : Just for the recording,
19 when you were demonstrating just a few moments ago,
20 you said his hands were forward. You held your
21 hands so that your elbows were bent at almost right
22 angles with your hands slightly above waist level in
23 front of you.

24 : Right.

25 MR. : Could you see what Michael

1 Brown was doing with his hand at that time?

2 No.

3 MR. You just know that his hands
4 were in front of him?

5 : Yes.

6 MR. And you say he was just a
7 few inches from the side of the police cruiser?

8 : Right.

9 MR. : Could you tell from your
10 angle whether or not his hands were inside the
11 vehicle or outside the vehicle?

12 I don't know if his hands
13 were in the vehicle.

14 MR. : You just couldn't tell?

15 : I just couldn't tell what
16 he was doing. I just seen that his hands were like
17 midway up, not like in the air, I don't know they
18 weren't hanging down, so I don't know what he was
19 doing.

20 MR. : His hands were in front of
21 him. You can't tell what he was doing with his
22 hands?

23 Right. And then heard two
24 gunshots. One, like I didn't really pay attention
25 to because I was in the middle talking to my sister.

1 And then the second one I clearly heard and then my
2 mother asked me were they shooting at each other? I
3 was like, I don't know. And then we look, we was
4 watching it and Michael Brown took off running down
5 Canfield the opposite of West Florissant, opposite
6 way.

7 MS. : Was there anybody besides
8 Michael Brown standing outside of the police
9 cruiser.

10 I didn't see the dude in
11 the gray pants, I didn't see him standing by the
12 cruiser.

13 MS. : Okay.

14 : I just seen him run from
15 like behind it like kind of and he took off running
16 across the field behind the other apartments.

17 MR. Okay. So when you first, do
18 you know who the other guy is?

19 No.

20 MR. : You don't know his name?

21 Huh-uh.

22 MR. Can you describe him?

23 He's a thin man, had on a
24 black T-shirt and I guess gray jogging pants and I
25 believe he had dreads.

1 MR. : Okay.
2 : He wasn't like --
3 MR. : He was a young black male?
4 Yes.
5 MR. : So thinner, dreads?
6 Uh-huh.
7 MR. : And a younger black male?
8 Uh-huh.
9 MR. : Is that right?
10 Yes.
11 MR. : So the first time you see
12 them you think he is somewhere around the back of
13 the police vehicle?
14 Right.
15 MR. : You see him take off
16 running?
17 Right.
18 MR. : When did he run, when did he
19 take off running?
20 : After the first shot was
21 fired, after the first two I heard.
22 MR. Then you say Michael Brown
23 after the second shot took off running down
24 Canfield?
25 Yes.

1 MR. : Okay. And at some point
2 then do you see the police officer get out of the
3 vehicle?

4 : Yeah, you seen the officer
5 hop out of his cruiser and he is running behind and
6 he's yelling stop. Then Michael turned around and
7 started charging towards the officer and the officer
8 still yelling stop. He did have his firearm drawn,
9 but he was yelling stop, stop, stop. He didn't, so
10 he started shooting him.

11 MR. All right. So the police
12 officer was yelling at him multiple times to stop?

13 : Yes.

14 MR. At any time the police
15 officer was yelling stop as he's charging at him,
16 did Michael Brown stop?

17 : He slowed down, I thought
18 he was going to stop, but he kept charging towards
19 him. Like he slowed down for a second and then he
20 started running again. Like he put his hand up in
21 the air like, he put his hands up and then he put
22 his hand like in front of him like this way.

23 MR. Let's talk about this, you
24 say he started to put his hands up?

25 Yes.

1 MR. Michael Brown did?

2 Yes.

3 MR. But then he pulled his hands
4 down and you demonstrated that you kind of had a
5 fist in front of you like at your chest height?

6 Right.

7 MR. : And can you describe, he had
8 his hands at his chest?

9 His hands were balled up.
10 He has his arms bent towards his chest and he's
11 running like, you know, almost like a tackle
12 running.

13 MR. : Okay.

14 And I see him shoot him. I
15 don't know, he wasn't going to stop. I don't know
16 how many times he shot him altogether, but like you
17 seen like one of the bullets hit him in the face,
18 cause you seen like the splatter from it. I'm
19 sorry, it distracted me for a second.

20 MR. : I understand, I understand.
21 You say it didn't look like Michael Brown was going
22 to stop.

23 : No.

24 MR. : He wasn't going of his own
25 volition going to stop?

1 : He was running, he slowed
2 down, and then he kept running and he shot him and
3 was like for a second he kind of like slowed down
4 and staggered. He kept charging, so he shot him
5 again.

6 MR. : All right. You said that
7 the police officer was at that time telling him to
8 stop?

9 : Yes.

10 MR. : Repeatedly. You said that
11 in your statement on August 14th that referring to
12 Michael Brown you said the boy wouldn't stop, he
13 fired three rounds, that would be the police
14 officer?

15 : Right, he fired the three
16 rounds first.

17 MR. And the dude kept running
18 and the police, you say the police officer fired
19 four more rounds?

20 : Yes.

21 MR. Does that sound about right?

22 : Yes.

23 MR. And then he finished off the
24 rounds and he fell on the ground, Michael Brown fell
25 on the ground?

1 : Right.

2 MR. : How did he fall, did you see
3 him fall?

4 : If you were in a standing
5 position, he kind of stopped and he kind of like
6 started to lean forward like this and then he kind
7 of fell on his knees and smacked the ground on his
8 face.

9 MR. : So he fell face first?

10 : Yes.

11 MR. : And when he was laying there
12 on the ground, he was laying face first on the
13 ground?

14 Yes.

15 MS. You indicated again, just
16 for the tape, you were standing up just now. You
17 had your right hand down near your waistband area
18 and your left arm was sort of hanging down loose, is
19 that how you recall it?

20 : No, that's just how I was
21 standing.

22 MS. : Okay, that's good. Do
23 you recall sort of what his hands were doing?

24 When he went from running
25 with his hands balled up like this.

1 MS. : His hands up by his
2 chest?

3 Yeah, he just kind of like
4 stopped and was standing there, and he kind of just
5 fell forward.

6 MS. : Okay.

7 MR. : As Michael Brown was running
8 away from the police officer, from the police car,
9 did you see the police officer shoot at him at all
10 at that time?

11 No, he did not fire at him.

12 MR. : How about, you said that
13 when Michael Brown turned around, he briefly, looked
14 like he briefly started to put his hands up?

15 : Right.

16 MR. : Was the police officer
17 shooting at him at that time?

18 : No.

19 MR. When did the police officer
20 start shooting at him after the first two shots in
21 the car?

22 Um, it took him a minute to
23 fire at him for real. I probably would have shot
24 him instantly you charge at me like that, but when
25 he was running back he was screaming stop, stop.

1 And the officer was backing up as he kept coming
2 closer to him and he didn't stop. So he shot him
3 three times and he was still charging towards him
4 and he shot him again, shot him four more times.

5 MR. : Okay. So the police officer
6 didn't start shooting again until Michael Brown was
7 actually charging at him?

8 Right.

9 MR. : As the police officer was
10 yelling for him to stop?

11 : Right.

12 MR. : You say he's actually
13 backing away from Michael Brown?

14 : Right.

15 MR. : All right. You want to take
16 a quick break?

17 MS. : Just a couple quick
18 follow-up then we can take a quick break. Did you
19 see the officer, what did the officer do after
20 Michael Brown fell to the ground?

21 : Got back up, I guess, I
22 don't know. I mean, he didn't actually walk up on
23 the body.

24 MS. : Okay.

25 MR. : Did you ever see him

1 approach the body at all?

2 : No.

3 MR. : Or the area around it?

4 Huh-uh.

5 MR. Okay.

6 MS. When you first came up on
7 this situation and you are in your family's minivan,
8 was Michael Brown already at the police car, was the
9 police car already stopped?

10 Uh-huh.

11 MS. There is already some
12 interaction as you come up?

13 Yes.

14 MS. : That's what makes your
15 vehicle stop?

16 : Yes.

17 MS. : When he was at the, when
18 Michael Brown was at the police vehicle, you
19 indicated that his hands were up in front of him and
20 you could see that from the back because you
21 couldn't see the lower part of his arms; is that
22 right?

23 Right.

24 MS. Could you see where his
25 head was?

1 Like it was just in front
2 of the car, like if you are standing, if you are
3 like standing in front of the car like this.

4 MS. : Okay.

5 : I don't know exactly what
6 it did.

7 MS. : Did you ever seen him
8 lean into the car?

9 : No.

10 MS. : At that point you said
11 you were talking with your sister?

12 : Yes.

13 MS. : It wasn't really until
14 that first shot went off that --

15 : Everybody just like.

16 MS. : Your full focus was on
17 what was happening?

18 : Right.

19 MR. When you say standing in
20 front of the car, you talking about facing?

21 Yeah, facing the cruiser.

22 MR. : Facing the driver's side.

23 Driver's side of the
24 cruiser.

25 MS. Did you guys stay where

1 you were when you pulled up here?

2 : Yeah, we pretty much

3 stopped.

4 MS. : And didn't move.

5 : There was a little girl

6 trying to hide on the side of our car from the

7 shooting.

8 MS. : Do you know who she was?

9 : No.

10 MS. Little girl, like a kid?

11 : Yeah, like maybe middle

12 school.

13 MS. : Oh, yeah. Then after

14 everything was done, after he's on the ground and

15 did you guys move your car, what did you guys do?

16 We stood there for a

17 second, we sat there in the vehicle for a second

18 like.

19 MS. : What do you do?

20 : Like, damn, you know, and

21 then I went on into cause I still had to go

22 right on

23

24 MS. Did you drive past the

25 body.

1 : Yeah.

2 MS. : Okay.

3 : But not down the street, I
4 turned into the parking lot. Say this is the
5 street, we're right here.

6 MS. : Okay.

7 There is multiple places
8 where you can drive into the parking lot. So we
9 went in, we made a left and we went around.

10 MS. : Okay. Around the
11 building?

12 There is still a parking
13 lot right here. We are at the bend where his body
14 was laying.

15 MR. : Who was in the van with you
16 that day?

17 : My mother, my father, my
18 sister, my older sister, and my niece, my younger
19 niece.

20 MR. : Okay. What is your mother
21 and father's name?

22

23

24 MR. : And then your sister who is
25 with you, your older sister?

1

2 MR. : How about the niece.

3

4 MR. : How old is she.

5

6 MR. : years old?

7

8 MR. : You want to take a break?

9 Okay. Why don't we take a quick break here. We
10 will take a minute or two. And then if you don't
11 mind, we will just leave the recording on so we
12 don't have to start it all over when we come back
13 in. You're welcome to stay here and wait or if you
14 want to go out with your godmother out in the lobby.

15 MS. : We'll just be a second.

16 MR. We will be right back.

17 (A break was taken at this time.)

18 MS. WHIRLEY: We are going to advance it
19 until it begins.

20 MR. : All right. Thanks for
21 waiting. We have a few more questions for you. I
22 think had a few follow-up questions she
23 wanted to ask.

24 : I just wanted to clarify.

25 You saw his friend, the thinner one with the dreads

1 run away? You didn't see him exit the car, you saw
2 him run past the police, you saw him run behind the
3 police cruiser?

4 : Yeah, I don't know if he is
5 directly behind me or if he was just on the other
6 side where I couldn't see. I just seen him run from
7 that way.

8 : When did you see, you saw him
9 run into the woods you say?

10 Not the woods, he ran
11 behind the apartment buildings on the other side of
12 the street.

13 : Okay. Let me just. So here,
14 that's West Florissant.

15 Uh-huh.

16 So about --

17 Right in between these
18 buildings.

19 : When did you see him do that?

20 Um, wait, yeah.

21 : If you are over here
22 somewhere?

23 Yeah, right over here where
24 these trees are.

25 : Okay.

1 That was like right after
2 the first two shots.

3 After the officer was still
4 in the vehicle?

5 : Yeah.

6 : You saw him run essentially
7 south, to your right while you are looking at it
8 right after those shots?

9 : Right.

10 : Okay.

11 MR. : Just to be clear, you talked
12 a little bit about where Mike Brown's hands were at
13 the time he was standing at the side of the police
14 vehicle.

15 Uh-huh.

16 MR. : And you wouldn't see if they
17 were in front of him; is that right?

18 : Right.

19 MR. Somewhere sort of waist or
20 chest height in front of him it looked like?

21 : Yes.

22 MR. : You didn't see his hands up
23 above his head?

24 No.

25 MR. : You didn't see hands like

1 down by his dies?

2 : No, they were in front of
3 him.

4 MS. : Could you see the officer
5 in the vehicle?

6 No.

7 MS. : Michael Brown is a big
8 guy, right?

9 : When he's standing in front
10 of the vehicle I could not see the officer.

11 MS. : Because Michael Brown was
12 blocking the vehicle basically?

13 : Yes.

14 : And then you said you have a
15 ?

16 : Uh-huh.

17 : Did she see it?

18 : No,

19 .

20 : Now, when you went because
21 you said you drove around, did you drive this way?

22 : Yes, and we had to pass
23 through this way. We came this way.

24 MR. So you kind of came around
25 the apartment building from behind?

[illegible]

1 have anything else. Thanks for your time today.

2 : Thank you.

3 : End the recording at

4 9:44 a.m.

5 MS. WHIRLEY: Good morning. This is
6 Sheila Whirley and Kathi Alizadeh is present and all
7 12 grand jurors, and , the court reporter. It
8 is November the 3rd, 2014, approximately 10:15 a.m.

9 That last recording that we heard was
10 Grand Jury Exhibit Number 58.

11 (Grand Jury Exhibit Number 58
12 marked for identification.)

13 MS. WHIRLEY: It occurred on October the
14 29th, 2014. The very first two recordings that we
15 heard were from Grand Jury Exhibit Number 17. And
16 those were, as you can see on the transcript, was
17 from August the 14th of 2014.

18 All of these recordings are related to the
19 witness, Witness Number 48. All of these are from
20 Witness Number 48 and we will hear from her
21 momentarily. We're going to get the witness.

22 MS. ALIZADEH: The first two you heard
23 were on Grand Jury 17.

24 : Okay.

25 MS. ALIZADEH: And those were both

1 recorded on August 14th. And the third one you
2 heard was on Grand Jury Number 58, and that was
3 recorded on October 29th of this year.

4 : Thank you.

5 WITNESS NUMBER 48,
6 of lawful age, having been first duly sworn to
7 testify the truth, the whole truth, and
8 nothing but the truth in the case aforesaid,
9 deposes and says in reply to oral
10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. WHIRLEY:

13 Q Throughout this proceeding we intend to
14 refer to you as Witness Number 48, but for now would
15 you introduce yourself to the grand jurors and spell
16 your name for us, please?

17 A

18 Q

19 A (Nods head.)

20 Q Okay. And you don't live in Canfield
21 Green; is that correct?

22 A No, I do not.

23 Q Who is your parents?

24 A

25 Q Okay. And your sister?

1 **A**

2 **Q** And they were with you that day on August
3 the 9th, 2014?

4 **A** Yes.

5 **Q** Okay. Is there anything else we needed?
6 Let's go ahead and get started.

7 MS. ALIZADEH: Just so that we are clear
8 on this, and we talked to you about not using your
9 parents' name, just call them mom and dad and sister
10 so that when we begin the recording, we won't need
11 to redact if you say my mom, my dad, my sister,
12 stuff like that, okay?

13 **A** Okay.

14 **Q** (By Ms. Whirley) I'm going to stand toward
15 the back of the room so you'll speak loud enough for
16 us to have a conversation. I know there is a
17 microphone there by you, but it won't make your
18 voice louder.

19 **A** Okay.

20 **Q** If you can speak loud enough so everyone
21 can hear, okay?

22 **A** All right.

23 **Q** You know we are here regarding the Michael
24 Brown shooting?

25 **A** Yes.

1 **Q** Which one, which apartment?

2 **A** Um, this one. (indicating)

3 **Q** Okay.

4 **A**

5 **Q** All right. So where were you, about what
6 time of day was it that you were going to your
7 ?

8 **A** Like 12:15.

9 **Q** Speak up.

10 **A** It was like 12:15.

11 **Q** Which way were you traveling?

12 **A** I was coming down Canfield.

13 **Q** From West Florissant?

14 **A** Yes.

15 **Q** Okay. And you were, what kind of car were
16 you in?

17 **A** A minivan.

18 **Q** Minivan with your parents?

19 **A** Yes.

20 **Q** And where were you seated in the minivan?

21 **A** I was in the second row in the center.

22 **Q** Was there anyone on the either side of
23 you?

24 **A** Yeah, my sister was to the left of me and
25 my niece was behind me.

1 **Q** Okay. Did you have a pretty clear view of
2 what was ahead?

3 **A** Yes.

4 **Q** All right. So you're traveling east on
5 Canfield Drive from West Florissant?

6 **A** Yes.

7 **Q** Did you see the police car?

8 **A** Yes, I seen the cruiser.

9 **Q** Cruiser, describe it, what did it look
10 like?

11 **A** It was an SUV, um.

12 **Q** What color?

13 **A** It was white.

14 **Q** Was it marked as a police car?

15 **A** Yes.

16 **Q** Okay. So where did you see it, you were
17 showing us on the map?

18 **A** Like in this right here, I believe.

19 (indicating)

20 **Q** Like near Canfield Drive?

21 **A** Our vehicle was here on Coppercreek.

22 **Q** Okay. Were there any cars ahead of you
23 before you reached the police cruiser?

24 **A** No, the only thing that was in front of us
25 was the cruiser and Michael Brown, his back towards

1 us, standing up on the cruiser. It was like maybe a
2 few inches away from it.

3 Q How close I should say were you to the
4 cruiser?

5 A I'm not sure how many feet.

6 Q Like if you were to judge it by car
7 lengths, you said there were no cars in front of
8 you, but was there a space for a car to be in front
9 of you before you --

10 A There was enough space for at least like
11 two cars.

12 Q About two car lengths?

13 A Yeah.

14 Q And which way was the cruiser, we will
15 refer to it as cruiser, was it facing?

16 A He was facing towards West Florissant.

17 Q Was he parallel?

18 A He was slightly angled going onto Canfield
19 Drive like he was going to turn into the parking
20 lot.

21 Q Which way?

22 A This way. (indicating)

23 Q Like he was going to turn that way?

24 A Yeah.

25 Q But was he facing east or west on Canfield

1 Drive?

2 **A** I guess west.

3 **Q** This is West Florissant?

4 **A** Yeah.

5 **Q** So that would be west, he was facing west?

6 **A** Uh-huh.

7 **Q** You were facing east?

8 **A** Yes.

9 **Q** Now, you mention Michael Brown, Michael
10 Brown was, what was Mike Brown doing?

11 **A** He was standing at the cruiser like in
12 front of it. I really don't know what he was doing,
13 but he had his hands at least waist in front of him.
14 I'm not really sure what he was doing.

15 **Q** Could you see his hands?

16 **A** No.

17 **Q** All right. How did you know his hands was
18 at the waist?

19 **A** Because if you see something from the
20 back, you can tell that their hands are not dropped
21 or up, you can see them in front of you.

22 **Q** You didn't see them dropped or up?

23 **A** Right.

24 **Q** Okay. From your viewpoint, would you be
25 looking at the driver's side or the passenger side

1 of the police cruiser?

2 **A** The driver's side.

3 **Q** So you were looking at the driver's side?

4 **A** Yes.

5 **Q** You were sitting in the center?

6 **A** Right.

7 **Q** Okay. Did you notice the car moving and
8 when I say moving, I don't mean driving, I mean like
9 shaking or any motion to the car?

10 **A** I'm not sure if the car was rocking or
11 anything because I was in conversation with my
12 sister. And I didn't really notice what was going
13 on until I heard the first two gun fires.

14 **Q** So initially when you saw the car, you
15 didn't think much of it?

16 **A** Right.

17 **Q** You couldn't tell that there was some kind
18 of altercation or something going on?

19 **A** No, I couldn't.

20 **Q** All right. So you heard, you say two
21 gunshots?

22 **A** Yes.

23 **Q** When you heard the two gunshots, where was
24 Michael Brown at that time?

25 **A** He was on the side of the police cruiser

1 at the driver's side and that's when he took off
2 running.

3 Q You actually saw him take off running?

4 A Yeah, we actually sat in the van and
5 watched him run down the street and then he turned
6 around and came back towards the officer.

7 Q Did he appear to be injured when you saw
8 him running?

9 A No, I'm not sure if he was injured.

10 Q You couldn't see any blood or anything?

11 A No.

12 Q Which way, show us with the laser pen
13 which way he was running?

14 A He was running east down Canfield, right
15 here. (Indicating)

16 Q And what --

17 A The officer hopped out of his cruiser and
18 chased him down Canfield. They got like right about
19 here and then Michael turned around and charged
20 towards. The officer and the police officer drew
21 his gun and he was like stop, stop, stop and he shot
22 him.

23 Q Okay. When the officer got out of the
24 car, was he running too?

25 A He was running behind Michael, he wasn't

1 really close to him.

2 Q Okay. Did he have his gun out at that
3 point?

4 A No.

5 Q You didn't see his gun when he got out of
6 the car?

7 A No.

8 Q Did he shoot it, well, you didn't see his
9 gun, did you hear any shots?

10 A No, he did not fire at Michael while he
11 was running away from him.

12 Q Okay. So when did you see the officer's
13 gun?

14 A I seen the officer's gun when Michael
15 turned around and was charging at him.

16 Q So he didn't pull his gun out of the
17 holster until Michael Brown started to charge him?

18 A Charge him, right.

19 Q Okay. So when he was running, I think you
20 said he was yelling stop?

21 A I heard him yell stop at least three
22 times.

23 Q When was the first time you heard him yell
24 stop?

25 A When he was chasing, when he was chasing

1 down Canfield.

2 Q So Michael Brown's back was to him?

3 A Turned to him, he was like stop.

4 Q He was chasing him, he was yelling stop?

5 A Yes.

6 Q He did not have his gun out as he was
7 yelling stop?

8 A No.

9 Q No?

10 A No, he didn't.

11 Q Michael Brown turns around?

12 A And starts to run towards the officer and
13 the officer drew his gun and he pointed it at him
14 and he was like stop, stop. And he was like going
15 in reverse, like backing up.

16 Q The officer was backing up?

17 A Yes.

18 Q Would you mind standing up for me, please?
19 What's on your arm, by the way, I couldn't help but
20 notice?

21 A A tatoo that time.

22 Q What does it say?

23 MS. ALIZADEH: I don't want her to say
24 that.

25 Q (By Ms. Whirley) Can you demonstrate for

1 us how Michael Brown was coming towards the officer?

2 **A** He was like charging towards the officer
3 withs his hands drawn up like this in a fist running
4 towards him. (indicating)

5 **Q** Come towards me?

6 **A** Almost like a football, I'm not going to
7 run.

8 **Q** You don't have to run, kind of like walk
9 towards me. Like that?

10 **A** Yeah.

11 **Q** And the officer, can you show me how the
12 officer was going backwards?

13 **A** He had his gun drawn. He was like stop.
14 He was backing up, he was like stop and he didn't,
15 so he shot him three times.

16 **Q** Three times?

17 **A** He kept yelling stop and Michael kept
18 coming towards him.

19 **Q** At the time that they are, at this
20 intersection --

21 **A** We're stopped.

22 **Q** You're stopped back here? (indicating)

23 **A** Yeah.

24 **Q** But you could see?

25 **A** We was closer towards the trees right

1 here. (indicating)

2 Q Did you get out of the car at any time?

3 A No.

4 Q You stayed in the car as you were watching
5 all of this?

6 A Yeah.

7 Q And you were right around here?

8 (indicating)

9 A Uh-huh.

10 Q And it was occurring up here?

11 (indicating)

12 A It was like right here. (indicating)

13 Q Any idea how far that is apart?

14 A No, it is not that far.

15 Q Okay. Some additional car distances
16 though?

17 A Uh-huh.

18 Q All right.

19 A It was right here in this area.

20 (indicating)

21 Q Is your vision pretty good?

22 A Yes.

23 Q You don't wear glasses or anything?

24 A No.

25 Q And you can hear pretty well?

1 **A** I can hear just fine.

2 **Q** Okay. At any time did it look like
3 Michael Brown had anything in his hands?

4 **A** No.

5 **Q** Okay. Or that he was reaching for
6 anything?

7 **A** No.

8 **Q** Did you ever see his hands near his waist?

9 **A** No.

10 **Q** Did you ever see his hands raised up?

11 **A** No, he looked like he was going to raise
12 his hands at one point, but he didn't. He just
13 continued to run forward. It looked like he thought
14 about it, and then he didn't.

15 **Q** Okay. Tell us what you mean, demonstrate
16 what you mean he thought about it, looked like he
17 thought about it?

18 **A** I mean like, he's running and then he like
19 stopped, he put his hands up like this and then he
20 kind of brought them back down and started running.
21 (indicating)

22 **Q** Okay. That's when he charged towards the
23 officer?

24 **A** He was running already, he was still in
25 the process of running, should I say.

1 **Q** Did you ever hear Michael Brown say
2 anything?

3 **A** No.

4 **Q** Any idea how many shots you heard total?

5 **A** At least eight or nine.

6 **Q** Okay. You heard two at the car and then
7 you --

8 **A** Then I heard three and then like four more
9 shots, maybe like one or two more after that.

10 **Q** And all of these were when Michael Brown
11 was charging the officer?

12 **A** Yes.

13 **Q** Did you hear any shots after Michael
14 Brown, at some point he fell; is that right?

15 **A** Yeah, that was after he fired the last
16 shot.

17 **Q** Okay. So you didn't hear any shots after
18 he fell?

19 **A** Huh-uh.

20 **Q** Did you see any of the shots hit him?

21 **A** I seen the one hit him in the face because
22 you could see like the blood spatter, you couldn't
23 really see the bullets themselves, but you seen like
24 the blood fly away from his face. I don't know
25 exactly where it hit him.

1 **Q** Okay. But you could see blood splatter?

2 **A** Yeah.

3 **Q** Near his face?

4 **A** Right.

5 **Q** How did he fall?

6 **A** Um, he kind of just dropped, like he
7 stopped and he kind of like fell forward and like
8 smacked the ground with his face.

9 **Q** I think in one of your reports he did fall
10 on his knees?

11 **A** He like hit his knees and he like just
12 fell.

13 **Q** Now, did you ever see anyone with Michael
14 Brown?

15 **A** Um, I seen a dude before all the shooting
16 happened, there was a guy, thinner dude with
17 Michael. He had on a black T-shirt and some gray
18 jogging pants.

19 **Q** Okay.

20 **A** I really didn't get like a good look at
21 his face.

22 **Q** Tell us how his hair was?

23 **A** He had dreadlocks.

24 **Q** Was he at the police car too when you
25 first noticed Michael Brown?

1 **A** I was behind him. I didn't see where he
2 came from.

3 **Q** When you looked and saw Michael Brown at
4 the police car, did you see him also?

5 **A** I didn't see him up on the cruiser but
6 when the first two shots had been, he was like in
7 this area behind the cruiser and he took off running
8 along side of Building 18.

9 **Q** That's the way you saw him running. Did
10 you ever see him reappear?

11 **A** No.

12 **Q** Did you take a video or anything of that
13 occurrence?

14 **A** No. Somebody stole my cell phone.

15 **Q** Somebody stole your cell phone?

16 **A** (Nods head.)

17 **Q** Like that day or earlier?

18 **A** Previous.

19 **Q** Previously. Do you know anybody who did
20 make a video of this occurrence?

21 **A** No.

22 **Q** Okay. Now, did you discuss what was
23 happening with the people that were in the car with
24 you?

25 **A** The only thing we said was, my mom was

1 like, did they shoot him? I was like, yeah, they
2 shot him. I was like, he just shot the fuck out of
3 him, that was all that was really said.

4 **Q** Do you know whether your mother saw it or
5 not?

6 **A** My mother saw the shooting, she just
7 didn't know if they were shooting when the first two
8 fires popped off.

9 **Q** Okay. All right. I think I already asked
10 you, you said you didn't know any of the people that
11 were involved in the shooting?

12 **A** Huh-uh.

13 **Q** Is there anything else that I didn't ask
14 you that you thought you need to tell us?

15 **A** No.

16 **Q** No?

17 **A** (Nods head.)

18 MS. WHIRLEY: Okay, Kathi?

19 **Q** (By Ms. Alizadeh) Ma'am, just to be clear.
20 We've listened to statements that you made that a
21 police officer talked to you, a detective on
22 August 14th?

23 **A** Uh-huh.

24 **Q** And I know you were using a map to show
25 him certain things. And we can't see what you were

1 doing, but can you show the grand jurors after your,
2 who was driving the van?

3 **A** My mother.

4 **Q** So after the shooting happened, did your
5 mother drive away?

6 **A** Yes.

7 **Q** Can you show on the map the route that you
8 took?

9 **A** We turned into Coppercreek, we went along
10 the back on
11 Coppercreek.

12 **Q** So when you earlier used the laser pointer
13 and you said your cars was about right here?
14 (indicating)

15 **A** Yeah, about right here.

16 **Q** That's a little east of Coppercreek Road?

17 **A** Okay.

18 **Q** Did your mom have to turn the car around
19 did she have to put it in reverse?

20 **A** We were really just parked right here by
21 the trees, just kind of back up a little bit. We
22 was going to come down the street this way.

23 **Q** So you didn't get farther than Coppercreek
24 Road?

25 **A** No.

1 **Q** Your mom didn't have reverse?

2 **A** No, she backed up a little bit, yes.

3 **Q** Okay. Was there any cars behind her?

4 **A** No.

5 **Q** You didn't see any cars behind her?

6 **A** No, but there was a girl standing here.

7 **Q** Okay. So you had mentioned in your
8 statement, you called her a little girl. Thought
9 maybe she was in middle school?

10 **A** Right.

11 **Q** Was she white, African-American?

12 **A** No, African-American.

13 **Q** African-American, okay. She by herself?

14 **A** Yes.

15 **Q** Did she have anything about her that you
16 recall descriptively, long hair, short hair?

17 **A** She had her hair in a ponytail. She had
18 glasses on, looked like she got out of school.

19 **Q** So when you went around here and I'm
20 pointing on Coppercreek Road and it kind of goes
21 into the northern part of the subdivision, did you
22 go directly then to your ?

23 **A** Uh-huh. I
24 and then I left.

25 **Q** So you didn't stay?

1 **A** Huh-uh.

2 **Q** Did you leave with your family then?

3 **A** Uh-huh.

4 **Q** How did you get out of the complex?

5 **A** We went back down Coppercreek.

6 **Q** The way you had come?

7 **A** Uh-huh.

8 **Q** So when you came back down here, were you
9 able to drive west on West Florissant?

10 **A** Uh-huh.

11 **Q** There weren't a bunch of police cars?

12 **A** Oh, yeah, they were flying down the
13 street, but we were on the opposite side of the
14 street. I mean, they didn't have it blocked off
15 yet.

16 **Q** So you were, once you turned to go west on
17 Canfield Drive, did you see police vehicles coming
18 east?

19 **A** Yeah, a lot of them.

20 **Q** So you never got down to this area where
21 Michael Brown was?

22 **A** I had no reason to go down there.

23 **Q** You mention that you'd been down there,
24 you had mentioned in one of your statements that you
25 have been down there since?

1 **A** Yeah.

2 **Q** Have you seen the memorial in the street?

3 **A** Yeah.

4 **Q** Was that where you saw his body fall or is
5 that someplace else?

6 **A** No, that is where his body fell.

7 **Q** Okay.

8 **A** But you know they have kind of got the
9 memorial back on the sidewalk. They have a little
10 bit of stuff in the street, but other than that.

11 **Q** Okay. So there's a bunch of teddy bears
12 and candles and stuff in the middle of the street?

13 **A** Roses.

14 **Q** And then there's also another place where
15 candles and teddy bears and flowers and stuff?

16 **A** Along the light post.

17 **Q** Along the light pole. Is it on the corner
18 of Coppercreek Court and Canfield Drive?

19 **A** It's actually more where that car is right
20 there. It is not exactly on the corner it is here.

21 **Q** The other one is not in the street?

22 **A** Right.

23 **Q** Okay. Now in your, you talked about being
24 with your mom and your dad and your sister. When
25 the police came to talk to you, where did they,

1 where did you speak to the police, where were you
2 physically?

3 **A** Which time?

4 **Q** The first time?

5 **A** The first time I was

6 **Q**

7 **A** Yes.

8 **Q** Okay. And you don't live in Canfield?

9 **A** No.

10 **Q** Do you know how the police found you

11

12 **A** No.

13 **Q** Okay. So they just knocked on the door
14 and said, hey, we want to talk to you about what you
15 saw?

16 **A** Pretty much. And then they said that my
17 mother was the reason they had my name.

18 **Q** Okay. So are you close with your parents?

19 **A** Yes.

20 **Q** After this happened, I know you said
21 immediately after it happened your mom was like,
22 made some kind of comment about, did they just shoot
23 him or something, but afterwards, did you talk about
24 what you saw with your family?

25 **A** No.

1 **Q** Never have?

2 **A** (Shakes head.) I mean, nothing really to
3 talk about. Just seen somebody get shot, okay. I
4 mean, it is tragic, but I didn't know him so I
5 didn't have sympathy for what was going on. I felt
6 like he brought it on himself because if you are
7 going to go rob a place and then fight with the
8 officer, of course they're going to shoot you.

9 **Q** So let's back up now. You commented just
10 now if you are going to rob a place and then fight
11 with the police officer. Now, you didn't see --

12 **A** I didn't see the robbery or the fight with
13 the officer, no, I didn't.

14 **Q** So let me ask a question. So those are
15 things that you learned afterwards?

16 **A** Uh-huh.

17 **Q** And you said yes?

18 **A** Yes.

19 **Q** Did you learn those things before you made
20 your statement on August 14th?

21 **A** What statement?

22 **Q** The first officer that came to talk to you
23 at your apartment, at that time did you know or had
24 you learned or heard that Michael Brown had robbed
25 the place?

1 **A** I did not know that he had robbed any
2 place. I didn't know why they were doing it.

3 **Q** Okay.

4 **A** I didn't know his name until long
5 afterwards either.

6 **Q** When did you learn, if you remember, that
7 Michael Brown, or when did you hear that Michael
8 Brown had robbed the place?

9 **A** I heard that after I seen it on the news
10 where they had burned down the QuikTrip in Canfield.

11 **Q** Where they had what?

12 **A** They had burned down the QuikTrip on West
13 Florissant.

14 **Q** It was after that the QuikTrip burned
15 down?

16 **A** Uh-huh.

17 **Q** And then, and certainly then you also knew
18 that when you gave your statement to the FBI and the
19 U.S. attorney last week?

20 **A** Uh-huh.

21 **Q** When you say uh-huh, you say yes?

22 **A** Yes.

23 **Q** Thank you. So you are saying that you
24 never talk to your family about what you saw. You
25 know, and the reason I ask this, ma'am, I think it

1 is understandable when people see the same thing to
2 kind of discuss it with each other just because oh,
3 my God, can we believe we just saw that?

4 **A** I mean, we were surprised and, you know,
5 but never really talked about it like that.

6 **Q** So you never like, you know that your mom
7 had talked to the police, right?

8 **A** Yeah, but I was trying to avoid her giving
9 them my name. So, yeah, I really wasn't talking to
10 her.

11 **Q** You know that your dad talked to the
12 police?

13 **A** Uh-huh.

14 **Q** And do you know that I have talked to your
15 parents about trying to get you to call me, did they
16 talk to you about that?

17 **A** Yeah, they contacted me and told me you
18 were trying to call me and I called several times
19 and I didn't know your name. So they were like,
20 well, if you don't have her name, we can't help you.
21 And I was like okay.

22 **Q** So you're saying you called my office and
23 asked for the prosecutor handling the Michael Brown
24 shooting and nobody knew who that was?

25 **A** Yes, that's what I'm telling you.

1 **Q** And so it was actually last week that you
2 and I, and actually, I never spoke to you on the
3 phone, but we connected last week through somebody,
4 another , right?

5 **A** (Nods head.)

6 **Q** Yes?

7 **A** Yes.

8 **Q** And in your statements previously you used
9 the word charged. You said that you saw Michael
10 Brown charge the officer?

11 **A** That's right.

12 **Q** Did you hear anybody prior to you making
13 your first statement, and your mom made her
14 statement on the 11th and your dad made his
15 statement two or three days after that, and you made
16 your statement on the 14th. Did you ever hear your
17 mom or dad use that term charged?

18 **A** No.

19 **Q** Okay.

20 **A** Like I said, we never really talked about
21 it.

22 **Q** So that is a word that you used that I
23 picked to describe what you saw?

24 **A** Yeah.

25 **Q** And you also said that the officer said

1 stop, stop, stop?

2 **A** Right.

3 **Q** Do you recall if the windows were open or
4 closed that day?

5 **A** They were opened.

6 **Q** So you're saying you could hear him and
7 when you said it for the grand jurors you kind of
8 just spoke it, stop, stop, stop, is that how he said
9 it?

10 **A** No, he was yelling.

11 **Q** You could hear it as he was yelling?

12 **A** Yes.

13 **Q** Did you hear anybody else yell or anybody
14 else say anything?

15 **A** No.

16 **Q** Didn't ever hear Mike Brown say don't
17 shoot?

18 **A** No.

19 **Q** Or nothing like that?

20 **A** No.

21 **Q** Did you, other than the little girl that
22 you saw by your van, did you see anybody else, and
23 you also talked about the skinnier boy with the
24 dreads, did you see anybody else around here?

25 **A** No.

1 **Q** What about other cars that were maybe
2 behind the police car?

3 **A** There were no cars on the street. There
4 was no cars. All the cars were on the parking lot.

5 **Q** So you didn't see like a white Monte Carlo
6 or any other cars that were behind the police car?

7 **A** No.

8 **Q** After the shooting, did you see a car
9 drive up in the grass to drive around the police car
10 to leave the apartment complex?

11 **A** No.

12 **Q** Are you saying you didn't see it or you
13 saying it didn't happen?

14 **A** I'm saying if it did happen, it had to be
15 after we pulled completely away from Canfield while
16 we were there it did not happen.

17 **Q** Okay. This is one of those things that
18 always want to make sure to clarify when you say no,
19 you didn't see it on anything. My question is, is
20 that because it didn't happen or are you saying I
21 just didn't see it or it could have happened, I just
22 didn't see it.

23 Was there ever a time in the van when
24 you looked away or put your head down or ducked?

25 **A** No.

1 **Q** You never like got down in the van once
2 you heard the first shots?

3 **A** No.

4 **Q** Have you heard --

5 **A** I was too busy watching what was going on.

6 **Q** Have you heard gunshots before?

7 **A** All the time.

8 **Q** So when you heard those first two shots,
9 did you immediately recognize that as gunshots?

10 **A** Yes.

11 **Q** Yes. Didn't sound like firecrackers or
12 anything?

13 **A** No.

14 **Q** Did you ever see the officer's hands or
15 arms or a arm or hand come out of the driver's
16 window?

17 **A** No.

18 **Q** Did you see his gun come out of the
19 driver's window?

20 **A** No.

21 **Q** Is it because it didn't happen or because
22 you didn't see it?

23 **A** I did not see a gun out of the window at
24 all.

25 **Q** Okay. And were you, when you said that

1 you were looking at the driver's side of that car,
2 you see the back of Michael Brown?

3 **A** Correct.

4 **Q** So he's a big guy, right?

5 **A** Yeah.

6 **Q** His body would have been blocking the
7 window; is that right?

8 **A** That's right.

9 **Q** As far as how Michael Brown was, I know
10 you already described what you observed as far as
11 his arms and you said you couldn't see his hand, but
12 did you see his body moving in any way or was he
13 standing still?

14 **A** He was just standing there. I don't think
15 he was really moving like, nothing like that in
16 front of the cruiser and then you see him take off
17 running after the first two shots that's all I seen.

18 **Q** All right. So now you're saying that you
19 didn't want your mom to give the police your name,
20 is that because you didn't want to be involved or is
21 there another reason?

22 **A** Because I didn't want to be involved and I
23 didn't want to be sitting here doing this.

24 **Q** I understand. You're not the first person
25 to say that. Do you know, did your mom and/or dad

1 have a discussion with you and your sister about
2 coming forward to talk to the police?

3 **A** No, she just told me that she felt bad she
4 didn't say nothing. And I was like, if you feel
5 bad, then go say something. I didn't know she was
6 going to tell y'all my name. Under oath you've got
7 to tell the truth.

8 **Q** What about your sister. Now, has your
9 sister, to your knowledge, talked to any police?

10 **A** I don't think she has.

11 **Q** When is the last time you talked to your
12 sister?

13 **A** Yesterday.

14 **Q** Okay.

15 MS. ALIZADEH: I don't have any other
16 questions. Grand jurors may ask you questions next.
17 Any questions from any of the jurors?

18 . I want to
19 go back to the minivan, figure some things out about
20 the layout of the minivan. What color is this
21 minivan?

22 **A** It is

23

24 **A**

25 : Your mom was driving?

1 **A** Correct.

2 Your dad was on the --

3 **A** Yeah, passenger side in the front.

4 : You were in the second
5 row?

6 **A** Right.

7 : And you said your niece
8 was behind you?

9 **A** Correct.

10 : This vehicle has three
11 rows?

12 **A** Yes.

13 So you said you were in
14 the middle?

15 **A** Correct.

16 You could see straight out
17 the window?

18 **A** That is correct.

19 Okay. Most minivans the
20 layout is when you open the door --

21 It's got the two seats and
22 then it's got two seats.

23 : Bench seat is in the back?

24 **A** Right.

25 : I was trying to figure out

1 how you got in the middle?

2 **A** Because I was in the spot where there is
3 no seat. I was on the seat, but I was already in
4 the middle doing something with my sister, and when
5 we were turning in. I mean, I know that sounds bad,
6 supposed to have your seatbelt on and all of that
7 stuff, but that is how I was sitting.

8 : Okay. You mentioned that
9 you was bringing something to your Could
10 you tell us what you were bringing to your ?

11 **A**
12
13 Can you
14 tell me the year and make of the minivan that you
15 were in?

16 **A** No, I cannot.
17 : Do you know Dodge, Chevy,
18 Ford?

19 **A** No, I don't know any of that.
20 : So you're saying you were
21 not sitting in the middle, you were leaning in the
22 middle?

23 **A** No, I was sitting in the middle. There's
24 like in between the spot, between the seats and
25 stuff there is a little thing right there. I don't

1 know what it is called, but yes, I was sitting there
2 because I was talking to my sister and I was leaning
3 over doing something and I had my dog, but other
4 than that, yes, I was sitting in the middle.

5 MS. ALIZADEH: You had what?

6 **A** My dog, I have a

7 MS. ALIZADEH: So your dog was in the van
8 with you?

9 **A** Yeah.

10 MS. ALIZADEH: Okay. I didn't know that
11 before, okay.

12 When you
13 saw someone standing outside of your window, I guess
14 on the sidewalk, was it a younger female?

15 **A** Yes, a little girl.

16 : What did she do during all
17 of this?

18 **A** She just kind of ducked on the side of our
19 van. That is another reason why we just didn't pull
20 off.

21 : She stayed there the whole
22 time?

23 **A** Yes.

24 Until the final shots were
25 fired?

1 **A** Yes.

2 : Okay, thank you.

3 MS. ALIZADEH: Ma'am, when this all
4 started, were you focused on what was going on in
5 front of you?

6 **A** I was not when it first happened, I didn't
7 really pay attention until the first gunshot, but
8 then when I heard the first one, I immediately was
9 looking out the window.

10 **Q** (By Ms. Alizadeh) So my question is in
11 response to one of the questions of the grand
12 jurors, were you paying attention to what the girl
13 was doing the whole time, or was it that after it
14 was over you looked there and she was still there?
15 How do you know she stayed next to your van the
16 whole time?

17 **A** Because she was there when we, when
18 everything was getting ready to turn off, she was
19 still standing by the side of my vehicle.

20 MS. ALIZADEH: Okay.

21 **A** She was walking up the street when we
22 stopped. You seen her walking up the street, I
23 mean, I pay attention to everything that's going on
24 around me.

25 MS. ALIZADEH: Was she walking toward West

1 Florissant?

2 **A** No, she was walking east.

3 MS. ALIZADEH: Okay.

4 . So I just want
5 to make sure you're saying that your van was, your
6 car, your van was on Canfield at Coppercreek, or a
7 little to the east?

8 **A** Correct.

9 You did not, I'm asking
10 this question, did you or did you not know about the
11 robbery?

12 **A** No, I didn't.

13 : And the fight with the
14 police officer when you gave your statement to the
15 officers on August 14th?

16 **A** No.

17 : You did not know about
18 that at the time?

19 **A** No.

20 : I just want to make sure,
21 you said you didn't see the officer have his gun
22 drawn when he got out of the car. I want to make
23 sure that you saw him draw his gun or you didn't see
24 him, did you actually see him draw his gun?

25 **A** When he got out of the vehicle, ma'am, he

1 had his hand on his waist.

2 : Okay.

3 **A** He was chasing after Michael.

4 Okay.

5 **A** He didn't have his gun strawn until
6 Michael actually turned around and started coming
7 towards him.

8 : Okay. I just want to
9 make sure that the police cruiser is pointed towards
10 West Florissant?

11 **A** Right.

12 It is at an angle?

13 **A** Right.

14 : And you were in front of
15 the car?

16 **A** Correct.

17 : There were about two car
18 lengths between you and the police officer's car.
19 Nobody was in front of you?

20 : No.

21 Nobody was behind you?

22 : What about the inside of
23 the police officers car you didn't see anybody, any
24 car, nothing?

25 **A** No.

1 : And can I ask how old are
2 you?

3 **A**

4 Were you living with your
5 parents?

6 **A** No, I was staying on

7

8 : Okay. That's all.

9 MS. ALIZADEH: I just, I didn't ask you
10 this and I apologize if Sheila asked you this. Can
11 you use the laser pointer and show me on that map
12 Grand Jury Exhibit turn around to pace.

13 **A** He was right here. He started running
14 this way.

15 **Q** (By Ms. Alizadeh) So are you, some people
16 are good, some people are not good about estimating
17 distances.

18 **A** Okay.

19 **Q** Are you good at estimating distances do
20 you think?

21 **A** Pretty good.

22 **Q** Can you give an estimate as to how many
23 feet. And if you can't do feet, Sheila had said
24 before use car lengths as an explanation, but how
25 far he traveled from the time he turned around until

1 he fell into the street or fell on the street.

2 **A** I'd said about two or three feet.

3 **Q** About what?

4 **A** Two or three feet.

5 **Q** Two or three feet. So you had used the
6 laser pointer to say he was about right there when
7 he turned around?

8 **A** He turned around here. (indicating)

9 **Q** Where did his body come to rest?

10 **A** Right here. (indicating)

11 **Q** So where I'm pointing is that about right?

12 **A** Uh-huh.

13 **Q** Did you ever see him run off of the
14 street?

15 **A** No.

16 **Q** Never saw him get in the grass or turn up
17 into a park lot or anything?

18 **A** He didn't do that.

19 MS. WHIRLEY: I want to make sure I heard
20 clearly. When he turned around and charged the
21 officer, he only moved two feet, two to three feet.

22 **A** I'm not exactly sure how many feet it was,
23 but I know for a fact that he was in front of this
24 patch of grass when he turned around and I know that
25 his body landed here for a fact because I was

1 standing there and I seen the whole thing.

2 MS. WHIRLEY: Okay.

3 **A** Or I was sitting there.

4 MS. WHIRLEY: You kind of described it as
5 charging at the officer once he turned around?

6 **A** Right.

7 MS. ALIZADEH: So you're saying he only
8 moved a couple of feet, though, in that charge?

9 **A** Well, yeah, because he didn't get far
10 before the officer started firing because I wasn't
11 going to, he didn't let anyone run up on him.

12 MS. WHIRLEY: So as soon as he turned
13 around and started moving towards the officer two to
14 three feet, the officer started firing?

15 **A** Yes.

16 MS. WHIRLEY: Is that right?

17 **A** Yes.

18 . I just
19 want to make sure I understand. What you are
20 saying, you are saying that the officer started
21 shooting when Michael Brown ran to two or
22 three feet, charged two or three feet, you're not
23 saying that's all he charged?

24 **A** That's not all he charged, but like he
25 turned around and he started running towards him

1 charging, he told him to stop like three times.

2 Like two or three feet he got before they started
3 shooting. He kept running.

4 Okay.

5 **A** Like the first few bullets didn't have any
6 phase in it, he just kept running.

7 : So he didn't just go two
8 or three feet, he went two or three feet when the
9 officer started shooting?

10 **A** Correct.

11 again.

12 Could you see, I guess in one of your transcripts,
13 you said he shot him three times. Did he actually
14 see him getting shot three times?

15 **A** I don't know if it made contact. He fired
16 his gun three times at first.

17 : Okay.

18 **A** And then he said stop some more and he
19 kept coming and then he fired the gun four more
20 times.

21 : Could you demonstrate how
22 he turned, or when he stopped and turned around and
23 started coming back towards the officer?

24 **A** Yeah, but like when he was running away,
25 he kind of like stopped for a second. And then kind

1 of like he put his arms up and he started charging
2 towards the officer like this. (indicating)

3 : Okay. So he never did
4 this? (indicating)

5 **A** For a second it looked like he was going
6 to put his hands up, but he brought it back down.
7 When he charged the officer like that, that's when
8 you heard the first three gunshots.

9 I don't know where he, I guess the
10 little thing on the fucking news where it had it in
11 his hands. So that's where I assumed where it hit
12 him. I did not see it hit him.

13 : You are saying he went
14 like this and then like this? (Indicating)

15 **A** Yeah, he kind of like, he thought about
16 putting his hands up for a second. He just didn't
17 do it.

18 : Is that when he proceeded
19 to charge this officer?

20 **A** Correct.

21 MS. WHIRLEY: Okay. Let me make sure I'm
22 clear. This is really an important part for a lot
23 of, I think the grand jurors. When you said it
24 looked like he was thinking about putting his hands
25 up or not?

1 **A** That's the point, it looked like he may
2 have thought about it. Like he wanted to.

3 **Q** (By Ms. Whirley) So was he doing it?

4 **A** No, he like, his hands were open at first,
5 and it looked like his arms were going to start to
6 go up.

7 **Q** Did they go up at all?

8 **A** He got like shoulder length like this and
9 then he balled his hands up and then he went like,
10 folder his arms in and started charging towards him.

11 **Q** Okay. So you demonstrated that his hands
12 were open and they went up shoulder length and then
13 they came down and balled up?

14 **A** Correct.

15 **Q** And that's when you said he charged at the
16 first two to three feet?

17 **A** Right.

18 **Q** The officer shot him several times, you
19 think three, so that didn't stop him?

20 **A** It was three at first. I don't know if
21 the bullets, it was three shots at first and then
22 four.

23 **Q** Okay. The three shots and then what did
24 Michael Brown do after those three shots?

25 **A** He kept running.

1 **Q** He kept running toward the officer?

2 **A** He kept trying to charge him.

3 **Q** Do you have any idea how he came to the
4 officer. After those three shots?

5 **A** Right. And then he fired four more rounds
6 and then it was like maybe two rounds after that.
7 Maybe one or two.

8 **Q** Okay. When he fired the four more rounds,
9 what did Mike Brown do?

10 **A** He kind of stopped. He kind of staggered
11 a little bit and then he kept kind of coming forward
12 but he was running as fast as he was. And then I
13 heard the last two shots, I believe it was. And
14 then you seen him like stop and he fell to his knees
15 and his face hit the concrete kind of hard.

16 **Q** Okay. So those last four shots you said
17 he stopped and he staggered?

18 **A** Uh-huh.

19 **Q** How many more feet did he --

20 **A** It really wasn't no feet after that, maybe
21 like a few inches after maybe.

22 **Q** And then the officer fired two more shots?

23 **A** Correct.

24 **Q** How close was the officer to Mike Brown
25 when he fired those last shots?

1 **A** Probably about as far as she is from you.

2 **Q** We'll do it, okay. I will walk back and
3 you tell me when to stop?

4 **A** Okay. It was like right there, like right
5 there.

6 **Q** So like 15 feet or so maybe?

7 **A** Right.

8 **Q** That's how far the officer was when you
9 fired the last shot or heard?

10 **A** Correct.

11 MS. ALIZADEH: And, ma'am, you said the
12 officer was backing up?

13 **A** He was backing up the whole time he was
14 yelling at him.

15 MS. WHIRLEY: When he was firing those
16 last shots, was he saying anything, the officer?

17 **A** I don't believe so, no.

18 MS. WHIRLEY: You never heard Michael
19 Brown say anything?

20 **A** No, I didn't.

21 MS. WHIRLEY: You weren't in earshot?

22 **A** Yes.

23

24 Rather than talking distance, can you tell me about
25 how many steps he took by the time Michael turned

1 around until the officer started shooting and how
2 many more steps he took after the first round of
3 shots?

4 **A** Uh, like the same probably, I don't know.
5 : 15 total steps?

6 **A** Steps, like footprints?

7 **Q** Each step, to me a step is like two or
8 three feet, and you are describing two or three
9 feet, in my mind that's one step. Is it more than
10 one step he took towards the officer before he
11 started shooting?

12 **A** Yeah.

13 : Multiple steps.

14 **A** I don't know how many steps physically.

15 : Okay.

16 MS. WHIRLEY: When you talk about feet,
17 you talking about steps?

18 **A** No, I was talking about like feet and
19 yards and stuff like that.

20 I just have one quick
21 question, . Did you say that your
22 vehicle was parked on the same side?

23 **A** No, it was the side of the streets.

24 : You were on this side?

25 **A** Yes.

1 : So you can see, you were
2 parked here by the trees?

3 **A** Correct.

4 : Not that this is the
5 actual footage, but you can see clearly straight
6 down?

7 **A** Uh-huh.

8 : Did you ever see the
9 expression on Michael Brown's face?

10 **A** No, I did not see the expression on his
11 face.

12 : But you could see the
13 charge?

14 **A** Correct.

15 : Okay, thank you.

16 MS. WHIRLEY: That's an interesting point.

17 You characterize it as charge, could he
18 have been staggering?

19 **A** When he first started running, ma'am, he
20 was not staggering. He was charging this officer
21 and that's how I feel it was, like he was running
22 towards him. If he had got close enough, I feel
23 like he would have tackled him up against the car.

24 **Q** (By Ms. Whirley) Up against the car?

25 **A** The cruiser.

1 Q So they were near the cruiser when he came
2 back?

3 **A** He was coming this way going west towards
4 this and the cruiser was here. He was running past
5 this actual not too far behind the cruiser and was
6 saying stop, stop, stop and that's when he started
7 firing and the officer went this way instead of
8 going back towards the cruiser, he came across the
9 street this way.

10 Q The officer did?

11 **A** Yes.

12 Q Okay. So the first shots, you felt he was
13 charging him after the first shots, do you still
14 feel he was charging?

15 **A** The first three shot after that he was
16 still charging at him and then after the fourth
17 shot, it looked like he was staggering.

18 Q Okay.

19 . Could you not
20 see his face?

21 **A** I could see his face.

22 : Michael Brown's face
23 because it was up or down or did you not pay
24 attention or could you not tell?

25 **A** I would be able to see his face, but he

1 was kind of like running like, like I said, like a
2 football tackle, like he was going to tackle the
3 officer. I couldn't really see the expression on
4 his face.

5 : Okay. So it is not that
6 you were too far to see it, it was just that you
7 weren't at a good angle to see it?

8 **A** Correct.

9 You didn't hear him making
10 any noise at all?

11 **A** No.

12 : He didn't scream, he
13 didn't act like he was hit?

14 **A** No.

15 : He didn't say wait or --

16 **A** That was the shocking part, that's what
17 really made you pay attention.

18 : I give up or whatever.

19 **A** It looked like it didn't have any affect
20 on him at all. Like it wasn't even happening.

21 : And there is no, in your
22 mind, there's no way you say this young man wasn't
23 charging?

24 **A** Correct

25 And there's no way he

1 could have been saying, you know, I'm hurting, I'm
2 giving up, there is no way you feel it could have
3 been mistaken?

4 **A** No, it wouldn't have been mistaken.

5 : This is really important.

6 **A** I'm not, you know, really big on talking
7 to the police or defending police or anything like
8 that. I'm just being real honest with you.

9 That's all right.

10 **A** I feel like the officer was in the right,
11 that is a lot of saying. Because other than that, I
12 ain't got nothing to do with them.

13 : I mean, do you feel like
14 this could have ended up any other way?

15 **A** Yeah, it could of, if he had of just
16 stopped running, yeah, it could have ended a
17 different way.

18 That's the other way it
19 he could have ended another way, the officer had no
20 other choice?

21 **A** He could of had another choice, but it
22 could have ended in him being physically hurt.

23 : Thank you.

24 . At the
25 time he turned around, he then shot, or even when he

1 first turned around, did you see see him grab for
2 his hand or his shorts?

3 **A** No.

4 : He never grabbed his side
5 or anything like that?

6 **A** No.

7 again. What
8 about when he was falling, you say he went to his
9 his knees, were his hands going down at the time?
10 **A** When he fell to his knees, his arms were
11 just like, it didn't really affect him, you know
12 what I'm saying? His arms is like he had them right
13 here. He just kind of like fell on his knees. He
14 got kind of like he stopped, and he staggers and
15 then he dropped like this and hit like this on the
16 ground.

17 MS. WHIRLEY: Anybody else?

18 (End of the testimony of Witness 48.)

19 MS. WHIRLEY: We're back on the record,
20 November the 3rd of 2014, approximately 11:20 a.m.
21 We're going to play a recorded statement of
22 who testified last week. It is on Grand
23 Jury Exhibit Number 63.

24 (Grand Jury Exhibit Number 63
25 marked for identification.)

1 MS. WHIRLEY: We will play the recording.
2 I don't know exactly how long it is, but I don't
3 think it is very long. Let me bring it up and I can
4 give you an idea.

5 This is November 3rd, 2014, Sheila
6 Whirley. I was attempting to play Grand Jury
7 Exhibit Number 63. It is not working so we won't be
8 able to hear that one. We will hear Grand Jury
9 Exhibit Number 49. A statement, recorded statement
10 of . You already have the transcript for
11 that one. We will go ahead and play that one.

12 (Playing the audio recording of the
13 interview of)

14 MS. WHIRLEY: That concludes the statement
15 of , which is Grand Jury Exhibit Number
16 49. It is approximately 12:01 p.m. Might be time
17 for lunch.

18 MS. ALIZADEH: Yeah, said the
19 lunch, she was going to go get it at noon, hopefully
20 she will be back any time.

21 For this afternoon, hopefully at 1:00,
22 will come back and then at 2:00, I
23 have scheduled , the person you just
24 listened to and then at 3:00, I might try to move up
25 a little bit is going to be . He is

1 going to explain how radio calls work so you can
2 understand that aspect. So we will break for lunch
3 right now and hopefully your lunch will be here
4 soon.

5 (Lunch recess taken)

6
7 of lawful age, having been first duly sworn to
8 testify the truth, the whole truth, and
9 nothing but the truth in the case aforesaid,
10 deposes and says in reply to oral
11 interrogatories, propounded as follows, to-wit:

12 EXAMINATION

13 BY MS. ALIZADEH:

14 Q Good afternoon.

15 A Good afternoon.

16 Q Now, you were here previously on
17 October 23rd and you gave some testimony, and then
18 we actually had to recess early that day and we
19 weren't able to complete your testimony, so thank
20 you for coming back today.

21 What I want to start with, though, is
22 that after your testimony on October 23rd. You and
23 I had a phone conversation where I had called you
24 because we were trying to figure out another date
25 for you to come back, do you recall that?

1 **A** Yes.

2 **Q** And during that phone conversation, well,
3 let's back up a little bit.

4 On the 23rd, on the day that you left
5 after you were done testifying for the day, do you
6 recall we talked about a notebook that you said you
7 had written this down in?

8 **A** Yes.

9 **Q** And do you recall telling me it was like a
10 journal that you had kept?

11 **A** Yes.

12 **Q** You asked me if I would like you to bring
13 that notebook back with you?

14 **A** Yes.

15 **Q** Did you do that?

16 **A** Yes.

17 **Q** Is that what you have in your hands there?

18 **A** Yes.

19 **Q** So what is this notebook, what is it that
20 you have with you?

21 **A** Um, since my prior accident, my doctor
22 told me to write down everything so that I don't
23 forget it because I have a habit of forgetting
24 people or I have a habit of forgetting where I was.
25 There is a lot of things that I don't remember. He

1 told me if I write it down and I can't remember it,
2 I can always go back and read it.

3 Q You were in a car accident some years ago,
4 correct?

5 A Yes.

6 Q What year?

7 A Um, Valentine's Day, oh, shoot, she was
8 born, 2001.

9 Q And so you have memory problems as a
10 result of an injury, head injury that you sustained
11 in that car accident?

12 A Yes, I went through the windshield of the
13 car head first.

14 Q And so, I don't say this to embarrass you,
15 I think you already have talked about this when you
16 were here on the 23rd. Do you have any mental
17 health issues?

18 A I'm bipolar.

19 Q And do you take medication for that?

20 A Um, not for the bipolar, well, the
21 medication that I take works both for migraine
22 headaches and the bipolar, but it is actually
23 prescribed for the migraines so that I'm not
24 labeled.

25 Q So that you're not?

1 **A** Labeled.

2 **Q** Labeled.

3 **A** Labeled as having a mental illness. The
4 doctor prescribes it as the form of for the
5 migraines.

6 **Q** So what do you take?

7 **A**

8 **Q** And does that help you with the migraines?

9 **A** 80 percent of the time, yes.

10 **Q** Does it help you balance yourself out as
11 far as your bipolar disorder?

12 **A** I guess. It is the only thing I take for
13 it. I mean, I don't have --

14 **Q** How long has it been since you had a
15 diagnosis of bipolar disorder?

16 **A** I believe it was 1985.

17 **Q** So that was well before the car accident?

18 **A** Correct.

19 **Q** And so the car accident is not the cause
20 of your bipolar disorder?

21 **A** Oh, no.

22 **Q** And are you currently under the care of
23 any physician or psychiatrist for your bipolar
24 disorder?

25 **A** No.

1 **Q** Are you supposed to be?

2 **A** Would other people probably like it
3 probably, yes, but I'm not ordered to or anything.

4 **Q** Are you supposed to be on any medication
5 that you're not taking that you were advised by a
6 doctor that you should be taking?

7 **A** No, I haven't taken any medication for it
8 since 1988.

9 **Q** All right. And so when you left my office
10 on the 23rd, you mentioned this notebook to me.

11 **A** Yes.

12 **Q** You had indicated that you write in this
13 notebook as somewhat of a journal; is that right?

14 **A** Yes.

15 **Q** And you explained to me that you keep a
16 notebook for each month?

17 **A** Yes.

18 **Q** And so you make entries that are dated; is
19 that right?

20 **A** Correct.

21 **Q** All right. Did I tell you yes, that would
22 be a good thing for you to bring that?

23 **A** Yes.

24 **Q** And then did you also talk with me at the
25 end of the day on the 23rd, did I talk to you about

1 **Q** Okay. And is the entry from August 9th
2 where you wrote down what you saw, is that in your
3 notebook in front of you?

4 **A** Yes.

5 **Q** And in our phone conversation did you also
6 tell me that you were going to tear that out of the
7 notebook so that you could just bring that in
8 because you didn't want other people to necessarily
9 see what you were writing in your journal?

10 **A** Correct.

11 **Q** And did I tell you that it was important
12 that you not tear it out of the notebook?

13 **A** Yes, you said that.

14 **Q** All right. And so the entry that you made
15 for August 9th, is it still in that spiral notebook?

16 **A** Yes.

17 **Q** And when did you make that entry?

18 **A** For August 9th?

19 **Q** Yes.

20 **A** I made one 8:00 a.m., 4:00 p.m. and again
21 at 9:00 p.m.

22 **Q** All on August 9th?

23 **A** Yes.

24 **Q** All right. And then in our phone
25 conversation after I told you don't rip that out of

1 the notebook, did you tell me that you had read it,
2 reread it after you testified here, but before we
3 were talking on the phone?

4 **A** Yes.

5 **Q** And did you tell me that you realized
6 after reading it that some of the details that you
7 testified to in the grand jury on the 23rd were not
8 contained in your entry in your journal?

9 **A** What?

10 **Q** Did you talk about how your journal was a
11 little different --

12 **A** Yes, yes, sorry.

13 **Q** Than what you testified to. And did you
14 also then on the phone tell me that, you know,
15 thinking about it and rereading the entry made you
16 wonder now if maybe some of the details that you
17 testified that you have a memory of you might have
18 gotten those off the internet?

19 **A** Correct.

20 **Q** And then did you also tell me that there
21 was something that you wanted to tell me about why
22 you were up in Florissant that day or why you went
23 up to North County?

24 **A** Why did I go there?

25 **Q** Do you remember on the phone that you

1 wanted to tell me something about why you had gone
2 up there?

3 **A** I didn't go up there with the intent of
4 meeting does exist and she
5 does live up there, I did not go up there that
6 particular day with the intent of meeting her.

7 Q What is it that you told me, why is it
8 that you went up to neighborhood that day?

9 **A** Um, why do I like to go into the all
10 African-American neighborhoods? I like to go up
11 there or I like to go in the city because I like to,
12 I'll go in and have coffee and I will strike up a
13 conversation with an African-American and I will try
14 to talk to them because I'm trying to understand
15 more.

16 Q Did you tell me during our phone
17 conversation that you realized that you have, you
18 may have some feelings that some may consider to be
19 racist?

20 **A** I have feelings that others consider to be
21 racist, yes.

22 Q But you told me that you didn't think that
23 you're a racist?

24 **A** I believe that I made very racist remarks
25 that can be very offensive to others of other races.

1 I don't believe, I would never say a racist remark
2 to other individuals to their face because I
3 wouldn't want to hurt their feelings. I would never
4 harm anybody due to their race, gender, sexual
5 preference or anything, I don't have hate towards
6 other races, I just have confusion and fear.

7 Q Did you tell me that on the day, on
8 August 9th, you drove up there to find an all black
9 neighborhood because you feel that by doing that it
10 helps you to maybe deal with your fears of people
11 from different races?

12 A Yes.

13 Q Helps you to overcome your feelings?

14 A Yes.

15 Q And we also had a conversation that some
16 of the remarks that you posted online were
17 offensive?

18 A Correct.

19 Q They were racist?

20 A Yes.

21 Q And there are entries in your journal that
22 are offensive and racist; is that right?

23 A Correct.

24 Q And we had a conversation just now before
25 you came in here and I talked to you about the

1 importance of telling the truth to this grand jury?

2 **A** Correct.

3 Q And I told you that as long as your
4 truthful, that you don't have anything to worry
5 about?

6 **A** Correct.

7 Q Do you believe me when I tell you that
8 these people only want the truth from you?

9 **A** Yes.

10 Q It doesn't matter if it's black or white,
11 all of us just want the truth.

12 **A** Right.

13 Q Do you intend to tell the truth today?

14 **A** Yes.

15 Q Now, can you tell this grand jury when you
16 testified on the 23rd, were you being truthful about
17 the fact that you went up to the Canfield Apartment
18 Complex on August 9th?

19 **A** That I was up there, yes.

20 Q All right. So your testimony about having
21 driven up there and been in the Canfield Apartment
22 Complex on the 9th, that part was true?

23 **A** Yes.

24 Q All right. What wasn't true that you
25 didn't go up there to meet with

1 **A** Correct.

2 **Q** And your testimony on the 23rd that you
3 witnessed the shooting of Michael Brown, was that
4 true?

5 **A** Yes.

6 **Q** And is there anything about your testimony
7 from the 23rd that you would like to change, clarify
8 or correct today?

9 **A** Um, can I just read?

10 **Q** Do you have --

11 **A** This is what I, this is what I remember
12 when I got home. I wrote what I remember at this
13 time the second I got in front of paper.

14 **Q** All right. I'm going to show you, I told
15 you I would copy your entry, right?

16 **A** Yes.

17 **Q** I didn't want to tear it out, I told you I
18 would give you back your journal?

19 **A** Yes.

20 **Q** Okay. These three pieces of paper, four
21 pieces of paper, are those your entries from
22 August 9th?

23 **A** Yes.

24 **Q** Okay. Now, I want you to look in that
25 notebook for me to August 9th. What was the entry

1 that was immediately before the August 9th entry?

2 **A** Before August 9th?

3 **Q** Yeah?

4 **A** August 8th.

5 **Q** And before that?

6 **A** It is August 7th. It goes the 6th, 5th, I
7 believe it started on the 1st.

8 **Q** Do you make an entry every day in your
9 journal?

10 **A** Yes.

11 **Q** This is to help you remember things?

12 **A** Correct.

13 **Q** Wouldn't you agree with me, though, that
14 most of your other entries don't really have much to
15 do with what happened that day, but maybe just like
16 I had a headache today?

17 **A** That's what, pretty much.

18 **Q** So your entry, I'm not going to read them,
19 but your entry from August 1st you have a 2:00 p.m.
20 and 5:00 p.m. and midnight about going to a meeting,
21 about having a headache?

22 **A** Oh, no, I went to the casino with my mom.

23 **Q** Okay. About having a headache, going out
24 with the girls?

25 **A** Yes.

1 **Q** All right. So can you read for the grand
2 jurors then your entry, well, let me ask you this,
3 what's the next entry after August 9th, is it
4 August 10th?

5 **A** Yes.

6 **Q** All right. So can you read starting with,
7 you know, August 9th, Saturday, 8:00 a.m. and read
8 for the grand jurors what you wrote in your journal?

9 **A** For August 9th?

10 MS. ALIZADEH: I will provide copies of
11 this for everybody. I didn't have enough time to
12 make copies for everybody right now. Yes,
13 August 9th.

14 **A** The 4:00 p.m. entry or the entire day?

15 **Q** (By Ms. Alizadeh) Entire day?

16 **A** 8:00 a.m., August 9th, Saturday, 8:00 a.m.
17 Well, I'm going to do my random drive up to
18 Florissant, need to understand the black race better
19 so I stop calling blacks --

20 **Q** Niggers, is that what you wrote?

21 **A** Yes.

22 **Q** Okay.

23 **A** And start calling them people. My dad
24 always said you can't bear or hate an entire race
25 because of what one man did 40 years ago.

1 **Q** All right. And then you have an entry at
2 4:00 p.m. Is that the next entry for the
3 August 9th?

4 **A** Yes.

5 **Q** What did you write then?

6 **A** OMFG.

7 **Q** Is that, oh, my fucking God?

8 **A** Yes.

9 **Q** We're all adults here. I think we've all
10 heard the words.

11 **A** It was crazy, I don't even know where I
12 was. I did ask a QT guy for directions, but went
13 the wrong way. I just wanted to take a drive and
14 ended up in some apartment complex. I asked for
15 directions again, real nice kid in a wife beater, or
16 wife beater. He had no idea. He asked the guy in
17 green shirt and jeans, that guy was really sweet.
18 Then I heard a weird noise, caught my attention. It
19 was this cop backing up saying something to these
20 boys.

21 I couldn't hear, but they was the
22 same kids I almost hit with my car, a big one and
23 skinny one and the cop tried getting out and the big
24 one hit the door and the cop looked pissed and tried
25 opening the door again.

1 The big kid hit the door, wait a
2 minute, the big kid hit the door with his gut, the
3 little one punched the mirror and something gold
4 fell on the ground.

5 The big one is half in the window,
6 door, I can't remember. I swear the little one had
7 the cops leg. I heard a noise, not sure what the
8 guy in the green shirt -- I swear --

9 **Q** Start again, I heard a noise, start again
10 with that sentence, the beginning of that sentence,
11 I heard a noise.

12 **A** I heard a noise. Not sure what the guy in
13 the green shirt was yelling. Not sure what the
14 green guy, the green shirt was yelling stop. The
15 big kid pulled his pants up, they was tan shorts and
16 he started running. The skinny one took off in the
17 opposite direction.

18 The cop got out with his left hand on
19 his face and his right hand on the gun. The cop
20 screamed, but I could not understand everyone else,
21 everyone was screaming. I heard, lay your stupid
22 ass down, I think that was the lady next to me. The
23 cop was wobbling, the big kid turned around and had
24 his arms out with an attitude and the cop just stood
25 there. Dang, if that kid didn't start running right

1 at the cop like a football player, head down.

2 I heard three bangs, but the big kid
3 wouldn't stop. I heard the cop say something, but
4 not sure what or if it was just that, he was just
5 making noise.

6 The cop took a couple of steps
7 forward and then backwards and then the gun went off
8 two more times. The last one on top of the kids'
9 head. OMG the blood. The green shirt man grabbed
10 my arm and said, get your ass out of here.

11 I got in my car and drove into the
12 neighborhood. Somehow I went through a parking lot
13 across the street and back to the main road, not
14 sure how long, but police were every place with
15 police tape.

16 There were other cops there. I seen
17 one pull his gun, but he didn't fire. Don't even
18 remember when he got there. There was a lady in the
19 parking lot of QT. I just pulled up and asked for
20 the closest highway, she points and I left. Then to
21 top shit off, I got on the highway going the wrong
22 way and had to ask for directions again. Real nice
23 old man helped me out, home now, no cable, so not
24 sure what's on the news.

25 Q And then you have another entry on that

1 date that's at 9:00 p.m.?

2 **A** Yes.

3 **Q** Read that?

4 **A** Talked to

5 without telling him everything. Talked to

6 without telling him everything. He told me first I

7 was nuts for taking a drive up there, and second, to

8 keep my mouth shut. He's probably right, no one

9 will believe me anyway.

10 **Q** All right. So do you recall, you already

11 testified that you remember me telling you that I

12 wanted you to contact this

13 and have her call me?

14 **A** Right.

15 **Q** And did you ever do that?

16 **A** No.

17 **Q** Why not?

18 **A** Because even though I intended, I had

19 thought I could probably stop by and visit with her

20 or meet up with her, she did not know I was coming.

21 **Q** So she could not corroborate that you were

22 coming up to North County that day?

23 **A** Correct.

24 **Q** You write in this statement a lot of

25 detail, you testified to some of that detail and

1 some additional detail. And you admitted that you
2 watched the news or that you looked on the internet
3 about some of this stuff after it happened, right?

4 **A** Correct.

5 **Q** Were you intrigued by what had happened up
6 in Canfield after the fact?

7 **A** What do you mean intrigued? I had no
8 interest.

9 **Q** You researched it a little bit?

10 **A** I researched the streets to figure out how
11 I got there and how I got home.

12 **Q** Well, you remember when you talked to the
13 FBI agent, you told them you did some searches, put
14 in Michael Brown?

15 **A** Right, I was trying to figure out what
16 that gold thing was that fell.

17 **Q** You read an article on the internet that
18 talked about a gold bracelet that was at the scene?

19 **A** Correct.

20 **Q** And so you, then now, is it now that you
21 think that it was a bracelet that came off of his
22 wrist?

23 **A** Because of what I read?

24 **Q** Yes?

25 **A** Yes. I didn't know what it was at that

1 time, it was just something gold.

2 Q That was something that you said came off
3 of Dorian or the skinny kid's wrist?

4 A Correct.

5 Q And is it possible, ma'am, that after this
6 happened and you read a lot of stuff about it
7 online, that maybe you, in your mind it is real to
8 you, that you were up there and, in fact, you
9 weren't?

10 A What?

11 Q Do you think it's possible you believe you
12 were up there, but what you read on the internet you
13 really weren't up there?

14 A I was up there and I wrote it before it
15 ever even hit the news.

16 Q All right. Is it possible, do you think,
17 that you dreamed about this after it happened and it
18 feels real to you that you were up there?

19 A I never dreamed about it.

20 Q Does your medication ever make you
21 perceive things that aren't there or does your
22 condition ever cause you to perceive things that
23 aren't real?

24 A I know what reality is.

25 Q Okay. That's my question. Some mental

1 health issues cause people to have, it is called
2 psychotic break, where you don't know, you don't
3 perceive reality the way it really is. I'm asking
4 you in the past has your mental health issues ever,
5 have you ever had a problem with that?

6 **A** My only problem is mania. I haven't had a
7 major problem since I moved out of where I grew up.

8 **Q** And it is your truthful testimony today
9 that you were up there and you witnessed what you
10 testified about and what you told the FBI agents
11 that you were really there?

12 **A** That I was really there, yes. I would go
13 on more what is in this thing than what I would on
14 what I said in the past.

15 **Q** As you sit here today, do you have a
16 recollection of what you saw up there or you relying
17 on what you wrote in my journal?

18 **A** I'm relying on what I wrote in my journal.

19 **Q** When you testified on October 23rd, were
20 you testifying from your recollection of that day,
21 or were you relying on having reviewed your journal?

22 **A** Having read on the internet.

23 MS. ALIZADEH: Sheila, do you have any
24 questions?

25 MS. WHIRLEY: Can I see your folder? As I

1 recall, do you know Darren Wilson, the officer
2 involved here?

3 **A** I know of him.

4 **Q** (By Ms. Whirley) Had you ever met him
5 before this date?

6 **A** No.

7 **Q** I don't have your transcript in front of
8 me, but I recall when you were here before there was
9 talk about you raising money or starting a website,
10 fundraiser for Darren?

11 **A** Yes, ma'am, but it is not for Darren
12 Wilson. We have local elementary schools making
13 Christmas cards.

14 **Q** I think you said first responders?

15 **A** First responders, yes, ma'am. But the
16 current thing we are collecting donations is all
17 LEO's that have been dealing with the long hours.

18 **Q** When did that start?

19 **A** I want to say the end of August, beginning
20 of September. It started because of this.

21 **Q** That's what I'm asking?

22 **A** Yes.

23 **Q** So because of this, you wanted to raise
24 money for first responders, which would include
25 Darren Wilson?

1 **A** Not him personally, it is whoever who have
2 been working the long hours, which would have been
3 the Ferguson, County, LEO long hours with minimum
4 days off.

5 Q Okay.

6 **A** It is not donations to give them cash, it
7 will be homemade Christmas cards and then some gift
8 certificates to local area restaurants.

9 Q Okay. And you also mentioned that you
10 felt that Darren Wilson was doing his job by killing
11 Mike Brown?

12 **A** Did I say that or did I say it in --

13 Q Do you recall saying that at all?

14 **A** I wouldn't be at all surprised, it sounds
15 something ignorant that I would have said online,
16 yes.

17 Q Is that because you were, you feel that
18 black people should be killed?

19 **A** No, no, I'm sorry. No, I don't think, no.

20 Q Okay. And I again, does anybody have her
21 transcript handy?

22 **A** I know what I said.

23 . I'm
24 having a hard time figuring out how did you end up
25 in Canfield Green Apartments. So let's go back and

1 take me, you get up in the morning, and you want to
2 go to a random black neighborhood?

3 **A** Correct. I picked Florissant because I
4 knew a friend that lived up there, or at least I
5 thought I did.

6 : So you stopped at, okay,
7 can you tell me how did you get up to the QuikTrip?

8 **A** From the highway?

9 From your location, which
10 I'm thinking is

11 **A** No, I live

12

13 **A** Correct.

14 How did you get there?

15 **A** I don't know.

16 You don't know?

17 **A** Not any more. I have a GPS now, my mom
18 gave me a GPS the next day.

19 : So then you end up at this
20 QuikTrip and you ask for directions?

21 **A** Correct.

22 : Okay. Directions to what
23 you just said?

24 **A** To the nearest highway.

25 : You just said the

1 didn't know you was coming?

2 **A** Correct. I asked for directions back to
3 the nearest highway.

4 : You said nearest highway?

5 **A** Highway, yes.

6 : They told you --

7 **A** They told me one way and I went the other
8 way.

9 Which way did you go?

10 **A** I believe it was to the left and then to
11 the left again.

12 : And you did what, you
13 turned around?

14 **A** No, I ended up in the complex.

15 : You can't figure out how
16 you got there, but you can figure out how you got
17 inside the apartment complex?

18 **A** From QT. I don't know how I got from
19 to where I was, no.

20 MS. ALIZADEH: Can I interrupt here, don't
21 spend much time looking for a transcript because I'm
22 thinking maybe we don't have one. I don't have one
23 in my folder. And so I want to make sure everybody
24 is catching what's being said and I will double
25 check to see if we have one, but I'm kind of

1 thinking we don't. That would explain why no one
2 can lay their hands on one. All right, I'm sorry to
3 interrupt, but I didn't want anybody looking for
4 something that wasn't there.

5 : So this random black
6 neighborhood, did you find it?

7 **A** Did I find it? Yes, turned out to be
8 Ferguson.

9 : Okay you just kind of --
10 **A** I know lives in Florissant, but at
11 the time I thought lived off of Florissant and
12 the address I have --

13 : You already stated that
14 your intentions was notes to see ?

15 **A** Correct. What I said was that was not the
16 intent, but that -- can you reread what I said?

17 MS. ALIZADEH: About when?

18 **A** I was going up there --

19 : To find a random
20 neighborhood.

21 **A** I'm sorry?

22 . Okay.

23 Let her finish talking and then you ask her again
24 what you want her to answer. Don't talk over top of
25 her because we don't understand what you say or what

1 she say.

2 MS. ALIZADEH: And that is true. Also for
3 the court reporter because he can't, it is very
4 tough for him to take it down when people are
5 talking at the same time. So go ahead, continue.

6 . I'm just
7 getting to the point where you said you were going
8 to find a random black neighborhood and then you
9 just made a statement you were looking for
10 that lived in Florissant. I'm trying to figure
11 which one is it?

12 A That's not the reason I went up there. I
13 went to find the random black neighborhood like my
14 journal says. Then I thought, I mean, I picked that
15 neighborhood because of had no idea that I
16 was anywhere in the area or that I was coming.

17 You picked the
18 neighborhood before you left ?

19 A Correct. I picked the general vicinity,
20 yes.

21 When
22 you are reading your journal from 4:00, basically
23 what I have here is you explained what you saw, and
24 it wasn't a lot of previous statements that you said
25 before, a lot of it was different. But in your

1 journal you said the little one had the cops leg?

2 **A** Correct, that's what I remember at the
3 time that I wrote this.

4 : Okay.

5 **A** I don't know where that came in.

6 Okay. And I just want to
7 make sure, you know, I understand that you are
8 confused and it helps us.

9 **A** I know it sounds like I'm lying too,
10 that's why --

11 : I don't think you are
12 lying, I believe you are confused, I think you are
13 confused. I understand that. I want to know, just
14 look at me and tell me, what you are telling us --

15 **A** Yes, ma'am.

16 : Is you saw Michael Brown
17 charging the officer without a doubt in your mind.
18 This young man didn't have a reason to do this, so
19 could you have been mistaken about what you saw?

20 **A** It looked to me like he was going after
21 the officer like a football player.

22 : Okay.

23 **A** Did I know what I was seeing at the time?
24 No.

25 : Okay. So your perception

1 is that he was charging the officer, but you don't
2 know for sure exactly what was going on. You were
3 lost, you were out of your surroundings?

4 **A** Correct.

5 : So you can't really say
6 exactly what was going on?

7 **A** Correct. And also, according to my
8 journal, I guess the recollection of the officer's
9 talking to the two boys before he backed up was what
10 I read online and not what I seen.

11 : So you think there could
12 have been, and you have said this, there is a lot of
13 blurry lines there as far as what you read and what
14 you really saw. So all you have to do is these
15 bullet points about what you think you saw on that
16 day and this was at 4:00, so this was after a three
17 and a half hour time frame when you are trying to
18 find your way home, you are trying to find, you are
19 getting lost in the neighborhood.

20 I'm not saying you are lying,
21 (sic) I'm really not. I think you are confused. I
22 want you to understand what you're saying could have
23 been misunderstood.

24 **A** I suppose, yes.

25 Okay. Thank you.

1 . Was this
2 the first time that you had done sort of an
3 exploration of a predominantly African-American
4 community? Do you have other journals about
5 previous statements --

6 **A** Yes, I do it all the time.

7 : How often?

8 **A** Um, probably about twice, two, three times
9 a month for years. And there's other days in this
10 journal as well that I did it, even after this date.

11 MS. WHIRLEY: What's the last date of your
12 journal?

13 **A** For written, I don't think it was the last
14 day of August, I think I skipped the last day. I
15 skipped a weekend too somewhere in here.
16 August 30th was the last day.

17 MS. WHIRLEY: They are not consecutive
18 days that you write in your journal, correct?

19 **A** It went every day in a row except there
20 is, I believe, it skips from the 22nd to the 24th,
21 so I didn't write it on the 23rd.

22 MS. ALIZADEH: So they are consecutive,
23 but not daily?

24 **A** Right, because like on August 22nd, the
25 22nd I decided to take

1 didn't get
2 home until Sunday, so I didn't write in it Saturday.

3 MS. WHIRLEY: Can you remind us how you
4 first came to give your statement to the police or
5 the FBI?

6 A How I came about it?

7 Q (By Ms. Whirley) Did they come find you,
8 you find them or what happened?

9 A No, ma'am, I called them.

10 Q Who did you call?

11 A I don't remember. It might have been just
12 the non emergency number.

13 Q You called the police. What day was it
14 that you called them?

15 A I don't know.

16 Q Did you not journal it?

17 A Wait a minute, it wouldn't have been until
18 September. I think it wasn't until the first week
19 of September.

20 Q You didn't journal in September?

21 A No, I did. I don't have September's with
22 me. I mean, I don't believe I contacted them until
23 the beginning of September.

24 Q But you're not sure when you contacted
25 them?

1 **A** Correct.

2 **Q** All right. And so you contacted the
3 police and how did you talk to them, did they come
4 to you or did you come to them or on the phone or
5 what?

6 **A** I went to them. I believe it was here,
7 no, it was down the street at the headquarters, not
8 the two court buildings, but.

9 **Q** It was the county police and not the FBI
10 or was it all of them?

11 **A** No, it was the police. The FBI, there was
12 a gentleman there from the FBI.

13 **Q** When you call the police, what do you tell
14 them?

15 **A** I don't remember, it would have been in
16 the effect of what I've seen.

17 **Q** It is our understanding you did not see
18 what happened initially when Mike Brown was at the
19 police car?

20 **A** Not the first time, no.

21 **Q** Did you tell them that you saw it?

22 **A** I might have, I don't remember.

23 **Q** So sometimes you tell the truth and
24 sometimes you don't?

25 **A** I told them what I remember and what I had

1 read online at that point had become jumbled.

2 Q So you don't know when you're telling the
3 truth?

4 A No. I know what I had seen and what I had
5 read online for the first day itself right prior to
6 going up there would have became jumbled, and than I
7 would have gotten facts confused because my memory
8 would have been gone as far as what I truly seen
9 every detail.

10 Q My question to you, you're not sure when
11 you are telling the truth and when you are telling
12 something that you may have just read?

13 A No, I know when I'm telling the truth.

14 Q So were you telling the truth when you
15 said you saw Michael Brown at the car or is that
16 something you read?

17 A That was something, the first time?

18 Q Whenever?

19 A At the car is something I read. The
20 second time he was at the car after the officer
21 backed up is where I started paying attention and
22 watching.

23 Q Okay. So you were not telling the truth
24 initially?

25 A Okay. I'm sorry.

1 **Q** You either were telling the truth or you
2 weren't?

3 **A** I guess not, no.

4 **Q** Okay.

5 **A** It was not set out to be an intent lie.

6 **Q** Do you consider yourself a racist?

7 **A** Do I consider myself to be racist? No, I
8 don't.

9 **Q** What is a racist in your opinion?

10 **A** In my opinion somebody like, honestly?

11 **Q** Please?

12 **A** Somebody that would harm or say it to
13 their face or harm them physically or, you know,
14 like the KKK, that is not right.

15 **Q** So the KKK would be racist?

16 **A** In my opinion, yes.

17 **Q** Are you affiliated with the KKK?

18 **A** No, ma'am.

19 **Q** Do you know any KKK members?

20 **A** No.

21 **Q** So when you just use derogatory language
22 towards another group of people, that's not racist
23 to you?

24 **A** It is racist, but I don't, I say it
25 towards white people too. Use it like the B word,

1 like bitch.

2 **Q** I mean, when you use the word nigger, you
3 don't think that's being racist?

4 **A** I do think it is being racist, yes. I
5 have a racist vocabulary. I would never in my life
6 harm anybody just because of a race.

7 **Q** Well, because Michael Brown was a black
8 young man and I guess that's a nigger in your
9 opinion. If he's black, is that what you mean by
10 nigger?

11 **A** When I seen him, he was nothing more than
12 a kid.

13 **Q** When you say nigger, my turn.

14 **A** Sorry.

15 **Q** When you say nigger, is that related to
16 black people, white people or what people are you
17 referring to?

18 **A** Assholes, I don't know. I don't mean it.

19 **Q** I just need to know when you use the word
20 nigger, who are you referring to. You referring to
21 white people or referring to black people?

22 **A** I refer it to a lot of white people, yes,
23 ma'am.

24 **Q** When you write nigger in your book, nigger
25 on your blog or your internet communications, what

1 people were you talking about?

2 **A** At that time I was talking about black
3 people.

4 **Q** Okay. That's all I'm trying to find out.

5 **A** Okay.

6 **Q** So you talking about black people now,
7 Michael Brown was black, right?

8 **A** Yes, ma'am.

9 **Q** And you said the officer was doing his job
10 killing him, right?

11 **A** Yes.

12 **Q** Okay. And you feel like you need to help
13 the officer, is that why you're here, you want to
14 make the officer look better than he looks and make
15 Michael Brown look like a nigger?

16 **A** No.

17 **Q** If it is true?

18 **A** All I want is the truth, no, no.

19 **Q** He's dead?

20 **A** I don't wish anybody dead. I don't care
21 what color you are, I don't care what gender you
22 are.

23 **Q** When you said the officer did his job by
24 killing the young man?

25 **A** That wasn't all that though, a lot of it

1 was because of what I had seen. I feel that if I
2 was in that situation I probably would have ended up
3 shooting him too.

4 **Q** You said you didn't see what happened at
5 the car, you saw him come toward him like a football
6 player. You are not even sure what was going on
7 then. So not knowing what was going on, you felt he
8 should have killed him because he was a nigger?

9 **A** At that time, no, it is not because he was
10 black.

11 MS. WHIRLEY: Nothing else from me.

12 . You have
13 memory issues you said, short term memory. Does
14 that memory kind of go away after you sleep or
15 throughout the day you have lunch and not remember
16 you have lunch or would it be the next day that you
17 kind of have memory lapses?

18 **A** Now, I remember I've eaten. Like for
19 several years, yes, because I went from 195 down to
20 120 because I would forget if I ate or not.

21 Now that it has been a number of
22 years, usually it is the details of a situation. I
23 have to meet you, hear your name, talk to you every
24 day. There's still next door neighbors that I live
25 next to that I have lived next door two and a half

1 years I still can't remember their name. It will go
2 seconds after you tell me.

3 : Your journal entry 4:00
4 p.m. has a lot of detail in it. Seems like, your
5 memory must have been pretty good from that point
6 after you got home.

7 **A** Yes, no, it is not so much that as it has
8 to be really traumatic. Like I won't remember your
9 name, if I see you outside, if we take a break, I go
10 out there to smoke and I see you, there's a
11 99 percent chance I won't recognize you. I will
12 probably, if you are smoking I would walk right up
13 to you and say hello and not realize that I had just
14 talked to you in here.

15 If something major happens like I can
16 give you in detail from two weeks ago when a dog got
17 hit by a car because it was horrible thing to watch,
18 but.

19 Now,
20 you had said before that you had
21 visited other African-American or black communities,
22 like three a month, or something like that
23 sometimes, or whatever, but -- or three a day?

24 **A** Three a month.

25 : I'm confusing myself.

1 Okay. Can you tell me,

2 **A** Correct.

3 So you would be coming
4 from that point all the way up to where you got off
5 on West Florissant. Can you tell me during this
6 period of time or afterwards, after this shooting,
7 what black neighborhoods you visited?

8 **A** That day or?

9 Since then?

10 **A** Since then. I spend a lot of time off of
11 Grand close to Shaw. I
12 spend a lot of time down in those areas.

13

14 I spent a lot of time down in those
15 areas and we will go and talk to people and then the
16 Central West End.

17 : Okay. Anywhere else?

18 **A** There is one that right across the JB
19 Bridge and something called Bellview, Belleville,
20 bell something, but I'm not sure.

21 : Got me, I don't go that
22 far.

23 **A** I used to live in East St. Louis. I know
24 that area a little bit.

25 : Uh-huh, okay. Just to

1 clarify the reason between when you get on
2 and go north.

3 **A** Correct.

4 You cut off on
5 and what you got over there you have your
6

7 **A** Yes, I used to live in
8 Is that right, what
9 street?

10 **A** In those when they were first
11 brand knew. We were one of the
12

13 : Uh-huh.

14 **A** We moved out, we were there
15 we moved out
16

17 Okay.

18 **A** We had just moved out like just a few days
19 prior to that situation.

20 I see. Do you recall the
21 name of the street you lived on?

22 **A** Dang it. was the name of the
23 I don't.

24 : Okay.

25 **A** Dang it, and I remember I think it was,

1 that

2 worked in the office.

3 : Uh-huh.

4 **A** You know, I do remember the

5

6 Uh-huh.

7 **A**

8 :

9 **A** But I could never come up with the
10 address.

11 : Those are built
12 on When we used to
13 there, they used to call it

14

15 **A** I used to have friends in there before the
16 when I was a teenager.

17 : I understand. The reason
18 why I ask, there is a lot of black communities from
19 where you are to where you get up to where you were,
20 you could of made a stop in some of these black
21 communities?

22 **A** I've been in there.

23 Have you been anywhere
24 else?

25 **A** I could not tell you where it was or how I

1 got there until this, because my mom gave me a GPS.

2 I have not gone as much north since then. I have

3 spent more time in the city.

4 : Uh-huh.

5 : Those same apartments you

6 said you grew up there as a teenager?

7 **A** No, I didn't grow up I

8 had a friend that lived in and I worked

9 at the and I would take

10 my friends home all the time.

11 So, I mean, I drove through

12 throughout my teenage years taking friends or

13 picking them up and taking them home. I didn't

14 actually move to until those

15 were built. I have no idea what year it was.

16 You said in your journal

17 during your 8:00 a.m. entry, you said that you were

18 going to go try to find a black neighborhood too, so

19 you could associate better with black people because

20 your dad said you should not judge one race of

21 people based on something that happened four years

22 ago.

23 **A** 40.

24 : What happened 40 years

25 ago that would cause you to have any kind of

1 contention of this type, 40 years you talking?

2 **A**

3

4 :

5 **A**

6

7 : Okay.

8 **A**

9

10 : You do still have them?

11 I don't want to see them.

12 **A**

13

14

15

16 **A**

17

18

19

20

21 MS. ALIZADEH: Does anybody have any other
22 questions? No, okay.

23 (End of the testimony of

24

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 MS. ALIZADEH: This is Kathi Alizadeh. We
9 just had a short break and so now we are resuming
10 our afternoon session. Sheila Whirley is present,
11 as well as all 12 grand jurors and the witness is
12 here and we're going to, as well as the court
13 reporter who is taking down what's being said.

14 BY MS. ALIZADEH:

15 Q Could you state your name, please?

16 A .

17 Q What is your occupation, sir?

18 A At this time I'm the assisting St. Louis
19 County Emergency Communications Commission with
20 deployment of the new 800 megahertz radio system in
21 St. Louis County.

22 Q So what are your duties and
23 responsibilities in that position?

24 A At this time I'm assisting law enforcement
25 disciplines with the installation, design and

1 programming of their radios.

2 **Q** And how long have you had that position?

3 **A** Two years.

4 **Q** Prior to that, where were you employed?

5 **A** I was employed with St. Louis Electronics,
6 they are a Motorola dealer, was with them for 17
7 years. Prior to that, another three years with a
8 radio distributor.

9 **Q** So has your entire career been in the law
10 enforcement radio communications business?

11 **A** Right. Past 23 years, yes.

12 **Q** And do you have, well, can you tell the
13 grand jurors about your educational background?

14 **A** Sure. I hold an associate's degree in
15 electronic technology in communications. I also
16 hold a ham radio licenses and an FCC license, which
17 gives me the opportunity to work on large
18 transmitters for like broadcasters and everything.
19 Twenty years ago that was one of the keynote things
20 that you had to have to be able to get into this
21 field.

22 Recently they have kind of gone away
23 from it and have other things, but I had, when I was
24 with the Motorola dealer, Motorola very keen on
25 making sure their sales consultants and engineers

1 had training. So on a yearly basis I had to go for
2 updates on the new technology that was coming out.

3 **Q** So were you working for the, as a Motorola
4 salesperson back when the City of Ferguson got their
5 radio system installed.

6 **A** Right. Back then, and it has got to be
7 six, seven, I would have to look back, I replaced
8 their console, their dispatch console from a button
9 to a CTR, a computer driven dispatch console, which
10 is used just to dispatch and turn on the radio
11 transmitters along with filling in with some new
12 portable and mobile radios.

13 There is about a 10 to 12 year life
14 expectancy on mobiles and portables. At that time
15 they needed new equipment and I sold them the new
16 equipment and also programmed it with the
17 frequencies that was needed.

18 **Q** And you think that that was about six
19 years ago or thereabouts?

20 **A** Six to eight years. They usually buy
21 different times of the year because of their
22 budgets. One year they might budget for ten radios
23 and next year five radios. The following year new
24 mobile radios.

25 **Q** So it was at least before August of 2014,

1 correct?

2 **A** Definitely.

3 **Q** And so do you think, are you familiar with
4 the radio system that the Ferguson Police Department
5 uses?

6 **A** Yes.

7 **Q** Okay. And, um, are you aware that
8 Ferguson dispatches for themselves?

9 **A** Yes.

10 **Q** And so what does that mean, what does a
11 dispatcher, and explain what it means when a
12 municipality may dispatch for themselves as opposed
13 to something else.

14 **A** Well, they take the 911 call, they're
15 considered a peace effort. It is a public safety
16 answering point, they take the 911 calls, they look,
17 they usually have a CAD system, computer added
18 dispatch piece of software that they type in the
19 address and they assign it at car and that car is
20 then dispatched through the console, radio console.

21 **Q** And so I understand that this is all done
22 with computers, but there is a person who is the
23 dispatcher, correct?

24 **A** Correct.

25 **Q** All right. And so now do all

1 municipalities dispatch for themselves?

2 **A** No, in Ferguson's case they have Country
3 Club Hills and Calverton Park, and the new entity
4 Flordell Hills. They dispatch for those three other
5 agencies also.

6 **Q** Are there some municipalities that you are
7 aware of where St. Louis County communications
8 dispatches for some municipalities?

9 **A** Off the top of my head, there is like 23
10 different agencies that they dispatch their
11 departments.

12 **Q** Okay. So let's get some, I guess,
13 vocabulary out of the way. You talked about a
14 transmitter. What is a transmitter?

15 **A** Transmitter is basically a box and it has
16 a components for transmitting at different power
17 levels they are programmable it is also box
18 transmitter also is a receiver so it also receives
19 radio transmissions as well as when the dispatcher
20 keys up or pushes the talk button it turns
21 transmitter on and the voice goes out through the
22 transmitter.

23 **Q** Okay. And where is the Ferguson Police
24 Department transmitter?

25 **A** It is on their back parking lot where

1 there is a cell tower that's back there and their
2 tower and their antennas are on top of that tower.
3 At the bottom of this tower is a little shelter that
4 their transmitters are placed.

5 **Q** So the antenna is on a tower and the
6 transmitter is on a box inside the shelter?

7 **A** Yes.

8 **Q** And then this is behind the Ferguson
9 Police Department?

10 **A** Yes.

11 **Q** And so the console where the dispatcher
12 would sit, is that inside the Ferguson Police
13 Department?

14 **A** Yes, and it's wired line out to the
15 transmitter.

16 **Q** And is that on a, like a phone line or?

17 **A** It is like a phone line. It is not going
18 through the phone system system's network, but it is
19 like a pair of Cat 5 or a twisted pair of wires that
20 are going out to the transmit site.

21 **Q** So the dispatcher can communicate via the
22 transmitter and she can receive, I say she, the one
23 I'm thinking of is a she, can receive communications
24 via the receiver?

25 **A** Yes.

1 **Q** All right. And you mention portable and
2 mobile?

3 **A** Right.

4 **Q** And so explain what a portable radio is?

5 **A** A portable radio is what you see on the
6 officer. It can be held in his hand to transmit, or
7 a lot of them, a majority of them have what we call
8 a remote speaker mike, which you'll see right on
9 their shoulder that they can just key up the radio
10 and talk and the walkie-talkie or portable radio is
11 on their hips.

12 The mobile radio is mounted usually
13 inside the car and is usually a higher powered type
14 of road versus portable radio, which is a 5 watt
15 radio.

16 **Q** So I'm going to show you, I haven't marked
17 it, it is simply for demonstration purposes, but is
18 this a mobile radio?

19 **A** That's a portable.

20 **Q** Portable, see, I get mixed up. I just
21 learned all of this last week. So this is portable
22 radio?

23 **A** Yes.

24 **Q** And this would be something that the
25 officer would wear?

1 **A** Yes.

2 **Q** And what is this part?

3 **A** That is the remote speaker mike.

4 **Q** That can be worn on the epaulette on the
5 shoulder on the officer's uniform?

6 **A** Correct.

7 **Q** And so does the, does this radio have a
8 transmitter in it?

9 **A** Yes, it does.

10 **Q** And does this radio have a receiver?

11 **A** Yes.

12 **Q** What about the car radio, that's the
13 mobile radio?

14 **A** Right.

15 **Q** Does that have a transmitter?

16 **A** Yes.

17 **Q** Does that have a receiver?

18 **A** Yes.

19 **Q** So when an officer is in a vehicle and
20 they have their mobile, can they have their portable
21 radio and their mobile radio on at the same time?

22 **A** Yes.

23 **Q** And can they have them on the same channel
24 at the same time?

25 **A** Yes.

1 **Q** And what would happen if an officer tries
2 to transmit, for example, on his mobile mike, so the
3 car radio, while his portable is on and turned up?

4 **A** You get a horrible squealing. It is
5 called acoustic feedback, and it's a horrible
6 squeal, it's like you're in a room and the
7 microphones are turned up real high and you get that
8 squealing noise, that's what the officer gets. And
9 also at that time that is also being transmitted
10 back to the dispatcher. So she will sometimes say,
11 turn your walkie down or turn your walkie off.

12 **Q** Again, so we can kind of, the walkie
13 refers to the portable radio?

14 **A** Correct.

15 **Q** Okay. And so can an officer be in his
16 vehicle and have his mobile radio on a particular
17 channel, but have his walkie on a different channel?

18 **A** Yes.

19 **Q** And if he speaks on one of those radios,
20 do you get that squelch or that feedback?

21 **A** No.

22 **Q** Okay. Is there anyway for an officer, how
23 does an officer select a channel on the walkie?

24 **A** He has, there's two buttons and the one on
25 the outer and this is usually a standard on all

1 Motorola radios, the one on the outside is your on
2 and off button, and your volume control and then the
3 center one is your channel selector and it has
4 little ratchet clicking noise to it. A lot of the
5 officers know by clicking it two or three times on
6 what channel they're on.

7 Q And so on this particular radio, the
8 buttons are different height, correct?

9 A Correct.

10 Q And different shapes?

11 A Correct.

12 Q And they have different feel to them as
13 well?

14 A Correct.

15 Q And is it true that on all the Motorolas
16 channel selector is in the middle?

17 A Yes.

18 Q And so, and then the other button you said
19 was an on/off and volume?

20 A Yes.

21 Q And how many channels does a portable
22 radio, how many channels can that radio turn to?

23 A Most of them all are 16 channels on the
24 channel selectors always usually 16.

25 Q Are there also 16 channels in the mobile

1 radio?

2 **A** Yes or more.

3 **Q** And that's in the vehicle?

4 **A** Right.

5 **Q** So you said that the ones inside the
6 vehicle are usually a higher power?

7 **A** Yes.

8 **Q** And so in Ferguson, do you know how high
9 of power the ones in the vehicle are?

10 **A** They are 50 watts.

11 **Q** And what is the power of the handheld?

12 **A** That's 5 watts.

13 **Q** Okay. And so let's talk about the RIOT
14 channel. You familiar with the RIOT channel?

15 **A** Yes, I am.

16 **Q** And so can you, what does RIOT stand for,
17 it doesn't mean it is just for riots?

18 **A** Correct. It is Radio Operability, Radio
19 Interoperability Tactical.

20 **Q** So it's an acronym?

21 **A** Yes.

22 **Q** So what is the purpose of the RIOT
23 channel?

24 **A** It is to be used for any type of events
25 that needs St. Louis County or any of the other

1 municipalities to be able to communicate together in
2 some type of event.

3 Q All right. And are you aware of how many
4 RIOT channels there are in St. Louis County?

5 A There's a RIOT A, B, C, D and E, so a
6 total of five.

7 Q Okay. Now, when a police department
8 purchases and installs a radio system, are the
9 channels uniform throughout each municipality or
10 does each municipal decide what channels they want?

11 A They mostly decide which one they want.
12 There is mostly a standard that every radio has at
13 least RIOT A. Some will put RIOT B in, some won't.
14 Some will just keep RIOT A their preference.

15 Q So would it be, for example, I'm just
16 saying this, for example, like channel one might be
17 the dispatch channel?

18 A That's always usually the dispatch
19 channel.

20 Q Okay. And then what other kind of
21 channels are there for the radio?

22 A There's a mutual aid channel.

23 Q Mutual aid?

24 A Right, which is once again kind of an
25 inoperability type of channel, most every radio

1 within the state, mutual aid channel. There's a
2 point-to-point and that's used for dispatchers to be
3 able to talk to other dispatch centers. It is
4 always in that as receive only. The licenses set up
5 for base station transmission only, no portable
6 radios can talk on it so they don't interfere with
7 the radio traffic being transmitted to each of the
8 different dispatch centers.

9 **Q** So if an officer has his radio on the
10 point-to-point channel, he can hear other
11 dispatchers that might be talking to each other?

12 **A** As long as he's within the range of that
13 transmitter.

14 **Q** Okay. We'll talk about the range in a
15 second, but that's the purpose of that?

16 **A** Right.

17 **Q** They can hear it, but they can't transmit?

18 **A** That's correct.

19 **Q** Okay. And so what about the RIOT channel
20 now, how does that work. If someone got on the RIOT
21 channel, who can they talk to?

22 **A** Um, as long as the neighboring
23 municipality, they have it set up to have some type
24 of DWI checkpoints or something like that, they
25 would use it.

1 **Q** So if, for example, the president or
2 vice-president was going to visit St. Louis and the
3 St. Louis County Police Department was going to
4 provide security for that visit, would they use the
5 RIOT channel for a period of time?

6 **A** Definitely they would secure that channel
7 for that event.

8 **Q** And so if any municipality or anybody that
9 has these radios can talk on the RIOT channel, how
10 is it that they know not to use it if, for example,
11 there is a presidential visit?

12 **A** There's pretty much a notice that goes out
13 through St. Louis County saying between this date
14 and this date, you know, that's going to be used for
15 the president coming to town. They even have it set
16 up for the one golf tournament at one of the country
17 clubs that they do security with they might secure
18 that channel for that.

19 Ballwin Days, they would request the
20 St. Louis County, we have Ballwin Days going, can we
21 use the RIOT channel, and they usually approve it
22 unless there's something, an event that's going to
23 happen, they will reserve it.

24 **Q** It can be used for preplanned events, what
25 about events that are not preplanned?

1 **A** That's kind of a go-to if you are on it
2 using it for an event and something larger comes,
3 everybody goes to a different channel.

4 **Q** So, for example, if there was a hostage
5 situation that was occurring in South County and the
6 County Police had mobilized and their attack unit
7 was on scene and various precincts maybe have been
8 called in for this situation. Would that be
9 something they would advise all of those officers to
10 turn to the RIOT channel?

11 **A** Definitely, that is the go-to channel
12 basically.

13 **Q** So the theory is at that time the officers
14 that are using RIOT channel are all using it for the
15 same purpose, they all know what's going on, they
16 are there for that particular event?

17 **A** Correct.

18 **Q** So now, let's talk about, we talked about
19 when possibly a call could be received and not
20 received. And you and I met last week and you kind
21 of had to educate me on a lot of this, but we talked
22 about the fact that whether or not a call can be
23 received by somebody might, in part, be determined
24 by signal strength, correct?

25 **A** Correct.

1 **Q** So given that the walkie-talkies?

2 **A** 5 watts.

3 **Q** 5 watts. That's a lower signal strength
4 than the mobile radios in the cars, correct?

5 **A** Correct.

6 **Q** And then how many watts does the
7 dispatcher has?

8 **A** The dispatcher, most of all in St. Louis
9 County their base stations, their transmitters are
10 at least 100 watts.

11 **Q** Okay. And so there is another thing that
12 might affect whether or not a transmission is
13 received is the distance away from the dispatch
14 transmitter that the radio is, correct?

15 **A** Correct. It is kind of a line of sight.
16 So anything in between this antenna and that
17 dispatch center can reduce the radio transmission to
18 that receiver. So if there is a building, even
19 trees, large thick trees, any steel structure
20 reduces that capability of that transmitter to get
21 to that receiver.

22 **Q** What about the height of the antenna, does
23 that also affect the transmission?

24 **A** Yes. And especially if a portable radio.
25 Being on your hip can reduce that 5 watts to almost

1 half if it is touching your body or if this officer
2 is a large person, that can really cut down the
3 power.

4 Q Okay. So would it be uncommon then that
5 maybe an officer who is using his portable
6 walkie-talkie could call out and transmit something
7 and the dispatch not hear him?

8 A Yes, very much so.

9 Q Okay. Also, we talked about the different
10 powers and strengths of these radios, is it possible
11 for other officers when they're on say the dispatch
12 channel, can an officer in car A hear officer in car
13 B transmitting a call?

14 A If he's close enough. Only if he's close
15 enough within, you know, a range. On a portable
16 radio, it is usually a mile tops, not too much
17 unless you are out in Kansas, straight line, nothing
18 there, maybe a mile and a half or so. These are
19 very low power. He would probably hear the mobile
20 radio more than he would hear the portable radio.

21 Q So to understand this, when someone in the
22 vehicle transmits on the mobile, and let's say they
23 are going to talk to another car, does that
24 transmission go from their mobile to the transmitter
25 tower behind the police station and then go back out

1 to that car?

2 **A** No, it is just radio to radio, from mobile
3 radio to mobile radio.

4 **Q** And can you do that, can you talk to other
5 cars when you are on the dispatch channel?

6 **A** Yes.

7 **Q** Okay. And when other cars are talking to
8 each other, can you hear that maybe when you are on
9 the dispatch channel?

10 **A** Yes.

11 **Q** But I'm gathering that you might not hear
12 it depending on how far apart you are?

13 **A** Correct.

14 **Q** And where the radio might be, correct?

15 **A** Correct.

16 **Q** And so, and we heard some testimony from
17 another officer who talked about like when he left
18 his police vehicle and went inside a residence for a
19 call, he might not hear transmissions that are being
20 made by dispatch because he's a distance from the
21 car and he's also on the walkie-talkie inside a
22 building?

23 **A** Right. If he's inside the building, the
24 mobile wouldn't have any factor on his portable
25 radio. It is that building structure that is going

1 to reduce the capability of receiving on that
2 portable.

3 Q Okay. So it is possibility for a police
4 officer if he's using his walkie-talkie to transmit
5 a call, but that call might not be received by local
6 dispatch?

7 A Correct.

8 Q And that has to do with all of those
9 factors we've talked about?

10 A Correct.

11 Q Now, are you aware that when the Ferguson
12 dispatch receives calls or transmits calls that they
13 actually record those calls?

14 A Yes.

15 Q So if the call is not, here is a question
16 I don't even think I asked you this last week. When
17 a call is not received by a dispatcher, is there
18 anyway to tell if that call was ever made?

19 A No, because that recorder is connected to
20 the receive portion of the dispatch console. So
21 whatever the dispatch console receives and hears,
22 that is when it is recorded.

23 Q Okay. Is it possible, are there occasions
24 when a call is received like it is garbled or
25 there's, you know, static that would make it

1 difficult or impossible to tell what's being said?

2 **A** Definitely.

3 **Q** Okay. Now, let's talk about when an
4 officer is wearing his walkie for the portable radio
5 if his car is on the dispatch channel, we talked
6 about if he is in his car he can be on two different
7 channels, right?

8 **A** Right.

9 **Q** If his car is on the dispatch channel and
10 his walkie-talkie gets switched to another channel,
11 does he get any kind of squelch or anything like
12 that?

13 **A** No.

14 **Q** So that could happen, and if that were to
15 happen and he was unaware of the switch, he would
16 not know?

17 **A** No.

18 **Q** Without looking down?

19 **A** And looking --

20 **Q** At the collector?

21 **A** Right.

22 **Q** Now, I'm looking at the top of this
23 portable radio, there's an orange button here?

24 **A** Right.

25 **Q** What is that orange button?

1 **A** When the officer presses that, it sends
2 out a data burst that is a number that has been
3 programmed in that radio. So it could be 1, 2, 3,
4 4, it will send out that data burst. It will be
5 decoded at the dispatch console and whatever they
6 decode it as, it could be the officer's name, it
7 could be the car number, it could be anything, an
8 alias associated to that radio. It could be even to
9 that beat, it could be beat 104 that when he hits
10 that button it will come up on the screen.

11 Lights flash red and a horrible noise
12 of beeping goes off until that dispatcher hits the
13 console a couple times to silence it.

14 **Q** And so is there any information that is
15 transmitted other than what you said that might be
16 preprogramed to associate that radio is the who that
17 transmitted that.

18 Is there anything, can I push that
19 red button and then say something in there?

20 **A** Yes, it also lets you to be able to
21 transmit.

22 **Q** And this data burst that can happen if you
23 press that orange button, does that depend upon
24 those factors, like how far away you are, whether
25 you're in a building or there's buildings between

1 you and the transmitter, are those still factors?

2 **A** Those are still factors.

3 **Q** That's also a radio signal?

4 **A** Right.

5 **Q** And it's 5 watts when it comes from there?

6 **A** Yes.

7 **Q** Okay. When an officer is wearing this
8 type of radio and this is on his sleeve, if he has
9 it turned to, for example, the dispatch channel, is
10 this also a speaker?

11 **A** Yes.

12 **Q** So he can hear what's being transmitted?

13 **A** Yes.

14 **Q** Does this have a speaker on it?

15 **A** It does, but it is disabled once that
16 remote speaker mike is connected to the radio.

17 **Q** So if you are in your vehicle and your car
18 vehicle is turning to the dispatch channel and this
19 is on the dispatch channel, does either of them
20 cancel each other out?

21 **A** No, it is basically which one is turned up
22 the loudest is which one they are going to hear.

23 **Q** So you could hear both?

24 **A** Yes.

25 **Q** If they were on different channels, could

1 you hear different transmissions?

2 **A** Yes, definitely.

3 **Q** But it would be if you keyed your mike,
4 that's when you get that squelch?

5 **A** Correct.

6 **Q** So let's talk about what calls that might
7 walk over each other. That is kind of a phrase that
8 I used, but is it possible if an officer is
9 transmitting from this type of a radio, a portable
10 radio, if someone else on that same channel keys in,
11 can that person talk over him possibly ?

12 **A** Especially if it is on a car radio, it's
13 possible, but it's really whoever is closest to
14 Ferguson's transmit site on the dispatch channel.
15 It is called kind of a receiver capture effect. So
16 that receiver in that base station, whatever hearing
17 is the strongest is what's going to be able to be
18 heard to the dispatcher.

19 However, if they mix then you get the
20 garbling sound and you might pick out, you know, 102
21 or you might pick out a little bit of radio traffic.
22 And that's when the dispatcher will usually say, car
23 102, go ahead with your traffic or something like
24 that, or too many cars calling in they usually state
25 but yes, it can happen.

1 **Q** Okay. Now let's talk about transmissions
2 on the RIOT channel. Do those transmissions when
3 you are on say RIOT A, if you are on RIOT A on your
4 radio, does that transmission go to Ferguson?

5 **A** No, St. Louis County does a series of
6 voting receivers and all they are receivers and they
7 are like ears. And the closest radio is picked up,
8 that audio is sent down by phone line back to
9 another box here in Clayton called a comparator.
10 And that takes the best audio, not the transmission,
11 but the audio sound from that receiver and votes on
12 which one's the best, and the best audio, the
13 strongest audio signal will be heard to the recorder
14 and to the dispatcher sitting at that console
15 monitoring the RIOT A channel.

16 **Q** So the dispatcher monitoring the RIOT A
17 channel is here in Clayton, right?

18 **A** Correct.

19 **Q** So it is not the Ferguson dispatcher who
20 is monitoring unless she chooses to do that?

21 **A** Right.

22 **Q** And I think we talked about the fact that
23 a dispatcher has their dispatch channel and then
24 they have another selected --

25 **A** Unselected audio.

1 **Q** Unselected. So they can now monitor two
2 different channels at once?

3 **A** Correct.

4 **Q** And so, so, how many voting?

5 **A** Voting receivers.

6 **Q** How many voting receivers are there in St.
7 Louis County?

8 **A** Oh, just on the RIOT channel I'm going to
9 take a guess. I don't have their information right
10 in front of me, but I want to say at least six or
11 seven.

12 **Q** Okay.

13 **A** Throughout the county north, south, east
14 and west.

15 **Q** And so, for example, if something is going
16 on down in South County, and the county police is
17 using the RIOT A channel because of this incident
18 that occurred. If a Ferguson officer calls in on
19 the RIOT A channel when he's up in Ferguson, is it
20 possible that his transmission will not be received
21 by Clayton?

22 **A** Yes, especially if the receiver down south
23 is hearing the transmission louder and it is being
24 sent in and being voted and voter, that transmission
25 will be just put on the side basically, won't even

1 come through.

2 **Q** Will there be any record that that
3 transmission was made?

4 **A** No.

5 **Q** So the voting receiver just measures the
6 strength and quality, audio quality of the call and
7 then the voting receiver then selects which call
8 they are going to put through?

9 **A** Right.

10 **Q** And so is it possible then that somebody
11 on a walkie-talkie in Ferguson could make a call on
12 the RIOT A channel, if County Police were using the
13 RIOT A channel down at South County at the same time
14 and there were officers talking at the same time, is
15 it possible then that the Ferguson officer's call
16 would never get recorded in Clayton?

17 **A** Very possible.

18 **Q** Is there anything that I haven't asked you
19 that I forgot about that is important?

20 **A** No.

21 **Q** And just again if you all want to look at
22 this, I will tell you that this is a radio from the
23 Ferguson Police Department. It is not Officer
24 Wilson's radio, but they have the same radios and
25 just for reasons that you might want to look at it.

1 But don't try to call on it because I have no idea
2 if it would work. It probably wouldn't transmit in
3 here, would it?

4 **A** Want to try it?

5 **Q** No.

6 MS. ALIZADEH: I'll just kind of start
7 this around and Sheila, do you have any questions
8 for

9 **Q** (By Ms. Whirley) Well, it is just kind of
10 unnerving, I guess, so you are saying, maybe you
11 didn't say common, but how common is it for dispatch
12 not to receive calls?

13 **A** Um, it just depends on the radio traffic.
14 If it is really busy, a really busy day at that
15 municipality it can happen. You know, one thing, I
16 hope I'm not telling any secrets, one issue is one
17 of the county channels which is dispatched in West
18 County, they have Eureka, they have Chesterfield.
19 They are so far away that Eureka officer could be
20 keying up trying to talk to a dispatch and that
21 Chesterfield officer, which is a little bit closer
22 to the receiving site, is going to get to Clayton
23 more and this guy is saying, hey, I need help or
24 something, that Eureka officer, there is a good
25 chance is not getting back to Clayton.

1 **Q** Wow?

2 **A** That is one of the reasons why this new
3 system is being put in.

4 **Q** That's something to come that we don't
5 have yet?

6 **A** Correct.

7 **Q** So that orange button that you were
8 referring to, is that supposed to be like an
9 emergency?

10 **A** Yes.

11 **Q** Aspect for this?

12 **A** Yes. Another way that that works, even if
13 there's radio traffic, it is still pulsing that data
14 out. It doesn't care if there's radio traffic on
15 it, it keeps on trying until it gets an
16 acknowledgment from the dispatcher.

17 **Q** And as I understand, you can be on, I
18 guess RIOT A, which is the county?

19 **A** Yes.

20 **Q** And that orange button wouldn't have any,
21 would it work for county or would it just go to, if
22 you are on the RIOT A channel.

23 **A** Right.

24 **Q** And you are a Ferguson officer and if you
25 hit that a orange button, what would happen?

1 **A** It would go to dispatch. It is programmed
2 as a revert, so when you hit that button, if you are
3 on channel six, it doesn't matter what channel, you
4 hit that emergency button, it reverts that data to
5 the dispatch channel.

6 **Q** To Ferguson's dispatch?

7 **A** Yes.

8 **Q** So even though RIOT A channel, it wouldn't
9 be of any consequence to them?

10 **A** Right.

11 **Q** But Ferguson would?

12 **A** Right.

13 **Q** And is it your understanding that most
14 officers are trained if you are in an emergency
15 situation to hit that orange button?

16 **A** Yes, ma'am.

17 **Q** So if I'm in a shooting or something that
18 would probably be one of the first things a trained
19 officer would do is to hit that orange button?

20 **A** I can't tell you what that officer would
21 be thinking at that time, but that is kind of, I
22 need help, that's what I hit.

23 **Q** That's the purpose of that orange button
24 is to supersede everything to let your dispatch know
25 that you need help?

1 **A** Right.

2 MS. ALIZADEH: Or to put out a call to
3 other cars, 105 is in an emergency situation and
4 possibly give a location, right?

5 **A** Whatever their standard of their procedure
6 is, could be both.

7 MS. WHIRLEY: Because most departments, I
8 know you can't speak to all of the departments, it
9 sounds like you are implying that most departments
10 have some kind of procedure regarding how to use
11 that orange emergency button?

12 **A** Correct.

13 MS. WHIRLEY: It is put there for a
14 reason, right?

15 **A** Yes.

16 MS. WHIRLEY: And the reason is for
17 emergency situations?

18 **A** Yes.

```
19                                     So the channel,
20  the radio channel has nothing to do with the orange
21  button, it doesn't have to be on a certain channel?
```

22 **A** That's correct. That radio when I
23 programmed it, it is called revert and it reverts to
24 the dispatch channel.

25 Is it common

1 for police officers to keep their mobile and their
2 portable on a different channel?

3 **A** Usually, it is.

4 : Usually they do. Okay.

5 So they would have to know that they are on a
6 different, their portable is on a different channel
7 when they get out of the car and switch it back?

8 **A** Some might just use it to listen to the
9 neighboring municipal next to them, that is what
10 they use it mainly, what they tell me. They like to
11 hear what's going on around them. Maybe Ballwin
12 would listen in on Manchester PD is doing in case
13 they need an assistance or something.

14 : They do keep it on
15 different channels while they are in the car?

16 **A** Yeah. And some keep it turned off too to
17 save the battery and save avoidance of feedback
18 sometimes.

19 . Can the
20 dispatcher ever notify a police officer that they
21 are on the wrong channel? Like they think they are
22 on their department channel, but for some reason
23 they are always on it or have a signal?

24 **A** No, there is nothing the dispatcher can
25 see on what channel that that portable or mobile is

1 on. The only way if they are calling them, they
2 know that they're not on the dispatch channel. If
3 they are trying to call dispatch and they're not
4 responding, yes. They will call them by cell phone
5 or keep on calling, but there is no way that
6 dispatcher knows.

7 MS. WHIRLEY: I had a question --

8 So there is no readings
9 that goes out daily from all whatever happened that
10 day? Like there is a computer generating all the
11 radios from that day for each department, police
12 department in the areas, different areas. There is
13 no generated report that's coming out?

14 **A** No, not from which channel their on. The
15 only thing I've seen where it counts how many times
16 the radio has been keyed up. It might say it's been
17 keyed up on this channel ten times that day, that's
18 about it.

19 MS. WHIRLEY: On the mobile, I'm sorry,
20 that's passed around, I'm sorry, the portable, thank
21 you. The orange button is on there, is there also a
22 an orange button on the mobile that's inside the
23 car?

24 **A** Yes, ma'am.

25 MS. WHIRLEY: For the same purpose, it is

1 an emergency transmission?

2 **A** Yes.

3 MS. WHIRLEY: Because I was going to ask
4 you, what can an officer do if he's in trouble if he
5 may not be heard on the transmitter, but that's what
6 he can do?

7 **A** Right.

8 MS. WHIRLEY: Okay.

9 . Is there any
10 other way for dispatch to communicate with the
11 officer, like through texting to display or texting
12 to the laptop.

13 **A** There is some messaging on their CAD
14 system, their in-car computer system. I know that
15 exist, I can't tell you that Ferguson has that
16 feature, but most of the agencies within St. Louis
17 County does have a way, and they can communicate car
18 to car also, so that officer can send a message to
19 the neighboring precinct or jurisdiction, how am I
20 going to say this, to the officer next to them.
21 Would be the officers within that agency.

22 . You talked about
23 red button emergency situation, that's a pretty
24 broad for a police officer to cover, obviously,
25 every emergency situation is going to require a red

1 button. You kind of mentioned a life and death
2 situation, seems like that button is pretty much
3 reserved for an extremely serious emergency, not
4 typical emergency for a police officer?

5 **A** Correct.

6 : And that can happen very
7 quickly. The odds of a police officer to get to
8 that button in the time of a quickly escalating
9 activity, that could be a question?

10 **A** Right.

11 It would be hard to hit
12 that button in a very highly emergency situation
13 that happens very quickly?

14 **A** Right. And if you notice the size of that
15 button, you really got to hunt for it sometimes.

16 MS. ALIZADEH: And just on another note,
17 for example, the situation is over, then there would
18 be no reason necessarily for the officer to use the
19 orange button as opposed to using his walkie-talkie
20 because then he can explain the nature of his need
21 for help, correct?

22 **A** Correct.

23 MS. ALIZADEH: And if he's transmitting,
24 if you're transmitting from your walkie-talkie and
25 it's not being received, other than nobody responds,

1 is there any way that the officer knows that his
2 transmission didn't get received?

3 **A** None whatsoever.

4 MS. ALIZADEH: I send an email and it
5 doesn't get received, I get something back saying it
6 wasn't delivered?

7 **A** Correct.

8 MS. ALIZADEH: But there's nothing on the
9 radio like that.

10 **A** No. Some departments train they officers
11 if they don't get out, take radio out of their
12 holster and transmit, but I couldn't tell you about,
13 but that is part of a SOP in a lot of departments.

14 MS. ALIZADEH: And SOP is standard
15 operating procedure?

16 **A** Yes.

17 MS. WHIRLEY: And tell us again what does
18 CAD stands for, the CAD?

19 **A** Computer Aided Dispatching.

20 MS. WHIRLEY: Okay. And is that time
21 generated, I mean, there's a CAD report, right?

22 **A** Right.

23 MS. WHIRLEY: Does that track the timing
24 of the calls?

25 **A** Yes.

1 MS. WHIRLEY: Who puts that information in
2 there, I know it is computer generated, correct,
3 tell me about that?

4 A Well --

5 MS. ALIZADEH: Let me back up here. Do
6 you have expertise to talk about the CAD system?

7 A I know the mechanics, the technology, you
8 know, how they receive the timing, but as far as it
9 is all software and every department has got a
10 different type of CAD. So I couldn't tell you
11 exactly what information goes in it or how the
12 screen is. How most of them are set up for timing.

13 MS. WHIRLEY: That's what I want to know
14 about.

15 A So a lot of departments bought what they
16 call Net Clocks. They are little boxes that are
17 connected to a GPS antenna and they get their timing
18 from the satellites, just like our car GPS works.
19 There is also timing that is done and this box kind
20 of distributes that timing mechanism, which can go
21 to logging reporters, their CAD, some departments I
22 set up their consoles have this timing. So that all
23 the timing is the same throughout.

24 MS. WHIRLEY: Okay. So when an officer
25 calls in, let's say I'm on a traffic stop or I'm out

1 with a pedestrian, would that information be timed
2 into the dispatch or to this CAD system?

3 **A** I can't answer that. I don't know.

4 MS. WHIRLEY: Okay.

5 **A** I have been listening to police calls
6 since I was eight years old. Most of the time, the
7 dispatcher, the officer will call in, I'm at a
8 traffic stop blah, blah, blah. She will usually
9 repeat, car 104 is at a traffic stop at 1520 hours,
10 or something like that. And that's usually the time
11 the officer will write down that time and that is
12 what's recorded in the CAD so all the times are
13 together.

14 MS. WHIRLEY: Okay.

15 MS. ALIZADEH: , you didn't set
16 up the CAD system in Ferguson, correct?

17 **A** I did not.

18 MS. ALIZADEH: And you don't know how they
19 have it set up?

20 **A** That's correct, I do not.

21 MS. ALIZADEH: So is it possible that the
22 time for their CAD calls might differ from the time
23 that dispatch calls?

24 **A** Definitely.

25 MS. ALIZADEH: If they set them manually

1 as opposed to getting those times from the
2 satellite, is it possible then that those times
3 could be off?

4 **A** Yes, definitely. I know I did not sell
5 them a Net Clock or any type of timing mechanism.

6 MS. ALIZADEH: What about compare it also
7 to, for example, county communications. Is it
8 possible that Ferguson's CAD calls and their
9 dispatch calls might not be timed, the CAD's might
10 not be the same with the county communication clock?

11 **A** Definitely.

12 MS. ALIZADEH: So a call that we all know
13 for a fact that was made at 3:00 in the afternoon.
14 The dispatch time might be 3:02, the CAD call might
15 say 3:01 and yet the county communication, if it
16 were received there, might say it was 3:00?

17 **A** Yes, definitely.

18 MS. ALIZADEH: Be it is just one call?

19 **A** Yes.

20 I just
21 want to make sure I understood you. The
22 point-to-point channel, this is dispatch, and the
23 portable is not transmitting and they can only hear
24 what's going on?

25 **A** Right.

1 MS. ALIZADEH: When it's on
2 point-to-point.

3 : When it is on
4 point-to-point?

5 **A** Right.

6 : So if an officer had his
7 portable on that channel while he is in the car,
8 left the car, he thought he was calling in, nobody
9 would hear him --

10 **A** That's correct.

11 -- until he changed the
12 channel?

13 **A** Right. What he is going to hear is maybe
14 a bong because that is a receive channel only.

15 : That would be the same,
16 not that nobody would hear him, but dispatch would
17 hear him if he was on a RIOT channel, he is on the
18 mutual aid channel or any of the other channels, he
19 would have to it put it on one, which is a dispatch
20 channel for his dispatch to hear him?

21 **A** No, if he's on point-to-point, I'm sorry,
22 if he's on RIOT channel.

23 : Uh-huh.

24 **A** And dispatch has RIOT channel turned on at
25 the console at Ferguson, and he's close enough, yes,

1 it is going to transmit and a good chance the
2 dispatcher is going to hear them.

3 MS. ALIZADEH: Any other questions?

4 (End of the testimony of .)

5 It is 3:28 on November 3rd. This is Kathi
6 Alizadeh, Sheila Whirley is present, also all 12
7 grand jurors are present and , the court
8 reporter. And we just had a discussion off the
9 record that we talked about that a witness that I
10 had scheduled for this afternoon didn't show up, so
11 we are kind of out of material for today.

12 And so you all agree to go ahead and
13 recess early today. There has been discussion now
14 about additional things that you all want. It is my
15 understanding that we're going to get a Ferguson
16 police vehicle that is not the same vehicle, but the
17 same make, model and year. So we have to set up
18 when we are going to do that.

19 There's been a request to get the press
20 conferences from Chief then there's been a
21 request to get, I will get you copies of the
22 transcript of Officer Darren Wilson's grand jury
23 testimony.

24 You should have a transcript of his
25 interview that he did with the county police on the

1 10th, but I will get the transcript for you for
2 tomorrow, give it to you tomorrow.

3 And then I'm also going to contact Chief
4 to see if he can appear to answer any
5 questions that you may have that might arise out of
6 your viewing of the press conferences. And is there
7 anything else? Oh, yes, you talked about getting a
8 field training officer. So I will talk to Ferguson
9 about that.

10 I think we discussed the fact that it's
11 Darren Wilson's field training officer in Ferguson
12 is currently and so probably we
13 would want to find somebody else who could talk
14 about the training that they do for their officers
15 in general.

16 Would obviously not be that he received,
17 but in general. Is that all we can think of for
18 now?

19 : Perhaps get somebody in
20 the Normandy Police Department that trained him?

21 MS. ALIZADEH: That was Jennings.

22 : Oh, sorry, Jennings.

23 MS. WHIRLEY: What was that again?

24 Check with somebody, one
25 of his superiors in Jennings to see if they gave him

1 some field training instruction before he came over
2 to Ferguson and that way you avoid
3 situation.

4 MS. ALIZADEH: So we will recess early
5 today and it is my understanding that tomorrow we're
6 going, you are going to get here at 8:00, we start
7 up about 8:30-ish, whenever you are all here. And
8 then we're stopping at 4:00 tomorrow for the
9 election; is that correct.? Amendment 2, I'm just
10 plugging it. Everybody have a good evening.

11 (End of Grand Jury hearing XVIII.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 State of Missouri

3 SS.

4 County of St. Louis

5 I, , a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO
2
3
4
5 State of Missouri vs. Darren Wilson
6
7
8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10
11 DEPOSITION OF Grand Jury, Volume XVIII
12
13 11/3/2014
14 Name and address of person or firm having custody of
15 the original transcript:
16
17 St. Louis County Prosecuting Attorney's Office
18 100 S. Central Ave.
19 Clayton, MO 63105
20
21
22
23
24
25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XIX

Date: November 4, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 4, 2014

VOLUME XIX

Page 2

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 4th day of November, 2014, before .

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XIX

2 MS. ALIZADEH: Good morning, it is
3 Tuesday, November 4th, at 8:46 a.m. This is Kathi
4 Alizadeh, Sheila Whirley is present, all 12 grand
5 jurors are present, as is , the court reporter.
6 And we had a brief discussion before we went on the
7 record this morning about some matters, about
8 matters that the grand jury had inquired about, and
9 I've answered them to the best of my ability.

10 And, uh, now we discussed that yesterday
11 we attempted to play a disc for the grand jury which
12 is marked as Grand Jury Exhibit Number 63, and it is
13 a disc that contains the statement of ,
14 a witness who has testified last week. And we
15 weren't able to play that for some reason, the disc
16 doesn't play, can't open it.

17 So I have another disc that we're going to
18 play that is also a disc that I received from the
19 FBI, which is Grand Jury Exhibit 56.

20 (Deposition Exhibit Number 56
21 marked for identification.)

22 MS. ALIZADEH: And hopefully this will
23 play. This is the statement of . It
24 is 29 minutes and 11 seconds long. We do not have a
25 transcript because this was actually the statement

1 that he made last week. I'm not sure of the date,
2 but it was done after he came from the State of
3 to come up here and testify. It was recently
4 done, we don't have a transcript for that.

5 So, , if you can transcribe it, but
6 we will go ahead and pause the recording during the
7 playing of the disc. And at this time I'm going to
8 leave the room because we have a witness here who I
9 would like to speak with before he testifies. And
10 so at this time, , if you want to pause that.

11 (This is the playing of the audio
12 recording interview of . I am also
13 transcribing it.)

14 : This is special agent
15 We're at the FBI field office 2222 Market
16 Street, St. Louis, Missouri. It is October 27th,
17 2014, 3:28 p.m. I'm here with USA and
18 DOJ trial attorney and we are
19 interviewing.

20 :
21 Okay. Get some info from
22 you. Is your first name ?

23 Legally it's , but it
24 was supposed to have been .

25 : Okay. But you go by .

1 : Yes, ma'am.

2 : It is ?

3 Yes, ma'am.

4 You go by , okay. What

5 is your current address?

6 :

7

8 Okay. What town?

9 :

10 Okay. What's a good phone

11 number for you?

12 :

13 Okay. What's your date of

14 birth?

15 **A**

16 : Okay. Do you know

17 your social security number?

18 : Yes, ma'am.

19 Okay. And where were you,

20 what was your address on August 9th, 2014.

21 :

22

23 : Okay.

24 MS. : So you guy by is it okay

25 with you if we call you ?

1 : Yes, ma'am.

2 MS. : So we talked a little bit
3 before the recording started, but we basically just
4 want to hear what you know about what happened. So
5 if you tell us what other people told you that's
6 fine, but just let us know those are what other
7 people told you.

8 We're just looking to find, to figure out,
9 like I said, what happened, we are just looking for
10 you to tell us the truth.

11 We tell everybody who comes in here that
12 it could be a crime to lie to the FBI, it is a crime
13 to make material false statements to the FBI.

14 So I'm not assuming you are going to lie,
15 but we want you to know that, okay?

16 : Yes, ma'am.

17 MS. All the answers need to be out
18 loud, we are making a recording. If we ever do a
19 transcript or you shake your head, obviously, the
20 recording doesn't pick that up, okay?

21 : Right.

22 MS. So if you nod your head you are
23 going to probably hear me say is that a yes or if
24 you shake your head I will say is that a no, okay?

25 : Yes.

1 MS. : Okay. If at any point you
2 don't understand a question that we're asking you,
3 let us know because we are not trying to trick you,
4 we are just trying to figure out what happened. So
5 sometimes we ask bad questions that doesn't make
6 sense, just let us know. Because if you answer a
7 question we are going to assume that you understood,
8 it is that fair?

9 : Yes, ma'am.

10 MS. : Okay. I just want to generally
11 go through what you remember happening and then when
12 we go back and ask you some questions to clarify to
13 help us understand more what your perspective was.

14 Okay.

15 MS. : Okay. So you were living, you
16 just said on Canfield Court back on August 9th?

17 Yes, ma'am.

18 MS. : And this is, you know Michael
19 Brown?

20 Not really.

21 MS. : I think you said he was a
22 friend of a friend?

23 Yes, he's a friend of a
24 friend.

25 MS. : Okay. Which friend is he a

1 friend of?

2 : I have a friend name

3 .

4 MS. Okay. And did you ever hang
5 out with Michael Brown?

6 : No, ma'am.

7 MS. : When did you first meet him?

8 Probably when we were going
9 to the store. There was three of us. Me,
10 and Mike.

11 MS. When was that relative to when
12 this all happened?

13 : It was a couple years ago.

14 MS. : Years ago?

15 Yes, ma'am.

16 MS. All right. So we will go to
17 that in a second. What I want to talk about first
18 is what you remember happening on August 9th.

19 Okay. Well, I seen Mike
20 and some other young man walking down the street.
21 And I was just sitting down on the porch just
22 looking around and I seen the officer approach. Not
23 sure if he said anything because I'm too far away.
24 I didn't see or hear anything, but then I seen him
25 almost like sort of run him over, run his foot over

1 or something like that.

2 And I guess they got into a scuffle, but I
3 went in the house to get my phone because I was
4 going to go record it. But I heard a gunshot, so I
5 raced outside. I went to the other side of the
6 balcony and then I seen Mike Brown holding himself.

7 MS. : (inaudible) You saw that he had
8 his hand down around his stomach?

9 : Yes, he had his hand like
10 around his torso area.

11 MS. : Okay. Which hand, do you
12 remember?

13 : Um, I really don't remember
14 which hand it was.

15 MS. : Okay.

16 : I just know he was holding
17 himself and he turned around towards the officer and
18 the officer kept firing. And I guess he was, I
19 don't know if he stepped forward or if he was
20 falling forward, but as he was falling forward, the
21 officer was still firing.

22 MS. : Okay. So you're saying and
23 that is in total what you saw.

24 : Yes, ma'am.

25 MS. : You said the officer was still

1 firing, what did the officer do at some point, did
2 the officer stop firing?

3 **A** Yes, ma'am afterwards.

4 MS. After what?

5 : After he hit the ground.

6 MS. : Okay. What did the officer do
7 once Michael hit the ground?

8 I'm not sure. I was
9 looking around making sure that someone else saw
10 what I saw.

11 MS. Okay. So let's back up a
12 little bit, okay. So you were sitting on your porch
13 and you see Mike Brown and this other kid, where
14 were they walking?

15 : Down the street like coming
16 from the main street.

17 MS. : West Florissant?

18 : Yes, ma'am.

19 MS. : Where on the street were they
20 walking?

21 : They're in the middle of
22 the street I believe.

23 MS. : Okay. What about the police
24 officer, where was he?

25 Um, he wasn't around until

1 they got towards like the other, there was another
2 apartment complex across the street from where I
3 was. So he didn't pull up until they got to that
4 part.

5 MS. Okay. Which direction is the
6 police officer going?

7 : Um, he was coming towards,
8 coming down.

9 MS. : The opposite direction?
10 : He was coming the same way
11 they were coming.

12 MS. : So the police officer is coming
13 from West Florissant also?

14 **A** I believe so.

15 MS. : Okay. And then what happened?
16 Then it just went from
17 there. He, I guess, he according to everyone else
18 they said that.

19 MS. Okay, go on.

20 : He told them to get out of
21 the street. I'm not sure if that's what happened
22 because I couldn't hear it.

23 MS. : Let me be clear, if I ask you a
24 question that you don't know the answer to, that's
25 fine, let me know, let us know that, right?

1 Everyone has a little piece of this, nobody is going
2 to make or break the case in one fell swoop, right?

3 Everyone has to say what they know. If you know
4 something, great. If you don't know, that's fine
5 too, as long as it's the truth, okay?

6 Yes, ma'am.

7 MS. Okay. You see Mike and his
8 friend walking down the street and then you see the
9 police officer coming in the same direction as
10 they're going?

11 Yes, ma'am.

12 MS. : Okay. So what is the next
13 thing? I know that you heard, tell me what
14 happened, what is the next thing you either see or
15 hear yourself?

16 I seen them actually at the
17 police car. I think he was inside. I'm not sure if
18 he was inside or if he was outside it, all I know is
19 that I just went in the house to grab my phone.

20 MS. : Okay. Before you went in the
21 house to grab the phone, was there any sort of
22 interaction with the police officer and Mike and his
23 friend or you didn't even see that?

24 : I didn't see that part
25 because I wasn't thinking that it wasn't going to

1 escalate that far.

2 MS. : All right. So you went inside
3 to get your phone. I think what you told the FBI
4 agents in , you went to get your phone
5 separate and apart from anything that was going on.
6 You just happen to want your phone at that time?

7 : Yes.

8 MS. : So when you're sitting on your
9 porch, you see Mike and his friend and you see, when
10 you run in, do you actually see the police officer
11 there or he showed up afterwards?

12 No, he was there already.

13 MS. : Okay. And he stopped his car?

14 No, ma'am.

15 MS. : When you went to get your
16 phone, the police officer had yet to even stop his
17 car?

18 : No, ma'am.

19 MS. : Okay. So you didn't see
20 anything about the interaction between Michael Brown
21 and the police officer?

22 **A** No, ma'am. I just seen him at the car I
23 just seen him like he was sort of kind of by the
24 car, but then again, he was not inside of the car at
25 the time when I saw.

1 MS. Is this before or after you get
2 your cell phone?

3 This is before I went to
4 get my cell phone.

5 MS. All right. Let's divide it
6 out. Let's talk about before you went to get your
7 cell phone, you see the boys walking in the street?

8 : Yes, ma'am.

9 MS. : You see the police officer
10 driving in the same direction that they are walking?

11 : Yes, ma'am.

12 MS. : Okay. What do you remember the
13 police vehicle doing?

14 : Just pulled up towards them
15 and that's it, that's all I can remember seeing.

16 MS. : Pulled up toward them how?

17 Um, I wouldn't say that he
18 pulled up cautiously, but he pulled up as if he
19 noticed that they did something wrong or something.

20 MS. : Okay. And so what, when the
21 police officer pulled up to them, where was the
22 police officer's vehicle in relation to the boys?

23 Probably, I mean, they
24 turned around so they was probably in front, they
25 was in front of each other.

1 MS. : What kind of car was it?

2 It was a police cruiser, I
3 don't know.

4 MS. : Was it a car, a SUV?

5 It was a SUV.

6 MS. Okay. Did the SUV, did it pull
7 up alongside of them, did it stop and go forward,
8 did it stop, where was it relative to them?

9 : I mean, they turned around
10 when he pulled up.

11 MS. : Okay.

12 : were they in relation to the
13 car, does that make it easier?

14 : I guess in front of it.

15 In front of it?

16 MS. : If you don't know, you don't
17 know.

18 : I'm not sure, my memory is
19 kind of --

20 MS. : Okay.

21 : -- hazy, but I remember
22 most of it.

23 MS. Okay. So you see the SUV stop
24 and you see the boys standing by the vehicle, right?

25 : Yes, ma'am.

1 MS. : And then is that when you go
2 and get your phone?

3 : Yes, ma'am.

4 MS. : You don't see any sort of
5 interaction between them?

6 : No, ma'am.

7 MS. : When you went to go get your
8 phone, while you were getting your phone, did you
9 hear anything?

10 : Yes, ma'am, I heard a
11 gunshot.

12 MS. : Okay. So what did you hear?
13 I went immediately outside.

14 MS. : Okay. Describe for us what you
15 saw?

16 When I went outside, they
17 were, the police cruiser was still like by the
18 apartment complex.

19 MS. : Okay.

20 But they were up towards
21 the street.

22 MS. : When you say they, who do you
23 mean?

24 : Police officer Mike Brown,
25 the friend was nowhere in sight.

1 MS. : You didn't see the friend after
2 that?

3 : No, ma'am.

4 MS. The only time you saw the
5 friend was before you went and got your cell phone?

6 : Yes.

7 MS. You come back out and you see
8 Mike Brown and the police officer and you say where
9 were they?

10 They were up the street
11 like a few feet, not too much, like 10, 15, 20 feet.

12 MS. : What were they doing, were they
13 standing there, were they running, were they
14 walking?

15 : Actually, he was standing
16 there.

17 MS. Who is he?

18 Mike Brown and the police
19 officer. The officer had his gun drawn at him.

20 MS. : Okay.

21 : And that's when Mike Brown
22 turned around holding his wounds.

23 MS. : Okay. Did you actually see
24 Mike Brown turn around or you assuming he turned
25 around?

1 : I'm assuming he turned
2 around.

3 MS. So describe what you actually
4 saw when you walked out there?

5 When I walked out there, he
6 was already facing towards the officer holding his
7 wound.

8 MS. Okay. You don't know how far
9 he ran?

10 No, ma'am.

11 MS. : And you don't know, you're
12 assuming he turned around, you don't know whether he
13 turned around or what he did that landed him in the
14 position that you saw, which was standing with his
15 arm in front of his torso, correct?

16 : Correct.

17 MS. : I think you just used the word
18 holding his wound, did you see a wound?

19 : No, I didn't see a wound.
20 I'm too far away. I'm just assuming that he had a
21 wound right there, he's holding himself.

22 MS. Based on his position?

23 : Yes, ma'am.

24 MS. And when you saw, so what you,
25 yourself, saw was Michael Brown facing the police

1 officer and he was holding his front, his torso,
2 right front of his stomach area?

3 : Yes, ma'am.

4 MS. Lower stomach?

5 : Yes, ma'am, lower stomach,
6 I believe.

7 MS. You couldn't hear what he was
8 saying?

9 : No, ma'am.

10 MS. : Did it look like they were
11 saying anything or you too far away to see?

12 To me it didn't look like
13 they were saying anything.

14 MS. : Okay. You say you saw the
15 police officer with his gun drawn?

16 : Yes, ma'am.

17 MS. : Did you see any shots fired?

18 : Yes, ma'am. I seen the
19 last probably four.

20 MS. : Okay.

21 : As he was going to the
22 ground, I seen every shot that he got hit with going
23 to the ground.

24 MS. : Okay. Let's back up for a
25 second, this is my fault. So Michael Brown is

1 standing there with his arm around his torso and the
2 police officer is standing in front of him, so
3 describe what you see?

4 The officer starts to fire
5 while he's holding himself and he starts to fall
6 forward.

7 MS. When you say he, you mean
8 Michael Brown?

9 Yes, ma'am, Michael Brown.
10 He starts to fall forward, Michael Brown starts to
11 fall forward and the police officer, I think, fires
12 two more times as he's falling forward and then
13 after that he stops.

14 MS. : Okay. When you walk out onto
15 the balcony, was the police officer already
16 shooting?

17 : No, ma'am.

18 MS. : All right. So you heard the
19 first shot when you were inside and then you saw the
20 last four or five shots I believe you said?

21 : Yes, ma'am.

22 MS. : Okay. So just to be clear, you
23 didn't see, you only saw the police officer pull up
24 when the boys were first walking in the street,
25 correct?

1 **A** Yes, ma'am.

2 MS. : You didn't see the interaction
3 by the vehicle?

4 No, ma'am.

5 MS. You went to get your phone, you
6 heard a gunshot, correct?

7 : Yes, ma'am.

8 MS. : By the time you came back out,
9 Michael Brown was facing the police officer and
10 Michael Brown had his hand around his torso,
11 correct?

12 : Yes, ma'am.

13 MS. : And then you saw a police
14 officer shoot four or five times and Michael Brown
15 go to the ground?

16 Yes, ma'am.

17 MS. Is that correct?

18 : Yes, ma'am.

19 MS. Did I miss anything?

20 : No, ma'am.

21 MS. : Did I put any words in your
22 mouth or I got that right?

23 : You got that right.

24 MR. Do you recall about how far
25 the police officer and Michael Brown were when the

1 last shots were fired?

2 : Mike Brown, he is in the
3 middle of the street and the officer was towards the
4 curb.

5 MR. Can you put a distance on
6 it?

7 : Probably about six, seven,
8 six or seven feet apart.

9 MR. : Okay.

10 MS. : So let's go back for a second.
11 You first met Michael Brown when you were going to
12 the store. What's your friend's name again?

13

14 MS. What's his last name?

15

16 MS. Does still live in the
17 Canfield area?

18 I'm not sure. I moved so.

19 MS. : I know you moved in August.

20 : But he moved before I
21 moved. When I came back in July, to come back to
22 St. Louis in July, he was already gone.

23 MS. So before July, when was the
24 last time you saw him?

25 : Before I moved to .

1 MS. : How long did you live in
2 for?

3 Since November.

4 MS. : So prior to that, other than
5 the time going to the store, did you hang out with
6 him ever?

7 : No, ma'am.

8 MS. Just that one time?

9 : Yes, ma'am.

10 MS. What was he like when you saw
11 him that one time?

12 He was pretty quiet. We
13 didn't exchange too many words. I was just riding
14 basically.

15 MS. : You just what?

16 I was just riding
17 basically.

18 MS. You were on the way to the
19 store?

20 : Yes, ma'am.

21 MS. Did you graduate high school?

22 : Yes, ma'am.

23 MS. : Where did you go?

24 : High
25 School.

1 : Is that in --

2 .

3 : Did you ever go to high
4 school in Missouri?

5 : Yes, ma'am.

6 : Where did you go?

7 I went to

8 High School.

9 : ?

10 : Yes, ma'am.

11 MR. I think earlier when you
12 were taking us through what you saw that day, you
13 said something about Mike Brown took a step towards
14 him, couldn't tell what exactly if he was stumbling
15 or if he was taking a step, can you describe that?

16 : Well, it looked like as if
17 he was just falling, I mean. But he took his step,
18 his right foot went forward and I just seen him just
19 drop to his knees and fall to the ground.

20 MR. All right.

21 MS. : Did you see the friend that
22 showed up out on Canfield after that at all?

23 No, ma'am, not until
24 probably the next day.

25 MS. Okay. Did you have any

1 interaction with the friend?

2 : No, ma'am. I have no idea
3 who he is.

4 MS. : Where did you see him when you
5 saw him the next day?

6 : He was in Canfield.

7 MS. : Was he just like hanging out,
8 what was he doing?

9 : He was walking.

10 MS. : Okay. Did you talk to anyone
11 about this when it happened?

12 : Just my parents.

13 MS. How about any of your
14 neighbors?

15 : No, not that I know of.

16 MR. : You said initially that
17 people were talking about what went on at the side
18 of the police car. You said that when you saw it
19 you didn't really see anything that happened there
20 and you didn't know if he was inside the car or not,
21 but other people were talking about that, remember
22 that?

23 Yes, sir.

24 MR. : Who were those people, were
25 those people up there?

1 : Just neighbors, everybody
2 in the neighborhood was talking about it.

3 MR. : When was that?

4 This was the same day.

5 MR. : People coming out and
6 talking about it?

7 : Yes, sir.

8 MR. : All right. You turned a
9 little bit of video over to the FBI. That video,
10 you took that on your phone; is that right?

11 : Uh-huh.

12 MR. : That's after the shooting
13 was over?

14 : Yes, sir.

15 MR. : You didn't capture any of
16 the actual shooting on your phone?

17 No, sir.

18 MR. : Right at the beginning of
19 that video people, you say people are going crazy.
20 You hear some voices on that, what were you
21 referring to there, what was going on?

22 : I believe his kin, Michael
23 Brown's kin, his family, they were all by his body
24 on the curb, they was just yelling and screaming,
25 you know.

1 MS. : Do you know any of his family
2 members?

3 No, ma'am.

4 MR. : Based on what you saw, do
5 you have any idea what happened from the time the
6 police first pulled up there until the time the
7 policeman fired those last four or five shots, do
8 you know what went on there at all based on what you
9 saw or heard that day?

10 : From what I heard is that
11 they had a scuffle inside the car.

12 MR. : Okay. I'm not talking about
13 what you heard from other people, I'm just talking
14 about what you actually saw?

15 : I didn't see what happened
16 at all.

17 MR. : You didn't see what happened
18 until those last four or five shots?

19 : Yes, sir.

20 MR. Based on what you saw there
21 at the end, did you have feeling about what had
22 happened there?

23 : Yes.

24 MR. And what was that?

25 I felt that the police

1 officer did that very unjustly, he overkilled
2 basically. After the first shot, I mean, he didn't
3 really have to shoot the young man in the first
4 place. They have other means of, you know,
5 corralling the suspect, you know, taser, anything
6 else.

7 He shot him the first time, even if you
8 did have to shoot him, he didn't have to keep going,
9 he didn't have to kill him because he was unarmed.

10 MR. : From what you saw that day,
11 could you tell why the police officer shot at Mike
12 Brown?

13 I'm not sure why.

14 MR. : Okay.

15 MS. : And you don't know what
16 happened in the car, right?

17 : No, ma'am.

18 MS. : And you don't know what
19 happened while you were inside, correct?

20 : No, ma'am.

21 MS. : Okay.

22 MR. : That's one of the reasons
23 I'm asking because on that video you referred to,
24 you said he shot him like six times. And you said
25 for no reason, do you recall that?

1 : Yes, sir.

2 MR. : Is it fair to say you didn't
3 see what happened before those last four or five
4 shots; is that right?

5 Yes, sir.

6 MR. : So do you know what the
7 reason was the police officer shot him, if any?

8 No, sir.

9 MR. : Okay. That's fair enough.

10 MS. : I think when you originally
11 spoke to the FBI in you heard like two shots
12 when you were inside, did you hear two or one or not
13 sure?

14 I'm not sure. I heard one
15 for sure, I know that for sure.

16 MS. And just so you know what I'm
17 looking at, when you are interviewed by the FBI
18 though and what you said, that's all I'm looking at.
19 So it is a summary of what you told them.

20 MR. : After that one shot that
21 you're sure you heard while you were inside, you
22 didn't hear any other shots after that until the
23 four or five that you actually saw?

24 I mean, not that I
25 remember.

1 MR. : Okay.

2 : But other than that --

3 MR. : I'm not suggesting that
4 should or shouldn't of, I'm just trying to be sure
5 that basically when you are in the apartment getting
6 your cell phone, you hear at least one shot inside?

7 : Yes, sir.

8 MR. : You mentioned two before, as
9 said at the FBI you mentioned two. You
10 remember one for sure, maybe two, and then is it
11 fair you don't recall hearing or seeing any other
12 shots until those last four or five that you
13 actually saw right before Mike Brown went down?

14 Correct.

15 MR. : Take a break.

16 MS. : Give us a minute.

17 MR. : We'll be back with you in
18 just a minute. You can step outside with your mom
19 if you want. We're just going to go in the other
20 room here. We'll be back in just a minute. Thank
21 you.

22 (Pause in the interview.)

23 MR. , come back in and we'll
24 finish up. Just a couple minutes. Thank you,
25 ma'am.

1 All right. Just to be clear, we took a
2 break, obviously, we left the recorder running here
3 just so we don't have to start it over again, but
4 when we're on the break you went out to the lobby
5 and sat with your mom for a little while?

6 Yes.

7 MR. : She's out there waiting for
8 you.

9 : Yes.

10 MR. : We weren't out there, right?

11 : You weren't.

12 MR. : Okay. We just went to a
13 different room, we didn't talk about this at all
14 during the break, correct?

15 : Right.

16 MS. We just want to ask you a
17 couple other things just so we understand better.
18 What made you move back to , you moved the day
19 after?

20 : Yes. Just didn't want to
21 stay with my father any more.

22 MS. : Did it have anything to do with
23 this incident, the shooting?

24 No, ma'am.

25 MS. Before you said you went and

1 got your cell phone, you had mentioned on your
2 actual video that you gave to the FBI that you wish
3 you would have recorded it. So you ran and got your
4 cell phone, how come you didn't record what you saw?

5 : Because it all happened too
6 fast.

7 MS. : Okay.

8 : Way too fast. I had to
9 unlock my phone and go all the way to my camera and
10 all that, I didn't have no time to do none of that.

11 MS. : It was like right when you
12 walked outside it was happening?

13 : Yes, ma'am.

14 MS. Okay.

15 MR. : All right. You talked a
16 little bit about some of the talk that kind of went
17 on that day. And after that, can you just kind of
18 tell us about that, about what people were talking
19 about, or we know, we already talked about what you
20 actually saw that day.

21 : Right.

22 MR. : But just what you heard or
23 what people were talking about?

24 : The people were telling me
25 that apparently the officer pulled him inside of the

1 car and I guess he was reaching for his gun or
2 something, and the officer shot him in his hand or
3 shot at him or something and then he ran away.
4 That's all I know.

5 MS. People were saying that right
6 when it happened?

7 : Yes, ma'am.

8 MS. : You left the next day, right?

9 : Yes.

10 MS. : You really only had that first
11 day on Canfield. What was it like around there,
12 like the people around?

13 Terrible.

14 MS. : Could you describe it?

15 : It was very chaotic, I will
16 tell you that. And the police officers really
17 didn't make anything better than what it was,
18 especially when they brought the dogs out. That was
19 very unnecessary.

20 MS. : How were the people in the
21 community acting?

22 : They were all riled up for
23 the incident. They all just doing crazy things,
24 yelling all over the place, some were praying, some
25 were like, I wouldn't say intimidating the officers,

1 but they were just standing in front of them with
2 their hands up saying don't shoot and things like
3 that.

4 MR. : At the time that you saw
5 Mike Brown before he went down, he had his arms down
6 around his torso at that time?

7 : Yes.

8 MR. : Okay. Um, I don't think I
9 have anything else.

10 MS. : I don't have any more
11 questions.

12 : Just real quick, this is very
13 small. ?

14 .

15 MS. Okay. That's it. Is there
16 anything else you want to tell us?

17 : No, ma'am.

18 MS. : Do you think that we treated
19 you fairly?

20 : Yes.

21 MS. Did we put any words in your
22 mouth?

23 No, ma'am.

24 MS. : Everything you told us is what
25 you wanted to tell us and the truth?

1 : Yes, ma'am.

2 MS. Thank you for coming here.

3 : No problem.

4 : The interview is over at

5 3:57 p.m.

6 (Playing of the recorded interview is
7 over.)

8 MS. ALIZADEH: It is 9:16. We just
9 completed listening to Grand Jury Exhibit 56, the
10 statement of .

11 (Grand Jury Exhibit Number 64
12 marked for identification.)

13 MS. ALIZADEH: Just some housekeeping
14 things. I made a copy for each of you of the
15 journal entry that was done by the last witness
16 yesterday and I marked that previously as Grand Jury
17 Exhibit Number 64, and so I will pass that around.
18 For each of you. And also last night you indicated
19 that you would like to get a copy of the transcript
20 of Darren Wilson's testimony, and I made one copy
21 because as you can see, it is like thick and
22 voluminous.

23 I can make extras if you all want your own
24 and feel like you want your own, I will be happy to
25 make you extras. I didn't know if maybe while you

1 are talking and deliberating somebody can be looking
2 through this as kind of to read for the rest of
3 them.

4 And I will tell you that at the end of the
5 transcript there is an index and it will tell you
6 what page and line a certain word appears on. So if
7 you know what you are looking for, you could
8 probably go back and search for it by referring to
9 the index.

10 For example the word easy, you recall he
11 said something was easy, you know, and you're not
12 sure about that. You might look back and find the
13 word easy and you find that it appears on page 265
14 and line seven. And that would be the way for you
15 to kind of reference if you are looking for
16 something in particular.

17 So I will give this to you now. You can
18 look at it during the lunch hour and if you guys
19 decide each one want your own copy, I can make
20 copies. So I will give that to since
21 you are right there.

22 So we're going to have the first witness
23 for today, he's here. He's a toxicologist. You all
24 ready, you want to take a break. Can we start with
25 him? I anticipate might be about an hour that he's

1 jurors a little bit about your educational
2 background?

3 **A** Well, I have a bachelor's degree in
4 chemistry from Marist College, which is in New York.
5 I have a second master's, I have a master's in
6 pharmacology and toxicology from St. John's
7 University in New York. I have a second master's in
8 medical biology from Long Island University, also in
9 New York. And my doctorate is in toxicology and
10 that's from St. John's and I have been working in
11 the field of toxicology now about 35 years.

12 **Q** Where are you employed?

13 **A** I work for St. Louis University Med School
14 and I'm the chief toxicologist for St. Louis County.

15 **Q** And so do you work with the Medical
16 Examiner as the chief toxicologist for St. Louis
17 County?

18 **A** Yes, ma'am.

19 **Q** And so are there times when you are asked
20 to do testing or perform test on samples that are
21 received or obtained from deceased persons?

22 **A** Yes. We do cases for the city and the
23 county. We do a lot of the driving under the
24 influence cases too. Our caseload goes from New
25 Orleans, to Wisconsin, to California and all over

1 Illinois. We do a lot of work for a lot of
2 different municipalities.

3 Q Did I ask you or did you bring with you
4 today your curriculum vitae?

5 A Yes, ma'am.

6 (Grand Jury Exhibit Number 65
7 marked for identification.)

8 Q (By Ms. Alizadeh) I'm going to hand you
9 what I've marked as Grand Jury Exhibit Number 65.
10 Is that your CV that you brought with you today?

11 A Yes, ma'am.

12 Q I made a copy for each of the grand
13 jurors, so I will pass that around.

14 And you have your doctorate; is that
15 correct?

16 A Yes, ma'am.

17 Q And so I will call you Now,
18 just for clarification sake, you are not a
19 physician, correct?

20 A No, ma'am, I'm not a physician.

21 Q Okay. And so you didn't go to med school?

22 A That is correct. My area is toxicology,
23 affects of drugs.

24 Q All right. And in the course of your
25 employment as the chief toxicologist for St. Louis

1 County, back in August of 2014, did you receive some
2 samples from a deceased person named Michael Brown?

3 **A** Yes, ma'am.

4 **Q** And those, what were the samples that you
5 received?

6 **A** Oh, blood, urine and I think vitreous, or
7 eye fluid.

8 **Q** So samples that were obtained by someone
9 else were preserved and then delivered to your
10 laboratory; is that correct?

11 **A** Yes, the samples were taken at autopsy.

12 **Q** And is your laboratory in the same
13 building where the medical examiner performs
14 autopsies?

15 **A** Yes.

16 **Q** So this is not like the sample had to be
17 shipped anywhere?

18 **A** No. They take the samples in the back and
19 they walk them over and we sign for them.

20 **Q** And did you test some of those samples?

21 **A** Yes.

22 **Q** And, um, did you prepare a report that
23 summarized your findings?

24 **A** Yes.

25 (Grand Jury Exhibit Number 66

1 marked for identification.)

2 Q (By Ms. Alizadeh) I'm going to hand you a
3 copy of Grand Jury Exhibit Number 66. Is that the
4 report that you made or a copy of the report that
5 you did after testing samples that you received from
6 the deceased, Michael Brown?

7 A Yes, ma'am.

8 Q All right. And I've made a copy of these
9 as well for the grand jurors. And actually, I'm
10 going to give one to the court reporter so he can
11 have, some of the words are difficult for me to
12 pronounce and spell.

13 So, , first off, let me ask
14 you, when the human body ingest a chemical or a
15 substance, does the body process that over time?

16 A Oh, absolutely.

17 Q Okay. So if someone ingest a chemical or
18 substance and then that person dies, does the body
19 continue to process that chemical after death?

20 A Well, when you are referring to
21 processing, that is an energy requiring step, like
22 the liver metabolism. When a person expires, the
23 energy stops so there is no more metabolism.
24 However, there are further reactions that go on just
25 because there is certain enzymes, decomposition, PH,

1 things of that nature that can alter the drug
2 concentration.

3 **Q** Okay. So let me ask you from the time
4 that the sample is retrieved from the deceased and
5 then if it is properly preserved or maintained, is
6 that sample going to degrade over time so that
7 whatever chemicals may be found within that sample
8 might change over time?

9 **A** There can be some degradation, but as soon
10 as the sample is drawn, it is refrigerated and then
11 we start performing the test on it right away. So
12 anything along those lines is minimal.

13 **Q** Do you recall when it was that you
14 obtained these samples or got them out again, your
15 process or testing them?

16 **A** Yeah, we received them August 11th of
17 2014.

18 **Q** And so if Michael Brown passed on
19 August 9th and the autopsy was conducted on
20 August 10th, Sunday, and then you received those
21 samples on that Monday?

22 **A** That's correct.

23 **Q** And when you receive the samples, did it
24 appear to you that they had been properly packaged
25 and that they had been refrigerated properly?

1 **A** Yes, ma'am.

2 **Q** Okay. So now you mentioned that you had
3 received urine and blood and you said vitreous
4 fluid, what is vitreous fluid?

5 **A** Vitreous fluid is the fluid in your eye
6 that keeps it round, okay. It is the fluid in the
7 eyeball.

8 **Q** And what is it, why would it be important
9 to have a sample of the fluid in the deceased
10 eyeball?

11 **A** Well, see there is several things that can
12 go on with your chest cavity, even motor vehicle
13 accidents, trauma to the chest, you can get
14 contamination of everything in here, okay.

15 The eyeball, because it is so
16 protected in the skull, if something happens to it,
17 any trauma you don't have it because it ruptures.
18 So other than that, you get a very good sample,
19 relatively clean and pure sample and it represents
20 the brain concentration, okay. So it is very close
21 to whatever is in the brain to give you a handle on
22 that.

23 **Q** Now, in this particular case, did you test
24 the vitreous fluid from Michael Brown?

25 **A** No, ma'am.

1 **Q** And why didn't you do that?

2 **A** Well, in our case there was no reason to
3 because of the nature of the drugs that we found,
4 they don't get to the vitreous. It just takes too
5 long and they are not present.

6 The vitreous is very slow for
7 equilibration. That is the concentration goes up in
8 the blood and then it declines and the vitreous lags
9 on some drugs. On these drugs the vitreous stays
10 very low, the drugs do not penetrate into the
11 vitreous.

12 **Q** So you tested blood and urine that you had
13 received from Michael Brown, correct?

14 **A** Yes, ma'am.

15 **Q** And we'll talk about the actual process of
16 testing those, but did you first do a test on the
17 blood for alcohol?

18 **A** Yes.

19 **Q** And you don't need to go into that
20 necessarily because the tests of the blood for
21 alcohol, which are ethanol, acetone, isopropanol and
22 methanol were all negative, correct?

23 **A** Well, we list those, but we test for
24 others, like toluylenes, Xylene, and so forth.

25 **Q** And so you had, is it true then that all

1 of the tests for alcohol were negative on -- in your
2 test of the blood of Michael Brown?

3 **A** Yes.

4 **Q** Now, let me ask you this. If there was a
5 subsequent test done on a sample of blood that was
6 done by another professional, and if they had
7 actually had a different finding that perhaps had a
8 level of .023, how would you describe, do you have
9 an explanation as to why that could be positive,
10 another test done later?

11 **A** Sure. The reason for that is
12 decomposition. As I said, the longer a sample sits
13 and then transport and everything else that goes
14 along with it, you can get a little bit of alcohol
15 generated. And .02 is nothing, so it would just be
16 decomposition.

17 **Q** So that could possibly be explained by the
18 decomposition that occurred in the sample?

19 **A** Yes.

20 **Q** And, all right. So let's talk about the
21 drug screening for the blood that you ran. And if
22 everybody can refer to your report on Grand Jury
23 Exhibit 66, which I don't think I marked actually on
24 your report, there are a number of drugs that you
25 tested for; is that correct?

1 **A** Yes.

2 **Q** And every one of those tests was negative
3 except for the test for cannabinoids, correct?

4 **A** Correct.

5 **Q** And so just to be clear, when you say you
6 have a negative test, is there like a threshold or a
7 level that could be present but not detected?

8 **A** Yes.

9 **Q** And so when you run tests for various
10 chemicals, if the level that is detected in the
11 sample that falls below a threshold, then that is
12 considered a negative, correct?

13 **A** Correct.

14 **Q** All right. And so you receive negative
15 reading on amphetamines, antidepressants,
16 barbiturates, and all the other drugs that you
17 tested for except for the cannabinoids, correct?

18 **A** Correct.

19 **Q** All right. So explain, Dr. , when you
20 tested the blood and you were looking for positive
21 or negative affects, explain the testing procedure
22 or process that you used to get a negative or a
23 positive reading?

24 **A** See, we use a scatter approach. And that
25 is we use what's called an immunoassay. An

1 immunoassay is an allergic reaction in a test tube
2 to a class of compounds such as amphetamines,
3 opiates, phencyclidine and so forth. What happens
4 is we mix the sample with the antibody and if we get
5 a reaction, then we know it is present or it is
6 indicated as present.

7 That has to go on for further
8 confirmation, which in our case is always gas
9 chromatography mass spectrometry. And what that
10 does is give you molecular structure identification.
11 The molecules introduced into the instrument, and
12 chromatography means separation. So gas
13 chromatography means separation at the gas phase.

14 So what we'll do is separate out all
15 of these compounds and then introduce them into the
16 mass analyzer. The mass analyzer hits the molecule,
17 sort of like my hand here, with very high energy
18 causing it to explode and that gives you fingerprint
19 identification. That's how we identify each of the
20 drugs. We look to see the ions that are present,
21 the ratios and so forth, other criteria that gives
22 us the identification on that.

23 That is also quantitative, telling us
24 how much is present. So that's the one part.

25 The other part is we run a gas

1 chromatography for the other drugs and this will
2 pick up everything from strychnine to ecstasy, and
3 pick all of those up on one screen. And
4 unfortunately, we have even seen strychnine cases.
5 If I didn't like you, that's what I'd use. That's a
6 nasty poison.

7 **Q** Good to know.

8 **A** If I can, what it does it causes
9 constriction of all the muscles in your body. And
10 your back can actually constrict to a point where
11 you break your own back. Yeah, so it is nasty. But
12 that screen will pick up everything. And again, all
13 of that would have to go on for further
14 confirmation.

15 **Q** So your initial testing of the blood
16 sample was the allergic reaction test that gives you
17 an indication that the drug is present?

18 **A** That's correct.

19 **Q** Now, did you, now, the gas
20 chromatography --

21 **A** GCMS.

22 **Q** GCMS is shorthand for that. Is that an
23 instrument that is used in the lab?

24 **A** Yes.

25 **Q** And this is an instrument that is used in

1 every laboratory in the country, is that fair to
2 say?

3 **A** Yes.

4 **Q** Very well accepted as what it does and
5 what it can do?

6 **A** Absolutely.

7 **Q** And the GCMS instrument that is in your
8 laboratory, is it, do you check that on a regular
9 basis to make sure that it is calibrated properly
10 and giving you proper readings?

11 **A** Yes. We run it through a whole series.
12 We do what's called an auto-tune, which is a
13 compound is entered into it and we have to see a
14 particular fingerprint analysis. We then run
15 standards, controls to make sure that the test is
16 running properly. So everything is fully
17 controlled.

18 **Q** All right. And how often do you do those
19 checks to make sure that the instrument is working
20 properly?

21 **A** Every time we run the instrument.

22 **Q** How many samples at a time can this
23 instrument run?

24 **A** Probably about 50, but out of that
25 10 percent are control samples, so run a control

1 periodically.

2 **Q** And so out of the 40 that are not control
3 samples, are these all 40 samples from the same
4 subject?

5 **A** No.

6 **Q** You might have John Doe's blood, you might
7 have Michael Brown's blood, you might have Suzie Q's
8 blood?

9 **A** That's correct, there is no identification
10 as to the person when it is going through the
11 instrument. All we have is a number that's
12 associated with a particular person.

13 **Q** So how is it that you insure that these
14 samples don't get mixed up?

15 **A** Well, it is all done under chain of
16 custody and everything is sequenced and when we load
17 it into the instrument to check it and then the
18 person who takes the data off checks the same
19 sequence to make sure it's correct. And we also run
20 the samples, well, not on marijuana. We only do the
21 blood and urine ones. The other drugs are run
22 differently.

23 **Q** Okay. And so let's talk about the
24 positive test that, positive result that you got for
25 the cannabinoids, what is a cannabinoid?

1 **A** That's marijuana basically. Cannabinoid
2 is the class of compounds, it's marijuana.

3 **Q** All right. So once you received the
4 positive for cannabinoids, did you then run the
5 blood through the GCMS?

6 **A** Yes.

7 **Q** And when you ran the blood of Michael
8 Brown through the GCMS, did you just check for
9 cannabinoids or do you check for all these other
10 drugs that you indicate was negative?

11 **A** No, we specifically look for the
12 cannabinoids. Delta-9, 11-Hydroxy and the carboxy.
13 The reason for that is it is what's called a dwell
14 time. It is how long the instrument gets to look
15 for a particular compound.

16 Because we are dealing with
17 nanograms, which are basically a billionth of a
18 gram. It is like you have a dollar, that's as close
19 as you are to be being a billionaire, that's what we
20 are looking for.

21 So the instrument really has to focus
22 in. We can do screens, but that's under a different
23 criteria. For this we would just use, focus the
24 instrument in on the cannabinoids.

25 **Q** All right. And so when you ran the blood

1 sample of Michael Brown through the GCMS, did you
2 get any quantitative information about, you had
3 talked about Delta-9, hydroxy and the carboxy
4 levels, did you get quantitative information about
5 those?

6 **A** Yes.

7 **Q** Okay. And so let's talk about what is the
8 difference between the Delta-9, hydroxy and carboxy.
9 And for everybody's clarification, the Delta-9, is
10 Delta-9-THC on your report, correct, and the hydroxy
11 is 11-Hydroxy-THC. And then the carboxy, which is
12 what we are calling it, is actually
13 11-NOR-Delta-9-COOH, correct?

14 **A** Yes.

15 **Q** And so is that COOH the carboxy?

16 **A** Yes.

17 **Q** Okay. So it doesn't say carboxy, that is
18 what we are referring to, correct?

19 **A** Yes.

20 **Q** When we talk about carboxy. So can you
21 explain to the grand jurors, what are these
22 compounds and how are they different?

23 **A** Okay. The first compound, the Delta-9, is
24 the reason you smoke marijuana. That produces the
25 desired affects, the euphoria.

1 When it is in your body your body
2 looks at it as a foreign substance. So it starts to
3 metabolize or alter it chemically. One of the
4 things it forms is the 11-Hydroxy-THC.

5 This is also a psychoactive compound,
6 but rarely do we find it because it is so short
7 lived in the human body. And then it goes on
8 further to be metabolized into the carboxy. We call
9 it carboxy because the full name for it is
10 11-NOR-Delta-9-Tetrahydro-Cannabinoid-Carboxylic
11 acid.

12 **Q** Which I can't say so we will call it
13 carboxy.

14 **A** That's why we call it carboxy.

15 **Q** Okay.

16 **A** And that's the final metabolite. That's
17 the compound you hear, well, if you smoke a joint,
18 you can test positive for a month, which isn't true,
19 but that's what you hear.

20 **Q** So does, so you explained that the
21 Delta-9-THC has a psychoanalytic effect?

22 **A** Psychoactive.

23 **Q** Psychoactive. So that's what makes people
24 feel differently when they smoke marijuana?

25 **A** Yes, euphoria and so forth.

1 **Q** And then the Hydroxy-THC, does that have a
2 psychoactive effect on the human body?

3 **A** Yes, it does. But as I said, we rarely
4 find it. Only in a very, very acute use with death
5 following.

6 **Q** And then on the 11-Hydroxy molecule.

7 **A** Yes.

8 **Q** Is there a psychoactive effect on the body
9 for that?

10 **A** No, you could eat a pound of it, it
11 wouldn't do anything.

12 **Q** Okay. So why is it that these, why is it
13 that it is important to test for all three of these
14 compounds when you are testing the cannabinoids?

15 **A** Well, for example, suppose you only had
16 the Delta-9 and nothing else, that would raise
17 severe questions about the sample. You want to see
18 the parent drug, the 11-Hydroxy right off, you know
19 it is not going to be there, and you want to see the
20 Carboxy-THC. That tells you the drug was consumed
21 by the individual and it was being metabolized.

22 So you have a good handle on its use
23 and one verifies the other. Much the same as we do
24 in a tube biologicals like blood and urine. The
25 reason for that is it avoids any question was it

1 contaminated or mixed up.

2 If we find it in the blood, we want
3 to find it in the urine because one validates the
4 other.

5 Q Okay. And so in this testing, going off
6 what you said there, you ran the sample of urine
7 that you had received from Michael Brown that was
8 received from Michael Brown. You ran those same
9 three for those three compounds. Delta-9, hydroxy
10 and the carboxy, correct?

11 A Yes.

12 Q So let me ask you because we can see from
13 your report that you, when you ran this through the
14 GCMS you got for the Delta-9-THC, you got 12
15 nanograms per milliliter. Yet when you ran the
16 urine you got negative for the Delta-9-THC?

17 A Yes.

18 Q Isn't that inconsistent, why would that be
19 different?

20 A No, well, the Delta-9-THC is subject to
21 other things particularly in the urine. It can even
22 bind up to the plastic in the container, the urinary
23 excretion due to dilution. Any one of a number of
24 things can cause the urine to be negative for the
25 Delta-9.

1 If it was negative for the carboxy,
2 that would be a real concern, but not for the
3 Delta-9.

4 **Q** Is the fact that the blood was 12
5 nanograms per milliliter and the urine was negative,
6 does that tell you anything about the recency the
7 drug may have been ingested? In other words, I
8 assume the urine is the final process of the body,
9 processing the substance, correct?

10 **A** The urine serves to get rid of chemicals
11 in your body, okay. That's probably the main group.
12 What you are looking at, the urine really doesn't
13 count as far as the interpreting it. The Delta-9 in
14 the blood tells you because Delta-9 in the blood
15 only hangs around for a short period of time, like
16 maybe two hours. It has a relatively short half
17 life. It is in, produces its affects, the affects
18 last longer in the presence of the Delta-9, but when
19 you have it in there it goes to acute use, that's
20 within a couple of hours.

21 **Q** Okay. So, and you also had mentioned that
22 depending upon the sample that in the urine, the
23 urine sample could be diluted? In other words,
24 there could be more water in the urine or other
25 liquids or chemicals?

1 **A** Yes, it depends on the location of the
2 urine, how the kidneys were functioning, what's
3 going on in the body and there is a lot of variables
4 there. That's why you can't interpret urine
5 concentration as far as impairment, you just don't
6 know.

7 **Q** Okay. So then the next chemical or
8 compound was the hydroxy, which was negative when
9 you tested it in the blood, but it was greater than
10 25 nanograms per milliliter when you tested it in
11 the urine?

12 **A** Yes.

13 **Q** Why is that not inconsistent?

14 **A** The urine serves to collect and
15 concentrate waste products. The body looks at
16 metabolites, and actually the Delta-9 is waste
17 product it wants to get rid of it.

18 **Q** So can you draw any conclusions about the
19 time or the recency of the ingestion of the THC
20 based upon the fact that the hydroxy was negative in
21 the blood and yet greater than 25 nanograms in the
22 urine?

23 **A** Well, that alone would put it within ten
24 hours because you find it in the urine, but a short
25 half life, maybe a little less than that. So really

1 it wouldn't narrow it down very much. The Delta-9
2 in the blood is the key.

3 Q And then your, the levels that you
4 detected in the urine for the hydroxy, as well as
5 the Delta-9-Carboxy, those are quantified as greater
6 than so many nanograms, is that a cutoff level that
7 the lab has?

8 A In our quantitation, we run a series of
9 standards going up the long. Okay. If it exceeds
10 our upper limit, we just report it as greater than
11 because it is an academic number.

12 Q Okay. So there's no conclusion that you
13 could draw then that if it is greater than 25
14 nanograms, we can't say that. Well, then it was,
15 could have been 100 nanograms, which would be four
16 times any level?

17 A You can't say anything based on a urine
18 concentration for THC.

19 Q Okay. And so then let's talk about then
20 the testing, you mention the carboxy level in the
21 blood that you found. And you also said that you
22 would be concerned if you did not have carboxy if
23 you had a positive for the Delta-9-THC, but no
24 carboxy that would be problematic?

25 A Yes, that would be inconsistent.

1 **Q** So in this case you detected 45 nanograms
2 per milliliter of the carboxy in the blood of
3 Michael Brown, correct?

4 **A** Yes.

5 **Q** And is that, can you draw any conclusions
6 from that the fact that it was also present in the
7 urine or the fact that it was 12 nanograms that the
8 THC, Delta-9THC was 12 nanograms per milliliter and
9 the carboxy was 45 nanograms per milliliter. Can
10 you draw any conclusions about the time of the
11 ingestion of the THC from that?

12 **A** Well, not from the urine, no, but as I
13 said, from the blood THC, yes.

14 **Q** Okay.

15 **A** That is really a hard marker for a couple
16 of hours. The urine can easily test positive for a
17 couple of days for the Carboxy-THC. And if you are
18 smoking like a rastafarian type stogey, it can go
19 longer.

20 **Q** Can you tell anything from your findings
21 about the, about the, I don't know how to phrase
22 this, about how often the person may have ingested
23 THC? In other words, would numbers look different
24 if you were testing a sample from a chronic
25 marijuana user, somebody that smoked daily, maybe

1 multiple times a day?

2 **A** You can't tell the difference between an
3 acute dose and a chronic dose in one snapshot.

4 **Q** When you say acute dose, in your lingo
5 acute means?

6 **A** Say within a couple of hours versus
7 somebody who smokes every day for a month or two.

8 **Q** Okay. So from your findings you can't
9 conclude that Michael Brown was a chronic marijuana
10 user versus perhaps this was just an acute dose. In
11 other words, something that was taken within a
12 couple of hours prior to his death?

13 **A** That's correct.

14 **Q** Okay. Now, the 12 nanograms per
15 milliliter for the THC, you stated that that is the
16 compound that makes people feel the affects of
17 marijuana?

18 **A** Yes.

19 **Q** How would you describe, or what do you
20 conclude from that finding that there were 12
21 nanograms per milliliter in his blood?

22 **A** The Delta-9 is psychoactive, that means it
23 has an affect. So when you have a drug that is
24 psychoactive in your blood stream, it is having an
25 affect.

1 You can argue, well, more effect,
2 less effect, you can argue that yes, but it is
3 definitely having an affect on you. When you start
4 looking at it in terms of the overall, well,
5 marijuana generally, you know, you smoke a joint and
6 you chill out, that's generally what happens. Okay
7 does that have to happen? No, it doesn't. There is
8 a lot of other variables that are associated with it
9 that depends on your basic chemistry, your basic who
10 you are as it were.

11 So that it can have somewhat
12 different affects. Add to that the question of
13 dose. If you take, take alcohol. You have a glass
14 of wine with dinner, okay, or whatever with dinner,
15 that's one way of doing it.

16 You are getting the drug, it is
17 psychoactive, it is having an affect on you. Now
18 instead you have a quart with dinner, a quart of
19 scotch. Well, that's going to produce a very
20 different effect. It is a function of the
21 concentration, how much goes in you.

22 Same thing is true with marijuana.
23 You can get desirable affects one level, but if you
24 get a massive dose, and you have to remember
25 marijuana is not regulated. So you don't know the

1 purity you are getting. You don't know if you are
2 getting Illinois ditch-weed or Acapulco Gold, for
3 lack of a better example, okay. So it could be very
4 low purity or very high purity.

5 Again, the same thing can happen. It
6 is like having a glass of wine with dinner versus a
7 bottle of scotch. You can get very different
8 affects depending on how much you use.

9 **Q** Is there also a variable that would
10 perhaps effect how it was felt by the person
11 depending on their body mass or their weight? So,
12 in other words, if a smaller, we know this to be
13 true with alcohol, a smaller person can have a glass
14 of alcohol and a larger person maybe twice or three
15 times the size can have the same amount of alcohol
16 and the smaller person's blood alcohol level will be
17 higher, you would expect it, would that be correct?

18 **A** Yes. See, marijuana is technically
19 classified as a hallucinogen. Cause what it does is
20 it alters your perception of your surroundings. How
21 you see things, okay. What information comes into
22 your mind. It slows it down and distorts it. That
23 is why it is classified as hallucinogen. .

24 Technically speaking, I mean, you are
25 not look at pretty birds and flying snakes and so

1 forth, but you are altering your perception of
2 senses. That's a function of dose. So the more you
3 have in you, the more effect you can get out of it.

4 Some people, for example, with
5 marijuana, it is bound up to nonspecific fat sites.
6 So if you smoke a joint the first time, you don't
7 really get a good buzz out of it. The reason for
8 that is the drug is binding up to nonspecific fat so
9 it is not hitting your brain, it is not giving you
10 the effect.

11 After a couple of times these
12 nonspecific sites are filled. So the drug is now
13 free, it gets to your brain and produces, gets to
14 the threshold and starts producing the effect.

15 The more you have, the greater the
16 effect, and it becomes variable at high end. So if
17 you have, take a mil of highly concentrated
18 Delta-9THC, that will give you a completely
19 different effect in smoking a joint. A lot of the
20 studies they have even done with injections. They
21 can't really, with alcohol it is straight line
22 depressant. That just means the more you drink, the
23 more it depresses you. I don't mean sad, I mean
24 your nervous system. It slows it down, stops it
25 from working, makes you goofy, okay.

1 With THC you can come up, you hit a
2 certain threshold level that will produce an affect.
3 As you go up from there, if you take a massive dose,
4 you can get significantly different affects. Those
5 affects that are not generally associated with
6 marijuana.

7 **Q** So we've discussed a little bit last week,
8 Sheila and I had a long conversation with you as
9 well this morning, I spoke with you, we talked about
10 the affects that you might see or experience, a
11 person might experience if they were ingesting THC.
12 And starting with euphoria being the feeling of
13 happiness or well being, perhaps?

14 **A** Yes, you are feeling about.

15 **Q** That's kind of like the chill, right?

16 **A** Yes.

17 **Q** And then the next one perhaps could be
18 lethargy?

19 **A** Yeah.

20 **Q** And that's when you don't really feel like
21 you have the energy to get up and you're just going
22 to lay around?

23 **A** You don't do things. It is amotivation.

24 **Q** After that would be a possible paranoia?

25 **A** Yes.

1 **Q** And then would there be hallucination?

2 **A** It is possible to go to a full-blown
3 hallucination, yes.

4 **Q** Okay.

5 **A** Paranoia and psychotic episodes.

6 **Q** So when we talked about, you had mentioned
7 when we talk about hallucinations, it doesn't mean
8 the person sees pink elephants. It means that
9 they're not perceiving reality the way it is,
10 correct?

11 **A** That is correct.

12 **Q** Okay. And so if you have a massive dose
13 of THC, could you experience the hallucination
14 and/or the psychosis if you had a high enough dose
15 of THC?

16 **A** If you got a high enough dose, you could
17 have a psychotic episode into hallucinations, yes.

18 **Q** Now, in this particular case when you
19 tested the blood and you got 12 nanograms per
20 milliliter for the Delta-9-THC, do you consider that
21 a high dose?

22 **A** Okay --

23 **Q** What conclusions did you make from that?

24 **A** Well, you have to put things in
25 perspective. This was a very large individual, I

1 think he was about 300 pounds. So for concentration
2 of 12 nanograms in a large person, that shows it was
3 a large dose.

4 In a small person, say like
5 100 pounds to get to 12 nanograms wouldn't take a
6 lot. A single joint could easily do that. But when
7 you talk about a larger body mass, just like
8 drinking alcohol, larger persons can drink more
9 alcohol because they have the receptacle to hold it.

10 Q Now, let's compare, because I think most
11 of us probably have had the experience of consuming
12 alcohol and over time feeling the affects of
13 alcohol. And, you know, so, for example, one of the
14 things that I think we all can probably relate to is
15 that, for example, if I were to consume a certain
16 amount of alcohol and my mother who doesn't drink
17 might consume the same amount of alcohol, we have
18 the same body mass, she may experience different
19 affects than I might because I have experienced
20 drinking alcohol.

21 Now, some people call that tolerance,
22 is there any similar effect from people that are
23 used to using marijuana, could they have the same
24 levels in their system but experience different
25 feelings?

1 **A** Well, of course different people with the
2 same concentration can experience different
3 feelings. But see, with marijuana, like your
4 example was the correct straight line depressant.
5 With marijuana it's the reverse. So the person who
6 is naive will get much less affects than a person
7 who has been using it and that's due to the non
8 specificity of binding sites.

9 **Q** So based upon your finding that there were
10 12 nanograms of THC, 12 nanograms per milliliter of
11 Delta-9-THC in Michael Brown's blood, first off, can
12 you make any conclusions from your findings within a
13 reasonable degree of toxicology certainty or as to
14 the recency in which he may have ingested the THC?

15 **A** Yes, it is within a couple of hours, maybe
16 two, three hours on the outside.

17 **Q** Can you make any conclusions or do you
18 have an opinion as to the dose that Michael Brown
19 may have ingested based upon your tests and your
20 test results?

21 **A** Given his large body mass, yes. It would
22 have been a very significant dose. It wouldn't be
23 just toking on like a simple joint.

24 **Q** Now, based upon your testing and your
25 conclusions, can you make any conclusions about the

1 level of impairment that Michael Brown may have
2 experienced if, before he passed?

3 **A** I can't tell you how he was impaired. It
4 is like predicting what somebody would do. I can't
5 tell you that. I can tell you that the drug is
6 present at a significant concentration that
7 represents a large dose into Mr. Brown.

8 How he would have behaved and what he
9 would have done I cannot predict. I know the drug
10 was having an affect and was impairing his nervous
11 system.

12 **Q** You would consider he was impaired in some
13 way?

14 **A** Yes.

15 **Q** But you cannot draw any conclusions that
16 he was suffering or that he was experiencing
17 hallucinations or having a psychotic break?

18 **A** That is correct.

19 **Q** Um, we discussed when we came out to talk
20 to you last week, we also discussed with you, we
21 asked you if you were familiar with the process
22 called waxing?

23 **A** Yes.

24 **Q** And you indicated that you were familiar
25 with what that is?

1 **A** Yes.

2 **Q** Can you describe for the grand jurors what
3 you understand waxing to be and what happens?

4 **A** Waxing is a process of concentrating the
5 Delta-9 present in marijuana. It uses gases like
6 butane and basically it extracts the Delta-9 out of
7 the marijuana and it is in a highly concentrated
8 form. So you get a lot more bang for the buck out
9 of it.

10 **Q** So you can ingest a smaller piece or
11 smaller physical quantity and get a more
12 concentrated level of THC?

13 **A** A much greater effect, yes.

14 **Q** Okay. And is there any difference if you
15 ingest a much higher concentration of THC, is there
16 a difference in how quickly you would feel those
17 affects or how long it would last?

18 **A** Well, it would depend at that point if you
19 were inhaling it, putting it under your tongue,
20 smoking it, however you were doing it. But
21 generally speaking, it is less than ten minutes.

22 **Q** And less than ten minutes for you to feel
23 the affects or it would last less than ten minutes?

24 **A** No, for you to feel the affects. The
25 affects would come within ten minutes.

1 **Q** If you ingested a highly concentrated
2 amount of THC, do you have any opinion as to how
3 long those affects would last that you would
4 experience some type of effect?

5 **A** Probably four to five hours.

6 **Q** Now, this morning we talked about, and we
7 did also briefly last week talk about levels of THC
8 that would indicate or that legally would indicate
9 someone is presumed impaired.

10 **A** Yes.

11 **Q** Now, states such as Colorado and
12 California, are you familiar, are you aware that
13 those states have legalized marijuana either
14 medically or in the case of California
15 recreationally or Colorado, correct?

16 **A** Yes.

17 **Q** And we discussed the fact that those
18 states have made determinations as to the level that
19 they would if they detect in the person's blood that
20 would indicate impairment much in the same way that
21 alcohol level of .08 is presumptively in most
22 states, in the State of Missouri you are presumed
23 impaired.

24 Are you aware of the level that
25 Colorado and California have set for them to presume

1 someone is impaired?

2 **A** Yes.

3 **Q** What is that?

4 **A** 5 nanograms per mil.

5 **Q** So in this case, Michael Brown's level was
6 over twice that; is that correct?

7 **A** Yes.

8 **Q** But again, you're not, and the same thing
9 with actually the consumption of alcohol, it impairs
10 people, but their affects might be different
11 depending on some of the factors that we've talked
12 about?

13 **A** Yes.

14 **Q** Um --

15 MS. ALIZADEH: I don't have any further
16 questions right now. Sheila, do you have any
17 questions for Dr. ?

18 MS. WHIRLEY: Regarding the waxing, if
19 Michael Brown ingested through the waxing method
20 that you discussed, would the butane appear in his
21 body?

22 **A** No. Butane is so volatile, if I squirted
23 it here on the desk, talked to you and go back, it's
24 gone. So it is extremely volatile.

25 MS. WHIRLEY: And in this case, was he

1 actually checked to see if butane was in his brain?

2 **A** Yes, that's part of our routine. We would
3 check for volatiles such as butane, other inhalants.

4 MS. WHIRLEY: Okay. Obviously, it didn't
5 appear it is so volatile or whatever. There is no
6 way to know whether or not he participated in waxing
7 or not, there is no evidence?

8 **A** Not based on our testing, that is correct.

9 MS. WHIRLEY: Okay. I'm not sure of
10 everything Kathi asked. I will open it for the
11 jurors.

12 MS. ALIZADEH: I just want to real quickly
13 be clear, you cannot say, you're not saying, I'm
14 assuming you're not saying that Michael Brown was
15 hallucinating or suffering a psychotic break, there
16 is no way to know that; is that correct?

17 **A** I can't say that based on our testing,
18 that is correct.

19 MS. ALIZADEH: But based upon the levels
20 that you tested or that you got in your testing, you
21 consider that this dose was within two to three
22 hours and it was a large dose of THC?

23 **A** That is correct.

24 MS. ALIZADEH: Any more questions?

25 I have a

1 question about a person's hydration level, how that
2 affects the test. Either prior to or even in this
3 incident the individual on the street in August for
4 four plus hours, do you know how that may effect the
5 result in any way, if it would?

6 **A** Okay. What you are looking at there is an
7 alteration between the water and the fat in your
8 body and you are depleting the water, so the fat
9 becomes a hire percentage. Not a lot of difference
10 because we lose too much water, you have electrolyte
11 imbalance, you have a heart attack and die. So
12 there is a difference on that.

13 On a drug like marijuana where it is
14 highly lepid soluble, fat soluble, it would just
15 have more, it would soak up more of it. That's all
16 it would do. So it really wouldn't alter much of
17 anything.

18 : Okay. Thank you.

19 **A** Yes.

20 Dr. , with
21 reference to the psychotic affects of certain types
22 of drugs, specifically THC. Can you explain to me,
23 trying to think how to phrase this. For someone who
24 is at a certain level, you mention that if they
25 smoked for a month at a time or two weeks at a time,

1 they can build up a certain level in their body.

2 Can a massive dose at any particular point produce
3 an entirely different affect than what a person is
4 used to, you know what I'm saying?

5 **A** Yes.

6 : It is kind of hard to
7 explain. If somebody who smokes is used to a
8 certain type of reaction out of a level of THC, all
9 of the sudden you see a spike in the quantity of it,
10 what potentially could happen. Is it something that
11 could be totally different?

12 **A** Yes. See, what you are looking at is like
13 a steady state so that using the drug on a regular
14 basis. Then you get a massive dose, it jumps up and
15 you can switch over into complete toxicity. Most of
16 the drugs behave that way that you are stable and
17 then it jumps up.

18 Some drugs, like a couple of the
19 amphetamines. You can take the same dose today,
20 tomorrow, then you take it the next day and it's
21 lethal. Those are the real dangerous drugs.
22 Marijuana is not like that. So your point is well
23 taken. You are stable and you have a massive dose
24 you are going to get a big difference in the affects
25 and could be completely different.

1 : Thank you.

2 MS. WHIRLEY: Could this amount of THC
3 that was found in the blood be, is it possible that
4 someone who is ingesting that amount on a regular
5 basis and not be dead?

6 **A** Well, marijuana really isn't lethal.

7 MS. WHIRLEY: Okay.

8 **A** So it couldn't kill him. As far as the
9 affects, it would take a lot of marijuana on a
10 regular basis to stay at this kind of level. So I
11 would say that's less likely.

12 MS. WHIRLEY: That's less likely.

13 **A** Yeah.

14 MS. WHIRLEY: That you are consuming this
15 amount of marijuana?

16 **A** On a daily basis.

17 MS. WHIRLEY: On a daily basis or regular
18 basis?

19 **A** Yes.

20 Would a
21 cigar size, I guess, you know how they take the
22 cigar and they put the marijuana in it. Will a
23 cigar size give you that kind of dose? I know you
24 mentioned a joint, but now we're talking about a
25 cigar?

1 **A** Is that possible? Yes. See again, purity
2 like low end purity is like 3 percent Delta-9, high
3 end is like 20 percent. So that's a huge range,
4 okay. Is it possible that the cigar got stuck with
5 the higher end stuff? Yes, it is.

6 : You can reach this without
7 waxing, I guess regular marijuana in the cigar?

8 **A** I'm not sure, I'm not sure. I think it
9 would be possible, but I'm not positive on that.
10 . I want to make
11 sure I understand regarding larger person, you talk
12 about the affects of --

13 MS. ALIZADEH: Can you speak up a little
14 bit, sorry?

15 : I just wanted to make
16 sure when you are talking about that, you are
17 talking about the difference between the affects of
18 a person who is larger versus the content in the
19 blood. The affects would not be affected by the
20 size of the person, but the content in the blood
21 would be.

22 **A** That is correct. It is a dose response.
23 So it's like a smaller person takes less, a larger
24 person takes more, you get the same affects.

25 MS. WHIRLEY: I guess going back to

1 can be eaten, it can be smoked, apparently it can be
2 injected, the THC at least. Is there a difference
3 in how quickly it would impair you or how quickly it
4 would be in your system depending on how it is
5 ingested.

6 **A** Sure, oral is the worst. Anything that
7 goes in your mouth goes to your stomach. It has a
8 bunch of acids in there, it chews it up and then it
9 goes to the liver. Once it is picked up by the
10 blood, it goes into the liver. The liver chews it
11 up as metabolism. So the oral would give you the
12 least bang for the buck and probably take the
13 longest because it has to be absorbed and
14 metabolized and so on.

15 When you inhale something it goes
16 into your lungs, okay. And the heart blood goes
17 from the right side to the lungs, to the left side
18 and to the body, and goes to what is called the
19 carotid arteries here in the aortic arch. So
20 anything that goes in by inhalation gets up to the
21 brain within like two, maybe three heartbeats. So
22 it gets in and gives you a much quicker effect.
23 Especially than oral.

24 So just
25 in your experience, we'll talk to others who have

1 more hands on with this specific, in your experience
2 then would you assume that an autopsy or examination
3 would show in the internal organs would be able to
4 tell if something was smoked or ingested orally?

5 **A** No, reasonably, no. Not unless there was
6 something really unusual, like you are inhaling
7 silica gel, or something like that.

8 MS. ALIZADEH: Or perhaps if the stomach
9 contents contained.

10 **A** Leafy green material in the stomach
11 contents.

12 MS. ALIZADEH: Right. Any other
13 questions?

14 . You said
15 this THC stuff, if I heard you correctly, it binds
16 with the fat cells; is that right?

17 **A** Yeah, it does.

18 : Is that why you get hungry
19 after you smoke a joint? Seriously, I'm just
20 saying.

21 **A** No.

22 MS. ALIZADEH: I don't know what you are
23 talking about?

24 : I don't either apparently.

25 **A** No, that has nothing to do with it. What

1 it is, reasonably that is lowering the blood sugar.

2 So you start feeling hungry and get the munchies.

3 MS. WHIRLEY: You said marijuana lowers
4 the blood sugar?

5 A That would be my, yes, that's what I
6 believe.

7 . If it lowers
8 the blood sugar, I had an uncle who is diabetic,
9 when his blood sugar would be very low, he would
10 get, I'm just going to say it he would get volatile,
11 he would get agitated very easily. So would that be
12 a possibility?

13 A That would be a possibility, yes. If the
14 blood sugar got down low enough, that would take,
15 that would be work.

16 And would the Delta-9-THC
17 levels have an affect on the blood sugar level?

18 A No.

19 : So the higher the
20 Delta-THC would not necessarily constitute a lower
21 blood sugar level?

22 A Well, it would indicate that, yes, okay,
23 but it hasn't been like so much THC and so much
24 sugar, it hasn't done that.

25 . According

1 to the readings of the 45 grams, and in your
2 opinion, how well could Michael Brown function?

3 **A** That's really tough to say just looking at
4 the lab test. It is really tough to say. I know
5 the drug was impairing the system, the exact parts
6 of his nervous system that were impaired, how that
7 would be demonstrated I can't predict.

8 MS. ALIZADEH: Any other questions?

9 So you
10 are saying he could experience some kind of
11 impairment?

12 **A** Yes, it would be impairment.

13 : Or he could be functioning
14 normally?

15 **A** No, not normal. The impairment would be
16 present. The degree of the impairment would be
17 based on him personally, his history with marijuana,
18 his underlying chemistry, a whole bunch of other
19 factors. So how it would exactly affect him is, I
20 can't predict. I know it would have an affect
21 because it is psychoactive.

22 MS. WHIRLEY: So a person could be
23 impaired, because they have this in their system,
24 but they could be sitting here talking and you might
25 not even know they were impaired?

1 **A** I'm not aware of anything.

2 : Okay, thank you.

3 MS. ALIZADEH: To tell you, I do not
4 believe we have any kind of medical history or
5 anything of that nature on him.

6 Because my question would
7 be, could some of the drugs be in his system versus
8 when he was smoking it. Could that, you know --

9 **A** Well, it is possible some drugs could be
10 present, but below detection, our cutoff limits.
11 There is actually a theory that says you have your
12 first, from your first spoon of baby food, the
13 molecules are still floating around in your body,
14 which is interesting. So there could be other drugs
15 present at very low levels.

16 MS. ALIZADEH: And just to be clear, THC
17 is only found in marijuana, correct?

18 **A** Yes.

19 MS. ALIZADEH: It is not like we hear
20 about people saying I had a poppyseed bagel and so
21 now I'm going to test positive, THC is only detected
22 if you have ingested marijuana, correct.

23 **A** Yes.

24 MS. ALIZADEH: Or the concentrated level
25 of THC?

Page 86

1 **A** Yes.

2 : One more question, it is
3 my last. . There is no way with
4 these levels would it be possible for him to have
5 been around somebody smoking?

6 **A** Passive, no.

7 : So these levels do not
8 show passive intake of this drug?

9 **A** No, this is active.

10 Okay.

11 MS. ALIZADEH: Anyone else? All right
12 this concludes this witness' testimony.

13 (End of the testimony of Dr.
14 .)

of lawful age, having been first duly sworn to
testify the truth, the whole truth, and
nothing but the truth in the case aforesaid,
deposes and says in reply to oral
interrogatories, propounded as follows, to-wit:

21 EXAMINATION

22 BY MS. WHIRLEY:

23 Q Good morning.

24 **A** Hello.

25 Q Introduce yourself to the grand jurors and


```
1 spell your name, please.
```

2 **A** My name is _____ . It is _____ /

3

4 Q I'm going to ask that you keep your voice
5 up because there are quite a few fans on, we can't
6 hear really well. I generally stand back here, so
7 speak loud enough to have a conversation, okay?

8 **A** Okay.

9 Q So, , what is your occupation?

10 **A** I'm a forensic scientist for St. Louis
11 County Police department.

12 Q What does that mean, forensic scientist?

13 **A** Uh, I analyze evidence collected from
14 crime scenes for bodily fluid. I write reports and
15 when needed, testify in court.

16 Q How long have you been doing that, been in
17 that capacity as forensic scientist?

18 **A** Almost nine years.

19 Q Nine years. Always with St. Louis County?

20 **A** Yes.

21 Q And what type of education is required to
22 do what you do?

23 **A** Um, well, what is required is a bachelor's
24 degree in biology or a science of that nature. I
25 have a bachelor's degree in microbiology and a

1 master's of business administration from Miami
2 University of Ohio.

3 **Q** We have your CV and we are going to pass
4 that out. It is marked as Grand Jury Exhibit Number
5 67.

6 (Grand Jury Exhibit Number 67
7 marked for identification.)

8 **Q** (By Ms. Whirley) It kind of outlines your
9 training and education as you provided it for me,
10 correct?

11 **A** Yes.

12 **Q** Okay. Now, what is, you told us what a
13 forensic scientist is or kind of the job
14 description, what do you do on a day-to-day basis?
15 That's what we want to know.

16 **A** Well, I test evidence that comes in for
17 various cases for, when I say bodily fluids, it is
18 blood, semen and saliva. I also retain samples for
19 possible DNA from trace cases, and then write
20 reports.

21 **Q** Okay. And so you do the initial screening
22 of items before it goes to DNA for analysis, or to
23 the DNA unit for analysis?

24 **A** Yes. In our lab we have two separate
25 sections. So I would, I'm in the biology section, I

1 would do the screening and then if there is anything
2 that needed to be forwarded or retained for DNA,
3 that would be packaged and retained and that would
4 go to the DNA unit and they would do their analysis.

5 **Q** Do you know who did the DNA analysis in
6 this case?

7 **A** Yes.

8 **Q** Who was that?

9 **A** .

10 **Q** Okay. Did you work alone doing the
11 biology on this case or did someone else work with
12 you?

13 **A** I worked alone, I did the case. We did
14 have a, we are training a new biologist, so she was
15 actually with me for part of it.

16 **Q** Okay. So I don't know if you actually
17 told us what type of analysis you performed. You
18 said you check body fluids and that kind of thing.
19 What kind of items could have possible DNA on them?

20 **A** In general?

21 **Q** Yeah, in general.

22 **A** Well, body fluids tend to have high
23 amounts of DNA, so blood from a lot of DNA, as well
24 as semen and then saliva. And then as far as trace,
25 I'm sure you've heard, I don't know if you know

1 about trace DNA.

2 Q Tell us what that means.

3 A Okay. Trace evidence is what is left
4 behind when a material or a person made contact, so
5 that can be footprints, fingerprints, soil samples,
6 hair, fibers, or DNA. In our lab, what we refer to
7 as a trace case, is something that the biologist
8 doesn't actually examine, I don't actually test it,
9 but I would save samples to be tested for DNA.

10 Some examples of this are, um, like a
11 swab taken from the steering wheel of a recovered
12 stolen vehicle where it isn't blood, you are trying
13 to find out who stole the car, who was driving the
14 car.

15 It could be a shirt left behind from
16 a robbery, so you would swab that for DNA, or a
17 knife from a domestic assault. You wanted to know
18 who was actually holding the knife, so you would
19 swab it for user DNA.

20 So those are the kind of things that
21 we consider trace. Where it is not actually a body
22 fluid that we are testing for, but we think that
23 there might be DNA left behind. And usually what
24 this is is from allele cells or skin cells.

25 Q Now, at the crime scene the officer or

1 someone actually collects what they think might be
2 useful for the lab in determining whether there is
3 DNA present, correct?

4 **A** Yes.

5 **Q** Someone is swabbing and someone is doing
6 that at the crime scene and then they submit it to
7 you. Is there a certain way that that must be
8 presented to you in order for it to be useful, for
9 you to determine whether or not it has DNA or
10 potentially --

11 **A** Well, I mean, we don't know because you
12 can't see anything. So a lot of times the crime
13 scene will swab things themselves and submit the
14 actual swabs, or they will submit actual items like
15 knives or shirts that I would then swab.

16 **Q** Okay.

17 **A** Areas that I think would be useful areas
18 to swab.

19 **Q** Does the crime scene or the case officer
20 tell you a little bit about the case for you to
21 figure out what might be useful?

22 **A** Yes. You do get a brief scenario of what
23 happened. Like that gives you information about
24 what is relevant or probative. For example, for a
25 shirt, typically I would swab areas that would most

1 likely touch the skin. So like cuffs or the
2 neckline, things like that.

3 **Q** Can you tell us how you began a case, I
4 mean, it comes to the lab, I guess, and then how do
5 you get ahold of it?

6 **A** When evidence is submitted to the lab, it
7 is submitted to the front counter where evidence
8 technicians take it in, make sure that it is
9 properly packaged and sealed. We do not except
10 improperly packaged evidence.

11 So you would get evidence, either in
12 a box or a package, it would also have a receipt
13 with it. And the evidence receipt just details all
14 of the pertinent information as when the incident
15 happened, the location, what kind of offense it is,
16 um, who the victim is, who the suspect is, and then
17 what actually is inside of the packages or boxes.

18 So this evidence is then entered into
19 our lab system, the actual evidence would be stored
20 in our vaults, a secure location, until it is
21 actually worked and the receipts would, they're
22 stored back in biology and then we work them. It
23 depends, but usually first end, first out. We do
24 the crimes against persons cases first, they are
25 more of a priority.

1 **Q** And you go to the vault and get the
2 evidence when it is your case?

3 **A** Yes.

4 **Q** And you verify the things you just told us
5 what is marked as on the evidence receipt is
6 actually what is contained in the box or the bag?

7 **A** Yes.

8 **Q** And that it is sealed, you verify it
9 hasn't been tampered with?

10 **A** Well, it comes, when it comes into the
11 lab, we don't accept improperly packaged evidence.

12 **Q** And that's your way of verifying that it
13 is not tampered with?

14 **A** Right.

15 (Grand Jury Exhibit Number 68
16 marked for identification.)

17 **Q** (By Ms. Whirley) I was going to ask you,
18 let me move on to something else. What's marked as
19 State's Exhibit Number 68, which is one of your
20 crime lab reports, I think it is the first one.

21 MS. ALIZADEH: Is Q22 the first one?

22 MS. WHIRLEY: Actually, it is not the
23 first one, it's the second one. This is the one
24 with the baseball cap, Q22. Do you have that one?

25 MS. ALIZADEH: You want me to pass this

1 along?

2 MS. WHIRLEY: Why don't we pass both of
3 them, if you don't mind, both Grand Jury Exhibit 68,
4 which starts with specimen Q22. And then 69 is
5 actually the first one I think you probably worked
6 that starts with specimen Q1. You have both of
7 those in front of you?

8 A I do.

9 Q (By Ms. Whirley) We are going to talk a
10 little bit more specifically about the Michael Brown
11 case or the Michael Brown shooting. You took some
12 photographs also, is that right, associated with
13 this case?

14 A I did.

15 Q We will look at those. And tell me why
16 did you take photographs?

17 A I can't, when I write my report, I can
18 describe the items with words, but a picture is
19 always better.

20 Q Okay. All right. And you take those
21 pictures for yourself as you are writing your
22 report, is that what you told us?

23 A What was that?

24 Q You take those pictures for your purposes
25 to complete your report?

1 **A** No, we are not required to take pictures.

2 In specific cases we do take pictures. In this
3 case, I decided to take pictures of certain items.

4 **Q** Okay. Now, in this specific case, we see
5 a Q and then numbers. Can you tell us what that
6 represents?

7 **A** A Q is, it just means a questioned item,
8 so it is something that I am actually testing.
9 Whereas later in the report you might see a K, and
10 the K stands for a known, which is just a known
11 reference standard taken from a person to be used
12 for elimination or comparison purposes in DNA. And
13 it is a known reference standard which means it came
14 from that person in the forms of blood or saliva.

15 **Q** So you know whose blood or saliva you
16 have?

17 **A** Yes.

18 **Q** And you had a known reference sample from
19 Michael Brown; is that correct?

20 **A** Yes.

21 **Q** Is that in the form of blood?

22 **A** His blood.

23 **Q** Okay. Did you have a known sample of the
24 officer, Darren Wilson?

25 **A** Yes.

1 **Q** Was that in the form of saliva?

2 **A** Yes, it was a buccal swab.

3 **Q** It is what you referred to as a buccal
4 swab?

5 **A** A buccal swab is a swab that is used to
6 rub against the side of the mouth, against the
7 cheek. So it takes, actually, where the DNA is
8 coming from the cheek cells, but in the form of
9 saliva.

10 **Q** So that was your way of having a DNA
11 sample from both the officer and Michael Brown; is
12 that correct?

13 **A** Yes.

14 **Q** Now, you can see we all have a copy of
15 your report dated, it was entered, it says
16 8/11/2014, approved on 8/19/2014. What does
17 administrative approval mean?

18 **A** That is the signature of a person who
19 tech-reviewed my report. What a tech review is, it
20 is just kind of a double-check done by a peer in the
21 same discipline to insure accuracy between the
22 analyst notes and the report.

23 **Q** Now Q1 through Q21 are items that you, I
24 guess, that are questionable, is that what you said?

25 **A** Yes.

1 **Q** Are these items that you took photographs
2 of also?

3 **A** I did not take photos of every single
4 item.

5 **Q** Okay. All right. Let's start to go
6 through these. This tells us the items that you
7 checked based on the information that you were told
8 and the items that were brought to you; is that
9 correct?

10 **A** Yes.

11 **Q** All right. So you did, just go ahead and
12 tell us what you did.

13 **A** Well, you are looking at the first report.
14 I started with Michael Brown's clothing. So do you
15 want me to go through Q1 or say everything I did?

16 **Q** Tell us what you did. You can go through
17 by Q1, whatever works for you, as long as you tell
18 us, you know, what you did.

19 **A** Sure. Q1 was Michael Brown's T-shirt, I
20 just, we first do a visual examination so I would
21 describe it, what it looked like.

22 It had red brown stains, there were
23 several holes in his shirt. I tested for blood.
24 And then I also did a swabbing of the non blood
25 stained areas for possible trace, since it was

1 alleged that there was contact between Officer
2 Wilson and Michael Brown.

3 It was hard to do this because the
4 shirt was extremely bloody. So I just swabbed the
5 areas that were not blood stained.

6 Q You, of course, always wear gloves when
7 you are handling any items; is that correct?

8 A Yes, we wear personal protective
9 equipment, which includes a lab coat, a mask,
10 gloves, we use sterile equipment, we open one
11 package of evidence at a time, we clean our work
12 area.

13 Q And these are things you do to prevent
14 contamination or cross-contamination; is that
15 correct?

16 A Yes.

17 Q Just to kind of, I guess, make it go a
18 little faster since everyone has a copy of the
19 report, all of these items you actually, did you
20 test all of these items?

21 A I have to go through --

22 Q Yeah, go ahead and look at it.

23 A All of the clothing I tested, I tested for
24 blood. As well as there was swabs taken from
25 Michael Brown's hands, those were all tested for

1 blood as well. And then there were fingernail
2 scrapings that were submitted, and I tested those
3 and also swabbed those again for trace in case there
4 was contact, such as scratching, things like that.

5 MS. ALIZADEH: Can I ask you what did you
6 swab for trace, the fingernail scrapings?

7 **A** Yes.

8 MS. ALIZADEH: So these fingernail
9 scrapings were done by someone else, correct, like
10 at the morgue?

11 **A** Yeah. They labeled it fingernail
12 scrapings, clippings, but they actually, I looked
13 back, they were actually clippings.

14 MS. ALIZADEH: Nail clippings.

15 **A** They take nail clippings.

16 MS. ALIZADEH: Okay.

17 MS. WHIRLEY: That was forwarded to the
18 lab, the nail clippings?

19 **A** Yes. So what we do we swab the underside
20 that you can tell for possible trace in case, again,
21 there was contact.

22 MS. ALIZADEH: All right. I didn't know
23 if you were swabbing a swab when you talked about
24 it.

25 **A** No, I swab them.

1 **Q** (By Ms. Whirley) It looks like you
2 swabbed, there was a swab collected and forwarded to
3 you that represented the Brown's, the left back of
4 his hands; is that correct?

5 **A** Yes.

6 **Q** And also the right palm, the right palm of
7 hand?

8 **A** Yes.

9 **Q** And right back of hand?

10 **A** Yes. Those were all tested for blood.

11 **Q** And then there was a piece of, you have
12 Q11, apparent skin or hardened nasal mucus?

13 **A** Yes, when I, when I received it, all the
14 information really said was something from the
15 exterior of the door. And looking at it, I did
16 ultimately know right away what it was. So I called
17 it apparent skin, or harden nasal mucus, because I
18 wasn't sure. It was very small. I took a picture
19 of it.

20 **Q** Okay. We'll look at those pictures. And
21 you were told, or it was on the evidence receipt,
22 where these items came from?

23 **A** Yes.

24 **Q** Like from the front exterior door of the
25 Ferguson Police Department Vehicle 108 for that one?

1 **A** Yes.

2 **Q** Then there's also a swab of the rear
3 passenger exterior door of that same vehicle, which
4 is Q12?

5 **A** Yes.

6 **Q** All right. And then blood stains from the
7 area on Canfield. And then Q15, actually, the other
8 items that I talk about when I mention swabs taken
9 from Brown's hands, it says suspect Brown, and now
10 on Q15 it says victim's uniform pants, and that is
11 the officer; is that correct?

12 **A** Yes.

13 **Q** The officer's uniform pants when you label
14 as suspect and victim, what does that mean for you?

15 **A** When we receive the evidence receipts that
16 come with the evidence, they are, each case is
17 assigned a victim or a suspect. I don't declare
18 this, it was what was already like that when it came
19 to the lab.

20 **Q** From the police?

21 **A** Right.

22 **Q** So it is not that you are determining who
23 the victim is or who is the suspect is in this case?

24 **A** No.

25 **Q** So you have the officer's uniform pants

1 and you swab the left thigh, why did you do that?

2 **A** Well, those swabs were actually taken by
3 crime scene.

4 **Q** I'm sorry, that's true, you didn't swab,
5 they swabbed it. And did you have any information
6 about why that was swabbed or you just tested it?

7 **A** Well, all I knew was that there was
8 possible blood on the officer's pants. So they did
9 swab that to find out whose blood that was.

10 **Q** Okay. And then there was swabs from the
11 interior left front door of vehicle number 108,
12 which is Q18?

13 **A** Yes.

14 **Q** Okay. And then you also received swabs of
15 the officer's weapon; is that correct?

16 **A** Yes.

17 **Q** Now, in Q19, which is the weapon, it says
18 blood was presumptively detected. Quantity was not
19 sufficient for confirmatory testing. What does that
20 mean?

21 **A** Well, I was able to do a presumptive test
22 for blood, which is just the first step in our
23 process of testing blood. Presumptive test, it is a
24 sensitive test, but it is not specific. So it
25 indicates that the substance you are testing for is

1 possibly there. In this case, blood, so that was
2 positive.

3 To do a confirmatory test, you need
4 to actually take more of that sample. Since there
5 wasn't that much to begin with, I didn't want to use
6 any more of a sample since there wasn't that much,
7 it would have to go to DNA.

8 So rather than, I guess, use up any
9 more of a sample, I just indicated that confirmatory
10 testing was impossible, but blood was presumptively
11 detected.

12 Q So in this case the DNA section could test
13 further?

14 A Yes.

15 Q Okay. And you do say that the swabs were
16 retained. You also tested Q20, is Wilson's blue
17 uniform shirt, a swab was submitted?

18 A No, I actually swabbed.

19 Q You swabbed it, okay. So you swabbed the
20 left side of his shirt and collar area. So you
21 just, the whole shirt was submitted and you
22 determined what to swab?

23 A Yes.

24 Q Okay. And the uniform pants, is that the
25 same thing in Q21 with the swabbing?

1 **A** I did do the swabbing. And since there
2 was, there was a blood stain on the pants. So when
3 I was swabbing for trace, I avoided that stain.

4 **Q** Okay. And now if we look at the other
5 report, which is Grand Jury Exhibit 68, Q22 through
6 Q26. Now, this report looks like it is done on a
7 different day, or is entered on a different day, and
8 it is also, I imagine, tested on a different day; is
9 that correct?

10 **A** Yes.

11 **Q** Do you know why it wasn't all given to you
12 at the same time?

13 **A** Right. And typically this happens when
14 you are working a case right away, right after it
15 happens. Sometimes all the evidence doesn't come in
16 at the same time. So in this case, I worked all
17 that I had on the first date and then we received
18 more to be tested. So I did that work on a later
19 date, like a week later. I work part-time.

20 **Q** Okay.

21 **A** So everything would have been done on a
22 Tuesday or a Thursday.

23 **Q** That makes me think of something else.
24 This case was done pretty quickly, correct?

25 **A** Yes.

1 **Q** And by that, I mean, you had mentioned
2 that kind of first-come first-serve, or something to
3 that effect, generally as you work cases. Was this
4 case given a priority?

5 **A** It was.

6 **Q** Because of the significance?

7 **A** The significance and the sensitivity of
8 the nature of the case.

9 **Q** Okay. So there was a baseball cap, Q22,
10 that a swabbing, it says, so you swabbed the
11 baseball cap?

12 **A** I did.

13 **Q** And then the flip flop, a separate
14 swabbing was retained for trace. Did you do
15 something with the flip flop in Q23?

16 **A** Yes, there were some reddish brown stains,
17 so I tested those for blood, but then I also tested
18 for trace, or as I mentioned before, kind of a wear
19 profile to identify whose they were.

20 **Q** And then it looks like you did in Q24,
21 that was another flip flop, and in Q25 is the
22 bracelet?

23 **A** Yes.

24 **Q** And did you swab the bracelet?

25 **A** Yes, I swabbed the bracelet for a wear

1 profile.

2 **Q** And Q26 was another bracelet, correct?

3 **A** Yes.

4 **Q** Okay. I want you to look at these
5 photographs. And this is Grand Jury Exhibit Number
6 70.

7 (Deposition Exhibit Number 70
8 marked for identification.)

9 **Q** (By Ms. Whirley) I think you looked at
10 those already, but I want you to confirm that you
11 are familiar with those photographs and tell us how?

12 **A** Yes. Do you want me to hold them up?

13 **Q** We are going to put them on --

14 MS. ALIZADEH: I will assist in that.

15 MS. WHIRLEY: Okay, thank you.

16 **A** Yes, I can identify them. You will see
17 when it gets up there, but on pictures that I take,
18 I write the complaint number, which is just the
19 number assigned by the county for which case it is,
20 and the Q number and my initials and DSN, which is
21 my department serial number, and then the date.

22 **Q** And so this is on the back, there's a
23 number of the photograph, what number is that one?

24 **A** 26.

25 **Q** 26. I believe these photographs are

1 Numbers 26 through 44. We will make sure as Kathi
2 is assisting.

3 MS. ALIZADEH: Oh, I need my glasses for
4 that.

5 MS. WHIRLEY: I'll call out the number.

6 MS. ALIZADEH: That's okay. This is
7 Number 26.

8 MS. WHIRLEY: Grand Jury Exhibit, which is
9 all going in this evidence is Number 70. And I am
10 just identifying the photograph by a number.

11 MS. ALIZADEH: We've done that in the
12 past.

13 MS. WHIRLEY: Right, okay. So that first
14 one, Kathi had put it on, and you have kind of
15 already told us about this one. But again, what are
16 we looking at now that everybody can see it.

17 **A** That is what, again, because I didn't know
18 exactly what it was at the time, but that was what I
19 called apparent skin, or hardened nasal mucus, from
20 outside of the car on the door.

21 **Q** Okay.

22 **A** You can see it's small, the measurement is
23 in centimeters.

24 **Q** I see. And those numbers at the top, that
25 99 represents what?

1 **A** 99 represents County.

2 **Q** Their municipal code?

3 **A** Their municipal codes to, like Ballwin is
4 like 02. So anything that is not in a municipality
5 is considered County, which is 99. 14 is the year,
6 and the 43984 is just the actual number that was
7 assigned.

8 **Q** Okay. And then that Q11 would correspond
9 with the report that we have that has Q11; is that
10 correct?

11 **A** Yes.

12 **Q** We look on our report dated, entered on
13 8/11/2014. Q11 says one small piece of apparent
14 skin or hardened nasal mucus, which you talked about
15 already.

16 And those are your initials?

17 **A** Yes.

18 **Q** And that's your DSN?

19 **A** Yes.

20 **Q** And then the date that you worked it?

21 **A** Yes.

22 **Q** Okay, all right, thanks.

23 MS. ALIZADEH: Just to clarify, you said
24 this measure is centimeters?

25 **A** Yes.

1 MS. ALIZADEH: How do you know that? Did
2 you notate that or do you just know by looking at it
3 or do you remember it?

4 A Those are our rulers that we use, they're
5 disposable rulers that are measured, they're
6 centimeters.

7 MS. ALIZADEH: Okay. The way it is laying
8 it appears to be about 1 centimeter in length?

9 A Yes.

10 MS. ALIZADEH: Okay. We're done with that
11 one.

12 MS. WHIRLEY: Yeah.

13 MS. ALIZADEH: Moving on.

14 Q (By Ms. Whirley) And then this is Number
15 27 and tell us what we are looking at on that one.

16 A That is Officer Wilson's shirt.

17 Q Now, I want you to speak up a little bit
18 if you can.

19 A Sorry. Officer's Wilson uniform shirt.

20 Q Okay. And that Q20 would correspond with
21 Q20 on our report, right, that we looked at?

22 A Yes.

23 Q Okay. And as you are talking, would you
24 let us know which items, I'm not going to assume
25 that they all were, which items were forwarded to

1 DNA for further analysis? We know that first one,
2 Number 26 photo was, correct?

3 **A** Yes.

4 **Q** Number 27, was it forwarded to DNA for
5 analysis?

6 **A** The shirt, yes. This is -- I swabbed the
7 left side of the shirt, the collar, the shirt area,
8 for trace. Again, the alleged contacted between
9 Michael Brown and Officer Wilson. So I would have
10 just taken a sterile swab, got it wet, swabbed the
11 area, and did that for DNA.

12 **Q** That's the actual shirt?

13 **A** That is the shirt. This picture is a
14 little better.

15 **Q** Okay. And this is Number 28.

16 MS. ALIZADEH: Can I ask a question? In
17 the old days you used to take cuttings from fabric
18 items, correct? When I say the old days, might have
19 been before your time.

20 **A** We did. You can do either.

21 MS. ALIZADEH: In this case you didn't
22 take cuttings?

23 **A** Right. You can get, you could cover a
24 larger area surface area. If I'm actually taking a
25 swab to get the most possible DNA with trace cases

1 with trace evidence, there is not going to be as
2 much DNA left behind as if someone is bleeding.

3 MS. ALIZADEH: Okay.

4 **A** So to try to maximize that rather than
5 take a cutting of a small area. Plus, you don't
6 know where, you know, where there was contact.

7 MS. ALIZADEH: Correct. And in this case,
8 when you visually examine this shirt, did you see
9 anything that looked like apparent blood?

10 **A** No.

11 MS. ALIZADEH: And had you seen something
12 that looked like apparent blood, would you have
13 actually swabbed that spot?

14 **A** Yes.

15 MS. ALIZADEH: But in this case, because
16 you didn't see anything, you just kind of doing a
17 broad brush on the shirt?

18 **A** Yes.

19 MS. ALIZADEH: And that's cause you have
20 had information from a case officer that perhaps
21 Michael Brown touched the shirt of the officer on
22 the left side?

23 **A** Yes.

24 MS. ALIZADEH: Okay. And so when you said
25 this was forwarded to the DNA section, you forwarded

1 the swabs, correct?

2 **A** Yes.

3 MS. ALIZADEH: The shirts repackaged?

4 **A** The shirt was, yes, kept in. Would have
5 been finished, completed and sent to property
6 control, which is our evidence goes.

7 MS. WHIRLEY: Would that be true for all
8 clothing items, is that you just submit the swabs to
9 DNA?

10 **A** Yes.

11 **Q** (By Ms. Whirley) And repackage?

12 **A** The actual clothing items, they weren't
13 sent to DNA. It would be either cuttings that I
14 took or swabbings that I took, that would go to DNA.

15 MS. ALIZADEH: And to be clear on this
16 shirt, you swabbed two areas, the collar area; is
17 that correct?

18 **A** Yes.

19 MS. ALIZADEH: When you say the collar
20 area because this collar goes all away the around
21 the shirt, was it what area?

22 **A** I just swabbed anything on the left front
23 side. Nothing around the back. So I think in the
24 other picture is better.

25 MS. ALIZADEH: This is 28, Sheila already

1 identified that as 28. So you can see the shirt,
2 there's a laser pen right in front of you, laser
3 pointer. Can you show the jurors when you talk
4 about swabbing the collar, where did you swab?

5 **A** So, I would have swabbed or I did swab
6 this area right here, just the front. And then the
7 left side of the shirt, all right here.

8 MS. ALIZADEH: Including the sleeve?

9 **A** Including the sleeve, yes.

10 MS. ALIZADEH: So when you swabbed that
11 left side, the whole left side of the shirt pretty
12 much, did you just use one swab or did you take
13 several swabs of that area?

14 **A** I think I took two. Usually something in
15 that area, that big I would have taken two, two
16 swabs.

17 MS. ALIZADEH: Okay. Both of those were
18 forwarded to DNA?

19 **A** Yes.

20 MS. ALIZADEH: And then for the collar,
21 did you do one or two, do you recall?

22 **A** It was two swabs for the entire area.
23 They weren't separated.

24 MS. ALIZADEH: So you didn't swab the
25 collar and the left side separately?

1 **A** No. So I basically, pretend my laser
2 pointer is two swabs. So I swabbed here, swabbed
3 here, swabbed here, swabbed here. (indicating)

4 MS. ALIZADEH: Okay.

5 **A** Altogether.

6 MS. ALIZADEH: So, for example, if swab
7 has DNA on it that identifies somebody, you are not
8 going to be able to say whether it was on the collar
9 or elsewhere on the shirt?

10 **A** No.

11 MS. ALIZADEH: Okay. That's what I wanted
12 to know.

13 **Q** (By Ms. Whirley) What is your next photo?

14 **A** That is Officer Wilson's pants.

15 **Q** This is Number 29.

16 **A** Uh-huh. And again, I did a close-up
17 picture to get my information on them and then
18 there's one taken from farther away, which is
19 probably a little more helpful to see the item in
20 its entirety.

21 **Q** What did you do with this piece of, this
22 item?

23 MS. ALIZADEH: I'm showing Photo 30.

24 **A** So the left, I swabbed the left, again,
25 the left side. So just swab the areas.

1 MS. WHIRLEY: Can you see it okay?

2 A Yeah, I can see it. I swabbed, again,
3 take two swabs, swabbed this area. There was an
4 area, I think it was in this location. This picture
5 isn't perfect to see the blood stain, but I did not
6 swab that area because swabbing that area you would
7 get blood of whoever at the time. I didn't know
8 whose it was. So for trace, since I'm trying to
9 find if there was contact, so swabbed any of the non
10 blood stained areas.

11 Q (By Ms. Whirley) So there was blood stain
12 on the pants?

13 A Yes.

14 MS. ALIZADEH: And you tested that for
15 blood?

16 A I tested that in the swabs that were
17 submitted.

18 MS. ALIZADEH: Okay. So the blood stain
19 was swabbed by the crime scene?

20 A Yes.

21 MS. ALIZADEH: All right.

22 Q (By Ms. Whirley) This is marked as photo
23 number, these should be sequential, this one is 31.
24 What is that?

25 A That is Michael Brown's T-shirt.

1 Q Okay.

2 A And that is the back side.

3 Q That's the back of the shirt?

4 A The back of the shirt.

5 Q Now, you mention swabbing non stained
6 areas?

7 A For possible trace.

8 Q For possible trace. Why would you not
9 swab the blood stain areas for trace?

10 A Well, blood is -- contains a lot of DNA.
11 And then also it was Michael Brown's shirt, which
12 would have DNA from him wearing it too. So for me
13 to try to swab bloody areas, it is just unlikely to
14 actually get a trace profile from that because the
15 blood would overwhelm everything.

16 MS. WHIRLEY: Did you have a question?
17 . I know
18 you may not have known this, but I don't know at the
19 time if Michael Brown was supposedly been in the
20 vehicle, you testing for prints on the shirt when he
21 did that, testing of that?

22 MS. ALIZADEH: Fingerprints you mean?
23 : Well, like maybe
24 holding --

25 MS. WHIRLEY: Trace DNA?

1 : Yeah.

2 MS. WHIRLEY: You did swab the non blood
3 areas for that purpose?

4 A Yes, uh-huh. In case, if there was,
5 again, if Officer Wilson grabbed his shirt.

6 Okay.

7 A It was hard in this instant. The shirt
8 was blood soaked. So I did, again, do the same
9 thing for trace DNA. I took two swabs and just
10 swabbed the non stained areas.

11 Q (By Ms. Whirley) This is the back of the
12 shirt in Exhibit 31, I think we said?

13 A That is the back.

14 MS. ALIZADEH: There will be a DNA person
15 testifying about the DNA at some point.

16 MS. WHIRLEY: So that will be Photo Number
17 32.

18 MS. ALIZADEH: Yes.

19 Q (By Ms. Whirley) Were you told or did you
20 have any idea where the officer allegedly grabbed
21 Michael Brown?

22 A No.

23 Q You just swabbed all non blood, well, not
24 all, but I mean, what did you swab, show us what you
25 swabbed. This is the front of the shirt, is this

1 32?

2 **A** Yes.

3 **Q** This is the front of the shirt?

4 **A** It is the front of the shirt.

5 **Q** Most of the blood appears to go on the
6 right side of the shirt?

7 **A** Yes.

8 **Q** Okay.

9 **A** So I just swabbed, you know, areas that
10 were not blood stained, you know.

11 **Q** Okay.

12 **A** Whether or not there was contact at these
13 places, I don't know. It was just --

14 **Q** Okay.

15 MS. ALIZADEH: You are just looking for an
16 unbloody place?

17 **A** Yes.

18 MS. ALIZADEH: When you said, you moved
19 the laser pointer a lot in the area of that shirt,
20 were you using, when you swab, are you holding two
21 swabs at the same time?

22 **A** Yes.

23 MS. ALIZADEH: Do you just do one swabbing
24 of that whole area or did you do different areas?

25 **A** Different areas. So again, they were

1 riddled with blood stains. I just had to do
2 different areas.

3 MS. ALIZADEH: How many swabs total did
4 you do?

5 A I think two.

6 MS. ALIZADEH: That was my question, the
7 same two swabs are covering the entire places you're
8 swabbing?

9 A Yes.

10 MS. ALIZADEH: You are not going underarm
11 here and the tail of shirt from another spot?

12 A No. And again, for a trace, we are trying
13 to collect as much DNA as possible. So by keeping
14 it to two swabs, rather than separating it. If
15 there was something to collect, would be more likely
16 to collect it with less swabs than large quantity.

17 Q (By Ms. Whirley) Okay. And this one,
18 which is Number 33, what did that represent?

19 A That's actually the first picture that I
20 took, just to zone in on the Q and my initials and
21 complaint number.

22 Q That says Q7?

23 A Yes. I usually take a picture close-up so
24 that you can get the information, the date, my
25 initials, my DSN, and then take my picture from

1 farther away so you can see the whole item.

2 MS. ALIZADEH: Can I just go back really
3 quickly.

4 The apparent skin, or hardened nasal mucus
5 that you looked at, did you swab that and forward
6 the swabs to the DNA section, or did you forward the
7 whole piece you said of whatever it was.

8 **A** The whole piece did go, but I took a
9 cutting of it. What we do with either the swabs in
10 this case, that little piece, I would have sampled a
11 section and put it in a tube and that's what DNA
12 would actually test. And the remainder of that
13 section I took approximately 4 millimeters by 3
14 millimeters, and that's what actually the DNA unit
15 would actually test.

16 The rest of that, the remainder also
17 went to DNA in case they need to do further testing.

18 Same thing would happen with the
19 swab. Like those two swabs that I took for trace, I
20 sampled half of each swab, put that in a tube and
21 that's what DNA you would be testing. And then the
22 remainder of those swabs would be put in a container
23 and they would be transported together. Does that
24 make sense?

25 MS. ALIZADEH: Yes, I think so. So the

1 apparent skin or hardened nasal mucus, did you do
2 any testing on that yourself other than to take a
3 swab, take the piece out of it?

4 **A** I tested it for blood, and then I did a
5 test to confirm blood and determine probable
6 species. What that means, this test is called
7 Hemastix. What it does is that if it's positive, it
8 confirms that it is blood and it is also presumptive
9 for human species. And the reason why we can't say,
10 oh, it is human blood for sure is that there are
11 some other primates and ferrets blood that will --

12 MS. ALIZADEH: Ferrets?

13 **A** Ferrets, yeah. I don't know why. That
14 have reported given positive results. So in that
15 case, the way we report it on my report is that for
16 Q11, that examination discloses presence of blood as
17 probably human organ.

18 **Q** (By Ms. Whirley) Okay. For this item as
19 Q7; is that correct?

20 **A** It's Q1.

21 **Q** Q1. That's what threw me off because I'm
22 looking at the report, still looks like a seven to
23 me, I don't know if anybody else thought that or
24 that's just me. But that's actually Q1?

25 **A** Yeah, I think what maybe you are seeing is

1 the bracket that I put after that.

2 **Q** I'm glad you clarified that. So Q1 is
3 the, because it was not corresponding with the
4 report, that's why I was a little confused, but now
5 it does. It is the gray T-shirt. Okay, all right.
6 This should be 34.

7 And these are?

8 **A** These are Michael Brown's shorts.

9 **Q** Okay.

10 **A** It's the front, no, the back.

11 **Q** That's the back of the shorts. Just
12 zooming in and focusing, but these are the back of
13 the shorts. Do you know what kind of stain that is
14 on the back, did you test that?

15 **A** I tested overall for blood. I confirmed
16 blood. I don't confirm each stain.

17 **Q** Do you know which stain you confirmed?

18 **A** Um, the one that I tested was on the lower
19 left leg.

20 **Q** Show us with the laser pointer.

21 **A** Um, it would be on the front in the next
22 photo.

23 **Q** So you didn't confirm any blood on the
24 back?

25 **A** No.

1 bleeder, would you have maybe tested more areas of
2 the pants.

3 **A** They could have been tested in that
4 situation. That is where actual cuttings would have
5 been taken from different areas to be tested for
6 DNA. The only things that was tested for DNA, and
7 this was for trace, again, on the nonstained areas.

8 **Q** (By Ms. Whirley) You checked nonstained
9 areas on these shorts too?

10 **A** Yes. So again, areas that were not
11 stained did the same thing, two swabs.

12 **Q** Did you know if there was anything in the
13 pockets or is that something that you would not deal
14 with?

15 **A** Yes, I checked.

16 **Q** You checked the pockets. Okay. It looks
17 like something, I was just wondering.

18 MS. ALIZADEH: Was there anything in the
19 pockets?

20 **A** No.

21 MS. ALIZADEH: Would that be the inside of
22 the pockets, you know when you turn a pocket inside
23 out, there's fabric. Do you know what that is that
24 looks like in that picture?

25 I'm going to let you look at it.

1 **Q** (By Ms. Whirley) But did you check the
2 pockets?

3 **A** Oh, actually, I think it is the velcro,
4 there's velcro.

5 MS. ALIZADEH: For the pocket?

6 **Q** (By Ms. Whirley) And then here --

7 **A** That's the inside of the pocket.

8 **Q** Okay. And you checked, there was nothing
9 in the pockets?

10 **A** Right.

11 **Q** Correct, okay. So --

12 MS. ALIZADEH: You want this still up
13 here? You were done with that.

14 MS. WHIRLEY: I think I'm done with that.

15 **Q** (By Ms. Whirley) So Number 36. What are
16 we looking at there?

17 **A** This is, these were kind of backwards. So
18 this, again, was the first picture that I took of
19 the shorts just to show the complaint number, my
20 initials, DSN, date.

21 **Q** So what is that Q number?

22 **A** Q2.

23 **Q** Q2. What's that other number next to it,
24 or symbol?

25 **A** A bracket.

1 **Q** Just a bracket. That's what is throwing
2 my math, that's Q2?

3 MS. ALIZADEH: Kind of like a greater than
4 symbol.

5 **A** Yes.

6 MS. ALIZADEH: Like an arrow kind of
7 thing.

8 **Q** (By Ms. Whirley) What does it represent?

9 **A** It doesn't mean anything. It just is,
10 that's just how I write it. I do the Q and then
11 just showing my initials and the date all done at
12 the same time.

13 **Q** I see, okay. And what did you do with
14 this piece of, this item?

15 **A** Well, these are Michael Brown's shorts
16 that I swabbed the non stained areas for trace.

17 **Q** You also swabbed this area, is that near
18 the waist band?

19 **A** Yes, so any non stained areas.

20 **Q** Okay.

21 MS. ALIZADEH: Did you swab the belt as
22 well?

23 **A** Yes, because that is a good place. When
24 you are swabbing for trace on clothing, a lot of
25 times pockets, collars, belts, those are areas that

1 are easily grabbed. So, yes.

2 Q (By Ms. Whirley) Okay. This is Photograph
3 Number 37. That's on your other report beginning
4 with, I think, Q22, correct?

5 A Yes.

6 Q Okay. And this was submitted another day.
7 What did you do with this item?

8 A I swabbed this hat for wear DNA just
9 because it wasn't identified on the receipt as
10 belonging to someone in particular. So I just
11 swabbed areas that would touch skin. If you're
12 wearing it on the hat, it is the inner rim of the
13 hat of the bill.

14 Q This is number 38, also a photograph of
15 the Cardinal baseball cap, correct?

16 A Yes.

17 Q You just gave us another view of it I see?

18 A Yes.

19 Q All right. And then Number 39. So you
20 also took photographs of the flip flops that you
21 were told he was wearing; is that right?

22 A Yes.

23 Q And that's 39 and 40, which I will show in
24 a moment. Did you do anything with that spot that's
25 there that we're looking at?

1 **A** Yes.

2 MS. WHIRLEY: We had an interruption for
3 the alarm sounding. We are good now. So we were on
4 Number 39, Photograph Number 39 and Number 40, which
5 we will show in a minute. They are both pictures of
6 the flip flops that you were told Michael Brown was
7 wearing, correct? Tell us was there anything of
8 evidentiary value that was lifted from those flip
9 flops?

10 **A** Well, I tested orange brown stain for
11 possible blood.

12 **Q** Is that what we are looking at here?

13 **A** For Q23, I tested reddish brown stain on
14 the outside left side, so yes.

15 **Q** (By Ms. Whirley) Everybody see that stain?

16 **A** And then I also, let me see. I also
17 swabbed the top of the sole area and the under side
18 of the strap, the white strap, for trace for who was
19 wearing. Again, like the hat, I didn't know who it
20 belonged to.

21 **Q** Okay. And this is Number 40. We see a
22 little speck on 40 too, did you test that also?

23 **A** I did. I tested, my notes one of four
24 small reddish brown stains.

25 **Q** Okay. And did you confirm it to be blood?

1 **A** The quantity was not sufficient so I
2 didn't confirm it. And then I also, like the other
3 flip flop I swabbed, I will show you, I swabbed the
4 sole area and then underneath the strap for trace.

5 **Q** And this is 41. This was submitted to
6 you, correct?

7 **A** Yes.

8 **Q** What did you do with this?

9 **A** Again, there was no one code as to who it
10 belonged to. To get a wear DNA, I just swabbed the
11 entire bracelet for trace DNA.

12 **Q** So that's a bracelet?

13 **A** Yes.

14 MS. ALIZADEH: And just to be clear
15 because we have two bracelets, this is the bracelet
16 that is rubber with yellow, white and black
17 coloring?

18 **A** I described it as black, yellow and white
19 rubber rainbow type.

20 **Q** (By Ms. Whirley) I'm sorry, go ahead.

21 **A** Type bracelet. Per the receipt, it was
22 recovered in front of 2964 Canfield.

23 **Q** It is identified as Q25, which is also in
24 your report identifying it, correct?

25 **A** Yes.

1 **Q** And on this one, which is Number 42,
2 that's this one is Q26, how do you describe that
3 one?

4 **A** I described it as a dark brown beaded
5 bracelet recovered from the front of 2964 Canfield.

6 **Q** Okay. Do you know what material that's
7 made of?

8 **A** Well, on my notes I put apparent wood.

9 **Q** Wood.

10 **A** I don't know for certain.

11 **Q** That is what it felt like, or looked like
12 to you?

13 **A** It looked like wooden beads.

14 **Q** Okay. And that was swabbed also?

15 **A** Yes.

16 MS. ALIZADEH: For trace?

17 **A** For trace.

18 MS. ALIZADEH: Neither bracelet had any
19 stains that were of apparent blood or anything that
20 you thought might be blood, right?

21 **A** They did not have any reddish brown stains
22 on them.

23 : Was this considered the
24 gold bracelet?

25 MS. WHIRLEY: Don't know.

1 : Okay.

2 . Were these his
3 bracelets, do we know that?

4 MS. WHIRLEY: We'll talk to the DNA person
5 to see if anything of evidentiary value came from
6 the swabbing because you really can't talk about
7 that, correct?

8 A No, I just swab and prepared all the
9 samples for DNA. The DNA analyst will be able to
10 answer those questions.

11 MS. WHIRLEY: The skin cells or anything
12 on it, yes.

13 Q (By Ms. Whirley) The last two photos are
14 43 and 44, and they are socks, correct?

15 A Yes.

16 Q We'll do 43 first.

17 A They are from the first report.

18 Q Okay. And from the first report, and
19 that's Q?

20 A It is Q3.

21 Q Q3.

22 A So those were Michael Brown's socks.

23 Q You were told they were his socks,
24 correct?

25 A Yes, it was indicated on the receipt that

1 they were his socks.

2 Q Okay. And you indicate that they had
3 reddish brown stains throughout, at least Q3 did?

4 A Right.

5 Q You have both of them as Q3, pair of
6 socks, got it. I see now. I just had to look. So
7 reddish brown stains, did you swab that for, or was
8 it --

9 A No, I just tested for blood.

10 Q Okay. And you confirmed blood?

11 A Yes.

12 MS. ALIZADEH: And this is Photograph 44.

13 And, , when you look at that, in this
14 area right here, did you mark with, is that your
15 marking of the area?

16 A Yes.

17 MS. ALIZADEH: Like with a Sharpie or
18 something?

19 A With a Sharpie. That's the area that I
20 tested.

21 MS. ALIZADEH: For blood?

22 A For blood.

23 MS. WHIRLEY: That's really all I have,
24 Kathi.

25 Q (By Ms. Alizadeh) So just in summary, can

1 you tell me of the items, of the items you tested,
2 you found apparent blood on the officer's pant leg,
3 correct? Did you test that stain on the officer's
4 pant leg?

5 **A** I tested the swabs, I didn't doubly test
6 it, so I tested the swabs that came from the crime
7 scene from the pant.

8 **Q** Okay. And did you determine that was
9 blood?

10 **A** Yes, they were blood.

11 **Q** And you didn't see any apparent blood on
12 the shirt of the officer, correct?

13 **A** Correct.

14 **Q** And then, you know, we've talked about the
15 shirt of Michael Brown, the pant and the socks all
16 had apparent blood on them, correct?

17 **A** Or confirmed blood, yes.

18 **Q** Or confirmed. I'm mixing my terms.
19 Apparent is when you're not you sure what it is, but
20 it looks like it?

21 **A** Right.

22 **Q** And then on the sandals, you didn't have
23 enough to confirm that it was blood; is that right?

24 **A** Yes.

25 **Q** And then what about the swab from the gun,

1 there were two swabs submitted from the gun. Did
2 you test those swabs?

3 **A** I tested that for blood. Yes, the swabs,
4 they were, they had reddish brown stains and black
5 stains on the swab. Since it had a reddish brown
6 stain, I tested it for blood. It was presumptively
7 positive for blood, but the quantity was not
8 sufficient for confirmatory testing. Again, I
9 didn't want to --

10 **Q** Destroy the sample?

11 **A** Yes.

12 **Q** Consume the sample?

13 **A** Yes.

14 **Q** That was presumptive positive for blood,
15 but you didn't do a confirmatory test and you
16 forwarded that to the DNA section, would that be
17 right?

18 **A** Yes.

19 **Q** And then what about the swabs from the
20 interior of the door of the police vehicle, did you
21 test those swabs?

22 **A** I tested, well, there were, there were
23 several. So you're saying that interior, I received
24 numerous swabs from the car. Do you mean in
25 general, or you want me to go through each one?

1 **Q** Well, I'm thinking in particular there
2 were photographs that were taken by that
3 there was reddish brown stain on the driver's side,
4 on the driver's door, on the inside of the door?

5 **A** Okay. So what I have is Q12 was a swab
6 with reddish brown stains from the driver rear
7 passenger exterior door.

8 **Q** Driver rear?

9 **A** Rear passenger exterior door, Ferguson PD
10 108.

11 **Q** That's the exterior. Do you have one for
12 the interior of that door?

13 **A** Yes. Swabs with reddish brown stains from
14 interior left front door handle.

15 **Q** Yes?

16 **A** Yes, I confirmed blood on those.

17 **Q** So that was confirmed blood?

18 **A** Yes.

19 **Q** Let's go back. You talked about the swab
20 that you received that was from the exterior rear
21 driver's door.

22 **A** Yes.

23 **Q** And I recall we had a photograph that was
24 taken by that had a reddish brown spatter
25 perhaps, I don't know what you might call it, but if

1 that is the swab that you tested, what did you
2 determine about that?

3 **A** I determined that it was blood of probable
4 human origin.

5 **Q** Is that a presumptive test or is that a
6 confirmatory test?

7 **A** It is confirmatory for blood, but it is
8 presumptive for the species just because there has
9 been reporting of some upper primates and ferrets
10 producing the same result. So we say probable human
11 origin for that.

12 And since it was on the exterior of
13 the car, that's why I wanted to do that to test or
14 give a possible species result just because it was
15 outside the car.

16 **Q** So it is conclusive for blood on the
17 outside of the door, conclusive for the blood on the
18 inside of the door, conclusive or presumptive for
19 blood on the gun?

20 **A** Yes.

21 **Q** And then conclusive for blood on the swabs
22 that were on the pant leg for the stain on the pant
23 leg, correct?

24 **A** Yes.

25 **Q** And then Mike Brown's clothes you have

1 already testified about that.

2 Did you do any blood, did you test
3 for blood on the apparent skin or hardened nasal
4 mucus? I know you said you took a sample from that
5 to forward to the DNA section, did you test it for
6 blood?

7 **A** I did. I confirmed it for blood and also
8 for presumptive species for that was positive.

9 **Q** And that was on the outside of the car as
10 well?

11 **A** Yes.

12 **Q** And all of these things that tested
13 positive for blood were forwarded to the DNA lab,
14 the DNA section, correct?

15 **A** Not every item, but the probative items I
16 confirmed blood on, such as Michael Brown's
17 clothing, those samples weren't forwarded. I can go
18 through each of the items that I did forward, I have
19 a sheet.

20 **Q** Well, if I asked you the skin/nasal mucus,
21 that actually a sample got forwarded to the DNA
22 section, correct?

23 **A** Yes.

24 **Q** And then what about the reddish, the blood
25 that you determined on the outside of the driver's

1 door, did that go to DNA?

2 **A** Yes.

3 **Q** The blood that you confirmed on the inside
4 of the driver's door, that went to DNA?

5 **A** Yes.

6 **Q** And then the blood that was on the,
7 swabbed from the officer's pant leg?

8 **A** Yes.

9 **Q** That went to DNA, correct?

10 **A** Yes.

11 **Q** And then the, now, you said that you could
12 not do a confirmatory test on what you detected was
13 presumptive positive for blood on the gun swabs, but
14 you forwarded those swabs to the DNA section,
15 correct?

16 **A** Yes.

17 **Q** And then you've already testified about
18 the swabs, places you swabbed for trace evidence.
19 On the officer's shirt that was forwarded to the DNA
20 section, correct?

21 **A** Yes.

22 **Q** On the officer's pants?

23 **A** Yes.

24 **Q** And the pants and shirt of Michael Brown,
25 did you forward those, the trace swabs?

1 **A** Yes.

2 MS. ALIZADEH: All right. Checking my
3 bases. All right, thanks, nothing else.

4 MS. WHIRLEY: , did you have a
5 question?

6 . When you
7 get through swabbing, does it automatically go
8 directly to the DNA or someone comes behind you, is
9 there another step between you and the DNA testing?

10 **A** No. Once I would do any testing that I
11 need to do, then I also sample it and prepare the
12 sample for DNA, and then it will be put into a
13 refrigerator until the DNA analyst takes it.

14 MS. WHIRLEY: Anyone else, questions?
15 ? No?

16 MS. ALIZADEH: Thank you. That concludes
17 the testimony.

18 (End of the testimony of
19
20
21
22
23
24
25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. WHIRLEY:

9 Q Good afternoon. If you could introduce
10 yourself to the grand jurors and spell your name for
11 the court reporter, please?

12 A My name is . That's
13 .

14 Q What's your occupation?

15 A DNA technical leader with the St. Louis
16 County Police Department Crime Laboratory.

17 Q What do you do generally?

18 A Generally, I perform the duties of a DNA
19 analyst. So that involves processing evidence
20 submitted to the lab for DNA testing. As the DNA
21 technical leader, I have additional
22 responsibilities, primarily to insure that our DNA
23 section maintains compliance with the FBI quality
24 assurance standards that are required for DNA
25 testing laboratories.

1 **Q** Are employed with the St. Louis County
2 Police Department; is that correct?

3 **A** That's correct.

4 **Q** And how long have you been employed with
5 them?

6 **A** It will be four years in February.

7 **Q** Did you do any other scientific work
8 before?

9 **A** Yes, previous to my work with St. Louis
10 County, I was a biologist and a DNA analyst with the
11 St. Louis Metropolitan Police Department Crime
12 Laboratory for just over six years.

13 **Q** You have a total of what, is it ten years
14 or more?

15 **A** Approximately, yes.

16 **Q** What type of work, tell us about your
17 education?

18 **A** I have a bachelor's degree in biology, as
19 well as a bachelor's degree in anthropology from the
20 University of Missouri-Columbia. And then I have a
21 master's degree in biology from Washington
22 University.

23 **Q** Okay. And we also have a copy of your CV
24 that you provided for us. We have it marked as
25 State's Exhibit, I'm sorry, Grand Jury Exhibit

1 Number 72.

2 (Grand Jury Exhibit Number 72
3 marked for identification.)

4 Q (By Ms. Whirley) That kind of outlines all
5 of your credits and education and training. So we
6 don't have to spend a lot of time talking about
7 that.

8 A Okay.

9 Q At least at this stage. Now,
10 approximately how many DNA cases have you worked?

11 A Approximately 1,400.

12 Q Okay. Can you tell us, a case comes to
13 you, how does it start for you, a case?

14 A Sure. Generally evidence is collected
15 from a scene or from a hospital or from other
16 medical examiner's office, et cetera. That evidence
17 is submitted to the laboratory and a biologist or
18 biological screener obtains that evidence from the
19 vault, they process it for whatever bodily fluids or
20 potential DNA may be there.

21 They perform their testing and they
22 collect samples from the various areas of the items
23 and then they forward that on to DNA, which is where
24 I come in.

25 Q They forward that to you?

1 **A** Correct.

2 **Q** You are one of the DNA analyst.

3 **A** Correct.

4 **Q** How is it determined who is going to get
5 the case?

6 **A** It's generally just availability, so
7 whoever the next available person is will take the
8 case.

9 **Q** And I want to get a little bit more
10 general information out there, but before I go to
11 ask those questions, I do want to specifically state
12 that you worked the Michael Brown shooting case; is
13 that correct?

14 **A** Yes.

15 **Q** And did you work this one in an
16 expeditious fashion or any different than any other
17 case?

18 **A** It was worked just like any other case,
19 but it was worked, I guess, as a priority.

20 **Q** Okay. Priority is a better way to put it.
21 Why, do you know why it was made a priority?

22 **A** Due to the sensitive nature of the case.

23 **Q** Within the United States, all the
24 information that's coming out, we are trying to get
25 this completed, right?

1 **A** Yes.

2 **Q** Or you were trying to get it completed?

3 **A** Correct.

4 **Q** I think you kind of told us what your
5 responsibilities at the crime lab are, correct? Is
6 there anything else you wanted to add to that?

7 **A** Not that I can think of.

8 **Q** Okay. And what is DNA, we are going to
9 play a little film, is this a good time do it?

10 **A** Yeah, that would be great.

11 **Q** You provided us with a CD. I'm going to
12 keep talking as I get set up.

13 You provided us with a CD on, I guess
14 a little animated feature regarding DNA section?

15 **A** Yes.

16 **Q** This film, you put it together for us; is
17 that correct?

18 **A** Yes.

19 **Q** To kind of give us a little illustration
20 of what DNA is and how it works. So that might be
21 helpful and kind of break up the afternoon. So let
22 me get it started here. Can you see all right from
23 where you are or do you want to stand up?

24 **A** I think I can see all right. I can stand
25 up if need be.

1 **Q** All right.

2 MS. ALIZADEH: You might be able to
3 advance by doing that.

4 **Q** (By Ms. Whirley) Tell us that first slide.
5 That first slide, DNA processing, talk to us about
6 it and then indicate to Kathi when she should go to
7 the next slide.

8 **A** Sure. So if at any point you all have
9 questions, feel free to interrupt me. If I start
10 talking too fast or anything.

11 So this first slide is giving a
12 little bit of background information on what
13 forensic DNA testing is and the type we perform in
14 our laboratory. We do what is called nuclear DNA
15 testing. That just means that we're looking at DNA
16 that's in the nucleus of a cell.

17 So if you think of an egg, would be
18 like the egg yoke. That's where the nucleus is.

19 And more specifically the technology
20 that we use is called short tandem repeat or STR.
21 Basically the thing to take away is that we are not
22 sequencing genomes here, we are not able to
23 determine if there's genetic diseases or any sort of
24 information like that.

25 We're actually looking at areas of

1 the DNA that are, what we call junk DNA. So they're
2 just sequences that are scattered throughout the
3 genome that differ from person to person, but they
4 don't have any known function, so they are not
5 genes.

6 **Q** All right. So next slide?

7 **A** So here is a little graphic of DNA. It is
8 basically a chemical blueprint of your body. We get
9 half of our DNA from our mother and half from our
10 father. It varies from person to person and it is
11 found in almost all cells in the human body. So
12 again, I mention the nucleus. Any cell that has a
13 nucleus is going to contain nuclear DNA. Next.

14 This is just a little slide on what
15 exactly I mean by short tandem repeat. Essentially,
16 you have a little segment that is usually by four
17 base pairs long that repeats over and over again.
18 And so in forensics, what we do is actually
19 determine how many times that little unit repeats.

20 So you can see here there is an
21 illustration of that. You can see there is seven
22 repeats there on the top and eight on the bottom.

23 I also mentioned that we get half of
24 our DNA from our mother and half from our father.
25 So for all of your chromosomes you basically have a

1 pair of each chromosome, so one from mom and one
2 from dad. So in this illustration, perhaps the
3 seven repeats came from mom and the eight repeats
4 came from dad. So that's essentially what STR
5 technology is.

6 The way that we're able to actually
7 obtain the DNA profile is something called
8 polymerase chain reaction, basically it is just a
9 fancy word for copying for amplification. We are
10 able to target specific areas on the DNA and amplify
11 millions of copies of those so that it can be
12 detected by an instrument. So again, we are not
13 sequencing genomes, we are just looking at very
14 specific points on the DNA.

15 Just another thing that's important
16 to note. I know on CSI and shows like that they
17 sort of just get a profile and they magically know
18 who it is, but in reality it is just like
19 fingerprints where you have to have reference DNA
20 from an individual to obtain what their profile is
21 to compare it to the case.

22 Q (By Ms. Whirley) So when you say
23 reference, you are talking about some known sample?

24 A Yes.

25 Q So if you take my blood or my buccal swab

1 and you are comparing it, I'm the reference sample?

2 **A** That's correct.

3 **Q** Not just some unknown entity out there?

4 **A** Right.

5 **Q** And then when you talked about the
6 copying.

7 **A** Yes.

8 **Q** Is that what allows you to get a DNA
9 sample from something as minute as a little blood
10 stain?

11 **A** That's correct, yes. With older
12 technologies like RFLP that's mentioned on the
13 slide, you needed a blood stain about the size of a
14 quarter. Whereas now with PCR you can get DNA
15 profile from a tiny speck of blood or even
16 potentially skin cells left behind from someone
17 grasping an object.

18 **Q** So sometimes when the police aren't able
19 to get a fingerprint sample, they may, latent print,
20 you may be able to find with DNA?

21 **A** Sure.

22 **Q** Or DNA sample or profile, rather, of
23 someone?

24 **A** Yes.

25 **Q** Okay.

1 **A** And it is also important to note at all
2 stages we have controls that are run along with the
3 samples, both positive and negative controls, just
4 to make sure that all the reagents are free of
5 contamination and that the analyst isn't introducing
6 any contamination.

7 **Q** That raises another question. What do you
8 do to make sure your own DNA isn't getting into
9 sloughing or flaking off into things that you are
10 testing?

11 **A** Yes, there is couple things that we do.
12 We wear protective equipment, so lab coats, masks,
13 gloves, we change gloves in between samples, we use
14 all of the consumables, et cetera, are one-time use.
15 We don't reuse any of the plastics.

16 The second thing is we actually have
17 all of our DNA profiles in a local database. So
18 every sample that we run, we crosscheck it against
19 all of the individuals in the laboratory to insure
20 that we are not being detected in the sample.

21 MS. ALIZADEH: I have a question. Talking
22 about the copying or amplification, I know in some
23 cases I've had where the report will say that there
24 wasn't a sufficient amount of DNA to obtain a
25 profile. Why can't you just, can't you just copy it

1 over and over again until you can get a big enough
2 thing to test?

3 **A** Yes. So when you see that sometimes in
4 our record, we do actually amplify all samples, even
5 if the, well, I guess there's a step before it
6 called quantitation, where we estimate how much DNA
7 is there. Some labs stop at the quantitation step,
8 if there is no DNA indicated in the samples. We go
9 ahead and carry it through and amplify everything.

10 So when that sentence appears in the
11 report, it just indicates that basically the result
12 that we got, there was just not information there to
13 do a comparison. We weren't able to amplify enough
14 to get a result.

15 MS. ALIZADEH: Is it possible that you
16 wouldn't have any DNA in that sample?

17 **A** It is possible, yes.

18 MS. ALIZADEH: So when you say you amplify
19 it, it undergoes a process whether you know there's
20 DNA there or not?

21 **A** Correct. We go ahead and amplify all the
22 samples.

23 MS. ALIZADEH: Okay.

24 **A** Yes. I think that's all for this slide.

25 And so this is sort of a little bit

1 technical here. This just goes through the various
2 steps. You can see the first step shows a biologist
3 with an alternate light source. Typically that's
4 used to look for semen or potentially saliva stains.
5 We don't usually use this to look for blood. You
6 probably see that on CSI though.

7 So after the biologist prepares
8 everything, the next step in DNA is called
9 extraction. Basically all that's doing is purifying
10 the DNA. The cells have a lot of proteins and other
11 debris that we're not interested in. So the
12 extraction part gives us a clean DNA sample.

13 Quantitation is the next step. I
14 just mentioned that a minute ago. Again, we are
15 trying to estimate how much DNA is there. This is
16 important because we have a target range that we're
17 trying to get to. We have a target number of copies
18 we want to get to.

19 If we have, for example, a blood
20 stain that has a lot of DNA in it, we might,
21 basically, we need to use less of that to get to
22 that target amount. Whereas if we have a swab of a
23 steering wheel where maybe there is just skin cells,
24 we probably need to amp a little bit more of that.
25 So that step just lets us know how much to load into

1 our amplification.

2 **Q** (By Ms. Whirley) What is this target, did
3 you say target number?

4 **A** Yes.

5 **Q** Where does that come from?

6 **A** Typically it is based on validation
7 studies. There is something called developmental
8 validation and then there's also internal
9 validation. So internal validation is what I'm
10 responsible for, any time we're bringing in new
11 technology online. That number is determined during
12 that process.

13 **Q** Is this part of the accreditation that you
14 determined, I mean, who determines what the number
15 should be is I guess what I'm trying to figure out?

16 **A** In our case, it would be me, since I'm the
17 one performing the validation. So I look at data
18 that's available in the community from the
19 developmental validation, which is typically done by
20 the manufacturer. And then we do additional testing
21 to make sure that it works in our hands just like it
22 does in the manufacturer's laboratory.

23 **Q** Okay.

24 **A** So you can see pictures of the instruments
25 there. Number 4, the yellow, that's the thermal

1 cyclor. And that's what does the copying.
2 Basically it is just a heat clock, it heats and
3 cools the sample for certain amount of time and
4 certain temperatures. And it allows the DNA to be
5 copied.

6 And then the last step, the green,
7 that's called the CE, capillary electrophoresis.
8 Basically it's just a fancy term for the instrument
9 that actually gives us the DNA profile. So it's
10 able to separate out those copy fragments by size.

11 And then also during the copying step
12 there were fluorescent tags that were added. So
13 that's what the instrument is actually seeing are
14 those fluorescent tags. So it is able to give us a
15 DNA profile tag.

16 This is what a profile actually looks
17 like. You can see there is green boxes above the
18 peaks. Basically that is just the name of the
19 location on the DNA that we're looking at. It is
20 too small to read, but let's say D3, for example,
21 that just means it is on the third chromosome.

22 The other thing to note here, there
23 is either one or two peaks under each of those
24 spots. And that just goes back to what I was
25 mentioning earlier about you getting half of your

1 DNA from your mother and half from your father.

2 So that is how we are able to do
3 paternity testing as well. If you have reference
4 standards from the parents and the children, you can
5 look location by location to see if those parents
6 contributed the DNA to the child.

7 Q At the bottom it says every person has a
8 unique DNA profile except for identical twins?

9 A That's correct, yes. Everyone on earth
10 has unique forensic DNA profile except for identical
11 twins.

12 Q Okay.

13 A And then the numbers under each peak,
14 that's just how many times it's repeating. Some of
15 them say 15, 16, that's what we call the genome
16 type, that set of numbers, and that is what we
17 compare to the reference standards.

18 This is just a slide on touch DNA. I
19 mentioned it briefly earlier. Touch DNA is also
20 called trace DNA. Essentially, that's just when we
21 are trying to obtain DNA left behind by contact with
22 an object.

23 So a steering wheel swab, for
24 example, the handle of a knife, let's say that was
25 used in an assault, swab of sunglasses, earrings,

1 there is all sorts of things that we can attempt to
2 get touch DNA on.

3 There is a lot of factors that go
4 into whether or not we can actually get a profile
5 from that. The length of time that the contact was
6 actually made can be a determining factor. The
7 biology of the individual. Some people shed a lot
8 of DNA, some people don't, and there is no way to
9 predict that.

10 If the individual is sweating and
11 really worked up, then they are more likely to leave
12 larger amounts of DNA behind. And also the surface
13 of the item that's being contacted, so typically it
14 is kind of like the opposite of a fingerprint. This
15 might be a smooth surface, it might be great for
16 fingerprints, but not as good for DNA. And that's
17 really just a twofold thing.

18 Essentially, when you have something
19 like fabric, there is more friction that's going to
20 be pulling cells off. And then there's also more
21 places for the cells to kind of cling to and
22 maintain and stay in there.

23 **Q** With the touch DNA, someone's DNA profile
24 may be on an item, but can you say whether it is
25 saliva, skin cells, I mean, can you speak exactly to

1 what that bodily item is or not?

2 **A** No. Forensic DNA profile is going to be
3 the same throughout your body. So whether it's from
4 blood or semen or skin cells, the DNA profile that I
5 showed you a minute ago is going to look exactly the
6 same.

7 So screening test can kind of, I
8 guess, illustrate, or maybe point to a probable
9 source of the DNA, but the DNA profile itself will
10 not indicate that.

11 **Q** You can say this is the profile?

12 **A** Yes.

13 **Q** But you can't say what the actual bodily
14 fluid was?

15 **A** Correct.

16 **Q** Okay.

17 **A** We'll have to kind of press through these.

18 **Q** These are just like pictures for us?

19 **A** These are just some limitations, we just
20 talked about one, but DNA, again, that profile is
21 not going to tell us when it was deposited. The
22 next one.

23 MS. ALIZADEH: Let me back up, I have a
24 question.

25 **A** Sure.

1 MS. ALIZADEH: And it probably is not
2 particularly relevant in this case. The DNA
3 degrades, so like you said, you can't tell when it
4 was deposited, you know, we see on TV where they
5 will dig up, exhume a body that's been buried for
6 100 years they will do DNA on it. Is there any way
7 to tell if the DNA is recent or fresh DNA, as
8 opposed to something that's been degrading over
9 time?

10 A Well, there's certain things in the
11 profile where you can tell if the sample has been
12 degraded, but there is nothing to indicate
13 specifically how long something has been degrading
14 for or how long it has been in the ground or
15 anything to that effect.

16 Domestic incidents. So let's say,
17 for example, husband and wife living together, wife
18 stabs husband with a steak knife. Let's say we find
19 her DNA on the handle, that's great, but since she
20 lives in the house and handles the knife all the
21 time, maybe she just ate a steak the hour before.
22 So DNA is less useful in situations like that.

23 Intent. So this typically has to do
24 with sexual assault cases. Again, DNA profile is
25 not going to tell us whether the sex was consensual

1 or whether it was a rape. We simply obtain a
2 profile or we don't, that's all.

3 We just talked about this a little
4 bit. We can't determine what fluid the DNA profile
5 is from definitively.

6 MS. ALIZADEH: You use the word fluid, you
7 can get DNA from skin cells, correct?

8 **A** Correct. And then as we mentioned
9 earlier, identical twins will have the same profile.

10 MS. ALIZADEH: What are those little
11 things in the middle there?

12 **A** Those are angry sperm. That has to do
13 with the consensual sex or not. I always say it
14 would be great if they looked like that under the
15 microscope, but they don't.

16 And then as Kathi just touched on,
17 DNA can be degraded by environmental conditions,
18 chemicals, like bleach.

19 So in this case there was some DNA
20 mixture obtained. I just wanted to touch briefly on
21 what that is exactly. You can go ahead and hit the
22 forward.

23 Mixture is just where we have DNA
24 from more than one individual on an item. Sometimes
25 we have so many people on an item that we are not

1 able to discern any particular profile and we're not
2 able to make any useful comparisons or inclusions.

3 And then other times we have cases
4 where maybe there's a large amount of DNA from one
5 contributor, but the other people on the sample are
6 not contributing very much. So we might be able to
7 get a great result for the person who is donating a
8 lot of DNA, but the minor contributors, as we call
9 it, might be inconclusive because there is not
10 enough there.

11 **Q** (By Ms. Whirley) If the minor person or
12 the minor profile is too little to tell, you know,
13 it is not a full profile, do you include or make any
14 determinations whether or not that person can be
15 included or excluded?

16 **A** So it depends on, well, let me back up.
17 The first thing that we do is when we get the DNA
18 profile back, we actually perform our interpretation
19 prior to looking at any reference standards. So we
20 go location by location and look to see is the
21 profile complete enough to be a comparison. And if
22 so, what locations do we feel fully represent the
23 DNA samples, so which location are conclusive.

24 So after marking all of that out and
25 making all of our interpretations, then we go and do

1 the comparison.

2 So if we ran into a situation where
3 a, let's say there's a minor contributor, but there
4 is just not a lot of DNA from them, but the peaks
5 that are there perhaps are consistent with a
6 reference standard that we are looking at. Again,
7 if the data is not of sufficient quality, then we
8 would say it is inconclusive and we can't determine
9 if they're there or not.

10 If those peaks simply don't match
11 that person, then we would do what's called an
12 exclusion, and we would indicate that they're
13 excluded from that sample.

14 You know
15 when we are born and take our footprints and
16 fingerprints, do you ever have to go like back to
17 the hospital and look up birth records or anything
18 like that sometimes to determine?

19 **A** No, we actually don't have access to that
20 kind of materials.

21 MS. ALIZADEH: I have a question. ,
22 of course, testified before you about areas of a
23 shirt that she swabbed and chose not to swab for
24 trace DNA. And she testified about the bloody areas
25 on a shirt and that she didn't swab those areas for

1 trace DNA. She said something about the DNA section
2 from the blood would overwhelm the trace. So can
3 you explain what that means?

4 **A** Yes, so that exactly what we're talking
5 about we are talking about here. If here's a huge
6 amount of DNA from one person, essentially, that's
7 going to do what we call preferential amplification.
8 It just means that's going to be copied much more
9 than the person that left the tiny bit of DNA.

10 So if there is not enough there, it
11 is not going to amplify up, so we might not be able
12 to make a conclusive determination about that
13 person.

14 So I know we all have post-lunch food
15 coma, but it is getting a little technical here, but
16 this is just an illustration or what it actually
17 looks like when we say major contributor.

18 So you can see there is numbers, 10,
19 11, 13, 16, 17, et cetera, you can see how some of
20 those peaks are very distinctly higher above the
21 rest of the peaks. So that's what we are talking
22 about when we say major contributor. So the 10 and
23 the 16 in the first location, the 11, 13, 17, those
24 would be what we call minor contributor.

25 MS. ALIZADEH: And you mean those little

1 tiny peaks.

2 **A** Yeah, those little tiny down at the
3 bottom, correct. So, again, typically our
4 separation is about four to one, that's where we
5 would determine there is a major contributor. So
6 when those peaks are four times higher than the
7 people down in the graph.

8 And then we can also have a major
9 mixture where there is two people that are
10 contributing a lot of DNA and then there might be
11 just a couple tiny trace peaks from another
12 individual.

13 So everywhere you see the red M in
14 those boxes, that's what is being called the major
15 mixture. So the majority of the DNA is being
16 contributed by those two individuals.

17 So we can sort of treat that like a
18 separate mixture from the stuff that's down in the
19 graph.

20 MS. ALIZADEH: And I recall from your
21 report, which I know we haven't passed out yet,
22 there is places where you talk about a mixture of at
23 least two people or a mixture of, so is it possible
24 then when you say that it could be a mixture of more
25 than two people?

1 **A** Correct.

2 MS. ALIZADEH: You're not able to say it
3 is six people?

4 **A** Correct.

5 MS. ALIZADEH: Okay.

6 **A** Yes, in that scenario the report wording
7 will say, there was a major mixture component of two
8 individuals detected and then it will say an
9 additional allele indicated a possible trace
10 contributor or something to that effect.

11 **Q** (By Ms. Whirley) So when it says that,
12 that means that there is another profile there, but
13 you just don't have enough?

14 **A** Correct. From the trace individual, yes.

15 **Q** Okay.

16 **A** When we do our comparison and we find a
17 probative match, probative just means something
18 that's important to the context of the case. So it
19 can perhaps disprove or prove key statements, et
20 cetera.

21 We do a statistical measure of that
22 to give weight to that evidence or to that match so
23 the jury can determine is this a really good match,
24 a really strong match or is it just so-so.

25 There is two statistical models that

1 were used in this case. The first is called the
2 RMP, random match probability. Essentially, what
3 that's saying is it's looking at a single source
4 profile, so from one individual, and it is saying
5 how rare is that profile. How often would we expect
6 to encounter it in the general unrelated population.

7 If that profile reaches a certain
8 threshold of rarity, we are able to conclude that
9 the profile came from an individual that's listed in
10 the case if they match. So we can say this profile
11 is unique and it matches this particular individual.

12 The second statistic is used for
13 mixtures, so you just need a slightly different
14 model when you are dealing with a mixture versus a
15 single source sample. So the particular statistic
16 that was used is called a likelihood ratio.

17 Again, this is used when you can
18 determine the number of contributors. So earlier I
19 said a major mixture of two individuals. That would
20 be a case where you could use the likelihood ratio.
21 You can go ahead and forward it. I'll get a little
22 bit more information on that in a minute.

23 This is just a slide, again, on
24 random match probability. So, again, the way that
25 we are able to determine how rare a profile is in

1 the population, we do what are called population
2 studies.

3 So, essentially, a sample is taken
4 from the population of the United States in our
5 case, and they look to see how often are certain
6 genome types detected, how often are certain alleles
7 detected.

8 So think of it as a parking lot where
9 you are looking to see how rare or common a certain
10 car is. So if you have a parking lot, it is your
11 driveway, you have only two cars in there, it is
12 probably not enough, not a large enough sample size
13 to say, okay, this is a rare car or not. It is only
14 two, but if you compare that to, let's say, a
15 parking lot at Busch Stadium, where you have
16 hundreds of thousands of cars, you can probably
17 determine, okay, I see 50 Toyota Camrys and et
18 cetera.

19 So you can determine approximately
20 how rare or common a particular allele is. So
21 that's what the statistics are based on are these
22 population data basis.

23 The more locations that we use, the
24 more discrimination the profile is, that is the
25 better able we are to differentiate one profile from

1 another.

2 So this is just a little bit more
3 information. This is what I was saying about when
4 it reaches a certain threshold of rarity, then we
5 can conclude that there was a common source. So the
6 evidence stain matches the suspect, for example.

7 Very often you will see in the media
8 where you read newspaper accounts of trials and
9 things, they will very often say that the, they will
10 quote the statistic as being the chance someone else
11 committed the crime. That's called the prosecutors'
12 policy, there is actually a name for it because it
13 happens a lot, but that's not what we are looking at
14 here. No offense. They don't do that, they're
15 good. Again, we are just looking at the rarity of
16 profile. It has nothing to do with the context of
17 the case or, you know, anything to do with innocence
18 or guilt.

19 And there's also a defense attorney
20 fallacy, and that assumption is everybody else with
21 the same profile has an equal chance committing the
22 crime. DNA statistics have nothing to do with
23 access to the scene or any of those factors.

24 Go ahead. We pointed this out
25 earlier, but DNA testing and testimony will not

1 indicate how a stain was deposited. Again, we're
2 just looking to inform the jury as to the likelihood
3 that the DNA from a crime scene sample matches that
4 of a particular individual.

5 This is a little bit on the
6 likelihood ratio, that's the stat we used when we
7 have mixture. Basically it is just a mathematical
8 way of saying how much particular hypothesis
9 explains the evidence.

10 So let's say in a rape case, for
11 example, one hypothesis might be that victim and
12 suspect explain the mixture. And the defense might
13 say, well, I agree the victim is there, it is a
14 vaginal swab, let's say, but that's not my guy. It
15 is some random guy.

16 So the defense hypothesis would be
17 the mixture is explained by the victim and some
18 unknown guy. So, essentially, we perform a
19 statistic that just weighs those two options and
20 determines which one is more likely.

21 And this is just a verbal equivalent
22 of what that number means. So if you have a
23 likelihood ratio of one to ten, it is limited
24 support for that hypothesis. 10 to 100 is moderate
25 support, on and on. Anything over 10,000 is very

1 strong evidence is to support that hypothesis.

2 This is just a real quick summary of
3 what we do. Obviously, we interpret the profiles
4 first, then we compare it to any reference
5 standards. If there's a probative inclusion, we
6 give statistical weight. We complete the report and
7 then we submit it to technical administrative
8 review.

9 So there's a second qualified analyst
10 that's required to review everything in the report.
11 All the processing documentation, just to make sure
12 that they agree with the assumptions and everything
13 that was done.

14 MS. ALIZADEH: I have a question about
15 that because testified about there being a
16 technical review. Does the reviewer run the same
17 test as you to see if they are getting the same
18 result, or they just looking at your work to see
19 that it was done correctly?

20 **A** They look at my work to make sure that it
21 was done correctly.

22 MS. ALIZADEH: Okay.

23 **A** I don't know, we can leave this up while
24 we're talking. This is just a summary of the
25 evidence that I tested from the first report and

1 then the next slide is the second report. I don't
2 know if you can even read that, but it is a summary.

3 MS. ALIZADEH: I can pass out --

4 MS. WHIRLEY: That report is Grand Jury
5 Exhibit Number, the first one is Number 73.

6 (Grand Jury Exhibit Number 73
7 marked for identification.)

8 MS. WHIRLEY: That's Q1, I think bottom
9 K2, I will have you explain what those symbols mean.

10 **A** Okay.

11 MS. WHIRLEY: Grand Jury Exhibit Number
12 74, that's a supplemental report to the first one.

13 (Grand Jury Exhibit Number 74
14 marked for identification.)

15 **Q** (By Ms. Whirley) So basically you get the
16 items, for example, the person that was here earlier
17 who did the screening for DNA, she didn't do any
18 analysis, she just checked the swabs, did a report,
19 forwarded it to your DNA section?

20 **A** Yes.

21 **Q** And then what do you do?

22 **A** Um, so I go through the process that we
23 outlined earlier where I process the sample, I
24 obtain a DNA profile, I perform my interpretations
25 and then I perform my comparisons.

1 **Q** Okay. So we're passing out the reports
2 that you prepared, these are reports that you
3 prepared, correct?

4 **A** Yes.

5 **Q** And tell us what the Q1 and the K1 and 2,
6 what does that mean?

7 **A** Sure. That's the item designation that's
8 given in the laboratory. So that would be what
9 designated it as.

10 If you look on the first page of my
11 report, there's in parentheses after each item, it
12 says Item Number, for example, Q1-1. At the end it
13 says Item Number 3 and that's referencing crime
14 scene designation.

15 **Q** Okay. And on her report, I don't have it
16 in front of me, let me look and see. Like when she
17 does, I have it, thank you though. Her report where
18 it says Q1 specimen, now yours says us Q1-1. Tell
19 us about that, what's the difference?

20 **A** Yes. So any time an item is separated or
21 a sample is taken from an item, it gets a new item
22 number to distinguish it. So Q1 would have been the
23 T-shirt and then Q1-1 just means that she took a
24 sample from that item.

25 **Q** Okay. And what is the K1 and K2?

1 **A** The reference standards are given K
2 designations for known. So in this case PO Wilson
3 is K1 and Michael Brown K2.

4 **Q** You actually have their DNA sample?

5 **A** Yes.

6 **Q** Buccal swab for the officer and blood for
7 Michael Brown?

8 **A** Correct.

9 **Q** All right. And as I mentioned with the
10 lab biology person was here. On your report it also
11 has victim suspect. That's not anything that you
12 made a determination of; is that correct?

13 **A** That's correct.

14 **Q** How does that get that designation?

15 **A** We process it as it was submitted by the
16 investigating agency.

17 **Q** So it comes to you from the police victim
18 suspect?

19 **A** (Nods head.)

20 **Q** All right. Looking through items examined
21 is on the Elmo, in addition to what we are looking
22 at, they are the same thing, correct?

23 **A** Yes.

24 **Q** Okay. What items did you do analysis on
25 that were of an evidentiary value? And when I say

1 evidentiary value, do you know what I mean?

2 **A** Yes.

3 **Q** What do I mean?

4 **A** To me it means probative value. So
5 potentially proving or disproving statements or just
6 anything to be potentially probative.

7 **Q** That's exactly what I mean. What did you
8 analyze that was of evidentiary value?

9 **A** Well, I can list the items that I list
10 statistical calculation on.

11 **Q** Okay.

12 **A** Um, so Q5 was the palm of Michael Brown's
13 left hand, swabs from his palm.

14 **Q** What did you observe, tell us about your
15 analysis about his palm and Q5, it would be on the
16 second page of your first, of your three page
17 report?

18 **A** Yes.

19 **Q** Marked Grand Jury 73, and it is the palm
20 of Michael Brown's left hand?

21 **A** Yes.

22 **Q** And RBS means what?

23 **A** Red brown stain, something that would have
24 tested either presumptively or confirmatory in
25 biology for blood.

1 **Q** What was your conclusion about that?

2 **A** The DNA typing results obtained from Q5
3 are consistent with being a mixture of two or more
4 individuals. This profile can be separated into a
5 major component profile consistent with Michael
6 Brown and a minor contributor.

7 There was an additional allele that
8 indicates a possible trace contributor, but again,
9 that was inconclusive.

10 PO Wilson is included possibility
11 minor contributor profile. So then the next
12 sentence is the likelihood ratio where it is giving
13 weight to that statement. The observed mixture
14 profile is 98 times more likely if it originated
15 from Michael Brown and PO Wilson than it originated
16 from Michael Brown and an unknown individual in the
17 general unrelated population.

18 **Q** And that's kind of, I don't want to say
19 confusing, when you say 98 times more if it
20 originated from Michael Brown and PO Wilson. So you
21 are not confirming that it did originate from those
22 two?

23 **A** Correct.

24 **Q** Okay. So how is it probative of anything?

25 **A** Um, so in this case generally with any

1 case when you have DNA from a particular individual
2 and another individual, then it's potentially
3 probative. So if there were accounts that there was
4 a struggle and we find DNA from individual A on
5 individual B, then it's probative.

6 **Q** Okay. We know it is Michael Brown,
7 correct, as the major contributor?

8 **A** Yes.

9 **Q** And are you saying that it's more likely
10 that it is PO Wilson is the minor contributor?

11 **A** That's correct, then if it were an unknown
12 person in the general population.

13 MS. WHIRLEY: You all have questions on
14 that? Okay, all right.

15 What else do you have?

16 **A** So moving down. Q11, this was tissue from
17 the driver front exterior door.

18 **Q** Okay.

19 **A** There is several items in this particular
20 sentence. You want me to list those out before I
21 read that?

22 **Q** Yeah, that is on page two of three. Okay,
23 go ahead.

24 **A** Yes, it is about the third paragraph from
25 the bottom. So Q11 was the apparent tissue from the

1 vehicle. Q12 was the driver rear passenger exterior
2 door of vehicle 108, that would have been PO
3 Wilson's vehicle.

4 Q13 and Q14 are reddish brown stains
5 from the roadway in front of 2943 Canfield.

6 Q Okay.

7 A So all of those items Michael Brown is the
8 source of those, of the profile obtained from those
9 items.

10 Q Did you do any numbers on that one?

11 A Yes, I have the actual statistic is listed
12 farther back in the DNA report. Would you like me
13 to read that?

14 Q Yeah, if you would.

15 A This would be in the larger stack of
16 things that we made copies of.

17 Q Okay.

18 MS. ALIZADEH: , is it on the third
19 page of your report where it says conclusion based
20 on the calculated frequency?

21 A That's an informational statement that
22 says what the threshold is, but the actual number is
23 back in this report, which is what I'm looking for
24 here.

25 MS. ALIZADEH: All right.

1 **A** So I mention earlier that we have,
2 basically these databases are based on samples of
3 the population. So the database that we use has
4 four ethnic groups; Caucasian, black, Hispanic and
5 Asian. So there is four numbers that you will see
6 in this report. This is on page 42 of the notes.

7 **Q** (By Ms. Whirley) They don't have those.

8 **A** Okay. So, let's see. So this would be a
9 rarity of 1 in 36 nonillion, which is a very large
10 number. I actually have a chart here. Nonillion is
11 10 to the 30th, so 30 zeroes behind it. So it goes
12 million, billion, trillion, quadrillion,
13 quintillion, sextillion, septillion, octillion,
14 nonillion.

15 **Q** How many people are in the world?

16 **A** Approximately 7 billion.

17 **Q** 7 billion?

18 **A** Yes.

19 **Q** So this is many, many, many, many more
20 times people than in the world?

21 **A** That's correct.

22 **Q** For you to get that match again?

23 **A** That's correct.

24 **Q** So that's Michael Brown?

25 **A** Right, yes.

1 **Q** All right. And this was blood that was,
2 we are on Q11, that nasal mucus or tissue that was
3 on the car; is that correct?

4 **A** Correct.

5 **Q** And the driver rear passenger exterior
6 door and the roadway at 2943, it says Canfield and
7 looks likes two samples from that area, Q13 and Q14,
8 all Michael Brown is the source?

9 **A** Correct.

10 **Q** What else do you have?

11 **A** All right.

12 **Q** Q15, tell us about Q15, tell us about
13 that.

14 **A** Okay. Sure. So this sample was from a
15 reddish brown stain on the upper left thigh of PO
16 Wilson's uniform pants. DNA from Q15 are consistent
17 with being a mixture of two or more individuals.
18 This profile can be separated into a major male
19 component profile and a minor contributor consistent
20 with PO Wilson.

21 One additional allele indicates
22 possible trace contributor. Again, that's
23 inconclusive. Michael Brown is the source of the
24 major male component profile connected from Q15.

25 **Q** And is this one of those occasions where

1 you talked about there could be more than two that
2 trace, you can't say what that is, but it is not
3 either of these two individuals?

4 **A** That's correct.

5 **Q** Okay. And then on Q16, since we are in
6 that area.

7 **A** Um, Q16 was a swab from the top exterior
8 left front door of the vehicle. The DNA typing
9 results obtained from Q16 are consistent with the
10 mixture of three or more individuals. This profile
11 can be separated into a major mixture of two
12 individuals, with a trace contributor, and the trace
13 contributor is inconclusive.

14 **Q** Okay.

15 **A** And then this is the likelihood ratio
16 statistic again. Michael Brown and PO Wilson are
17 included as contributors to this major mixture
18 profile. The observed major mixture profile is 6.9
19 million times more likely if it originated from
20 Michael Brown and PO Wilson than if it originated
21 from PO Wilson and an unknown individual in the
22 general unrelated population.

23 **Q** Okay. And you kind of explained that to
24 us already.

25 **A** Yes.

1 **Q** And then for Q17, which was the exterior
2 left front door mirror of vehicle 108, there was
3 limited amount of genetic information to make any
4 determination regarding the officer or Michael
5 Brown?

6 **A** That's correct.

7 **Q** Okay. How about Q18?

8 **A** Sure. Q18 was the interior left front
9 door handle of the vehicle. The DNA typing results
10 obtained from Q18 are consistent with being a
11 mixture of two or more individuals. This profile
12 can be separated into a major male contributor
13 profile and one or more minor contributors. Michael
14 Brown is the source of the major male contributor
15 profile. Due to the limited genetic information
16 available from the minor component, the presence or
17 absence from PO Wilson cannot be determined.

18 **Q** Okay. And then again, what we've talked
19 about so far with Michael Brown is the source of the
20 major male contributor, or even part of a mixture,
21 can you tell us whether it was blood or saliva or?

22 **A** No, I cannot.

23 **Q** Okay. Or skin cells, no?

24 **A** No.

25 **Q** All right. Let's look at Q19.

1 **A** Okay. So Q19 is swabs from PO Wilson's
2 weapon. The Sig P229, and this particular swab did
3 test positive for blood, I have RBS listed there.

4 **Q** When we say RBS, that means that it's
5 blood?

6 **A** Yes.

7 **Q** Okay. The reddish brown stain?

8 **A** Correct.

9 **Q** Okay.

10 MS. ALIZADEH: Do you --

11 **A** Assuming she was able to confirm it.

12 MS. ALIZADEH: That's what I was going to
13 say. Do you know if it was presumptive?

14 **A** I believe on this item it was presumptive,
15 I don't believe there was enough there to do the
16 confirmatory test.

17 MS. WHIRLEY: You do have enough to get a
18 DNA profile, you did get a DNA profile from the
19 weapon?

20 **A** Yes.

21 **Q** (By Ms. Whirley) You can't say again
22 whether it was blood or skin cell?

23 **A** Correct.

24 **Q** Saliva or what, or sweat?

25 **A** Correct.

1 **Q** So tell us about the weapon.

2 **A** Okay. The DNA testing results obtained
3 from Q19 are consistent with being a mixture of
4 three or more individuals. This profile can be
5 separated into a major mixture of two individuals
6 with a trace contributor. Again, the trace
7 contributor is inconclusive. Michael Brown and PO
8 Wilson are included as contributors to this major
9 mixture profile.

10 The observed major mixture profile is
11 2.1 octillion times more likely if it originated
12 from Michael Brown and PO Wilson than if it
13 originated from PO Wilson and an unknown individual
14 in the general unrelated population.

15 **Q** And again, we're talking about a number so
16 high, you know, as many, many, many more times than
17 the population of the whole world before you find
18 another profile like this?

19 **A** Well, this is actually the likelihood
20 ratio statistic, so it is a little bit different on
21 the assumptions, but that hypothesis has very, very,
22 strong support.

23 **Q** Okay, all right. And this is, I don't
24 know if you have some different numbers somewhere
25 else. This is a pretty important part of what they

1 need to know, the DNA on the gun. So what can you
2 tell us about the DNA on the gun again?

3 **A** The hypothesis that it's these two
4 individuals, PO Wilson and Michael Brown, is 2.1
5 octillion times more likely than it was PO Wilson
6 and some unknown.

7 **Q** When you say hypothesis, what do you mean?

8 **A** Basically it's just how well that
9 hypothesis explains the data.

10 **Q** What does hypothesis mean?

11 **A** Hypothesis would be that supposing that
12 these two particular individuals contributed it
13 versus another individual and PO Wilson.

14 **Q** Okay.

15 MS. WHIRLEY: Questions on that?

16 : Let me understand this,
17 . So are you saying his DNA was on
18 the gun?

19 **A** That statement is supported by the data,
20 yes.

21 . You can't
22 determine if it was from skin cells or fluid?

23 **A** Correct. The DNA profile would be the
24 same throughout your body, so we're not able to
25 determine if the DNA profile originated from blood

1 or skin cells.

2 Yes.

3 You talked

4 about the door, the front door handle?

5 **A** Yes.

6 : You could tell it was

7 Michael Brown?

8 **A** Yes.

9 : He was the more major

10 contributor. So if he was the last person to touch

11 it, would his DNA, would it have overrode whoever

12 touched it prior?

13 **A** It's possible, yes.

14 **Q** (By Ms. Whirley) There's evidence that, or

15 information that, and you probably know this

16 already, you get some information from the police

17 when you are doing this testing, correct?

18 **A** Some.

19 **Q** There was a shooting involved in the car?

20 **A** Yes.

21 **Q** And then there was blood and actually some

22 blood swabs were submitted, correct?

23 **A** Yes, and I believe at the time of the

24 testing, I don't know that I actually knew of a

25 shooting.

1 **Q** But you know now before I told you?

2 **A** I do know now.

3 **Q** So if his DNA is on the gun and the car
4 and the door of the car, there's no way you can tell
5 us is it because he touched the gun or because his
6 blood may have been on there or some other portion,
7 sweat or saliva, probably not saliva, but some other
8 bodily fluids, you can't tell us exactly how his DNA
9 got on that gun?

10 **A** That's correct.

11 MS. WHIRLEY: Any questions on that?

12 : I do, I just
13 have a question about Number 11, 12, 13 and 14. It
14 says apparent tissue or hardened nasal mucus from
15 vehicle 108. And it says apparent tissue or
16 hardened nasal mucus --

17 MS. ALIZADEH: If you recall that was
18 Officer testified that he used a pair of
19 tweezers to remove something from the outside of the
20 door.

21 : There was, none of this
22 was from inside of the door?

23 MS. ALIZADEH: That tissue/hardened nasal
24 mucus is on the outside of the door.

25 Okay. Thank you.

1 MS. ALIZADEH: But there are swabs taken
2 from the inside of the door that she's testified
3 about from the door handle, and that's the interior
4 door handle.

5 : Interior door handle.

6 MS. ALIZADEH: I believe so.

7 A Yes, Q18, interior left front door handle.

8 So interior left front
9 door handle has DNA from Michael Brown inside the
10 car?

11 A Yes.

12 Q (By Ms. Whirley) Again, we don't know how
13 the DNA got there?

14 A Correct.

15 Q Okay. Let's go onto, were we done with
16 Q19?

17 . What my question
18 is, Q11, they introduced that to us a long time ago.
19 We don't know what it is. If you can answer any
20 more, was the suggestion that it was a hardened
21 nasal mucus just an assumption because it looked
22 that way?

23 A That's correct, but the biologist, she
24 actually called me in to kind of look at it and just
25 see what I thought. We didn't know what it was,

1 that's just what it appeared to be.

2 : Would there be any way of
3 knowing --

4 MS. ALIZADEH: It's been tested.

5 : We know he had a close
6 range wound to his hand. Is there any way of
7 knowing, could have been skin that came off his hand
8 or not any way of knowing that?

9 **A** I'm not sure. I know I can't determine
10 that from DNA.

11 MS. ALIZADEH: Dr. is going to
12 return to talk about because that tissue, that
13 hardened nasal mucus tissue was forwarded to him for
14 his testing. He's going to come back tomorrow and
15 tell you what he found that to be.

16 MS. WHIRLEY: Thursday.

17 MS. ALIZADEH: Or Thursday.

18 **Q** (By Ms. Whirley) So Q20-1, I'm sorry, were
19 there any other questions before we go on?

20 Q20-1. Tell us about that.

21 **A** Those were swabs from PO Wilson's uniform
22 shirt. They were from the left side and the collar
23 area, and I believe testified regarding
24 that. The DNA typing results obtained from Q20-1
25 are consistent with being a mixture of three or more

1 individuals. This profile can be separated into a
2 major mixture of two individuals with a trace
3 component. And again, the trace component is
4 inconclusive.

5 MS. ALIZADEH: Again, what?

6 **A** The trace component is inconclusive.

7 **Q** (By Ms. Whirley) So that's that person
8 other than Michael Brown and PO Wilson?

9 **A** Yes.

10 **Q** Okay, go ahead.

11 **A** Michael Brown and PO Wilson are included
12 as contributors to this major mixture profile. The
13 observed major mixture profile is 2.1 trillion times
14 more like that it originated from Michael Brown and
15 PO Wilson, than if it originated from PO Wilson and
16 an unknown individual in the general unrelated
17 population.

18 **Q** Okay. So again, we don't know how his DNA
19 got on his shirt?

20 **A** Correct.

21 **Q** Okay. Questions on that one?

22 Q21-1.

23 **A** This was PO Wilson's uniform pants on the
24 left side. The DNA typing results are consistent
25 with being a mixture of three or more individuals.

1 This profile can be separated into a major mixture
2 of two individuals with a trace component, and the
3 trace component is inconclusive.

4 Michael Brown and PO Wilson are
5 included as contributors to this major mixture
6 profile. The observed major mixture profile is 34
7 sextillion times more likely it originated from
8 Michael Brown and PO Wilson than if it originated
9 from PO Wilson and an unknown individual in the
10 general unrelated population.

11 Q So those are on the pants?

12 A Yes.

13 Q Now, we started with Q5 and we talked
14 about things of evidentiary value. K1-1 is Michael
15 Brown's shirt, and you did not consider that to be
16 of evidentiary value because it said that Wilson is
17 excluded as a contributor to this mixture profile?

18 A Well, I started with samples that I
19 performed statistical measures on and when we do
20 exclusions, there is no statistical measure. So I
21 can certainly get those results now.

22 Q Okay. Go ahead.

23 A So Q1-1 was Michael Brown's T-shirt. I
24 believe this is where attempted to swab areas
25 that did not appear to have blood staining. The DNA

1 typing results obtained from Q1-1 are consistent
2 with being a mixture of two or more individuals.
3 This profile can be separated into a major component
4 profile consistent with Michael Brown and one or
5 more trace contributors.

6 And then, again, there's limited
7 genetic information from the trace component, so
8 inclusionary statements can be made regarding this
9 portion of the mixture.

10 However, PO Wilson is excluded as a
11 contributor to this mixture profile.

12 **Q** So that means whatever the trace component
13 was did not have any of the alleles or any of the
14 profile of Officer Wilson?

15 **A** That's correct.

16 **Q** So Q2-1?

17 **A** This was Michael Brown's shorts. The DNA
18 typing results obtained from Q2-1 are consistent
19 with being a mixture of three or more individuals.
20 This profile can be separated into a major component
21 profile consistent with Michael Brown and two or
22 more trace contributors. Due to the limited genetic
23 information available from the trace component of
24 the mixture, no inclusionary statements will be made
25 regarding the trace component. PO Wilson is

1 excluded as a contributor to this mixture profile.

2 Q So to say the thing that we said earlier,
3 none of those little points or the alleles match
4 Officer Wilson?

5 A Yes.

6 Q If one of two would have matched, you
7 would have said what?

8 A It is possible that maybe one or two did,
9 but overall he was excluded. So if you have one or
10 two, it's possible you just might have adventitious
11 inclusion, I guess, because people do share alleles,
12 they share peaks, but when you look across an entire
13 profile, that's how when you are able to determine
14 if they are excluded or not.

15 Q Do you use a certain number of peaks or
16 alleles to make an exclusion?

17 A There is really not a specific number, it
18 is just dependent on the mixture. But again, if
19 there are peaks that are foreign to the individual
20 then they're excluded.

21 Q So in this case, is that what we are
22 seeing is that they were foreign to Officer Wilson?

23 A Yes.

24 Q The trace amounts, those alleles?

25 A Yes.

Page 191

1 Q Anything else of evidentiary value that we
2 missed?

3 **A** I think the only other items that we have
4 discussed would be the swabs from Michael Brown's
5 other portions of his body, his hands.

6 Q Okay. We'll talk about that. Is there a
7 question?

8 So on Q1-1, the
9 report talks about possible Police Officer Wilson
10 grabbed the shirt of Michael Brown, from what you
11 seen from the area that was tested, you didn't get
12 enough markers to verify that that's true. From
13 what you've seen you didn't get any police officer's
14 DNA off of that shirt?

15 **A** Correct.

16 Q (By Ms. Whirley) Anyone else? Okay.

17 On that other report, which is Grand
18 Jury Exhibit Number 74, was there, tell us about
19 that, what you concluded in that analysis.

20 **A** The second report consisted of additional
21 items that I was requested to process. There was
22 Cardinals baseball hat, two Nike sandals, the right
23 and the left. Actually, there was, yes, there was
24 two sandals and there were two swabs taken from each
25 of those sandals. So there's four swabs from the

1 sandals. And there were also two bracelets, one of
2 them was a black, yellow and white rubber bracelet,
3 and the other one was a dark brown beaded bracelet.

4 **Q** Were you able to, I see where you have the
5 buccal swab referenced for Officer Wilson and the
6 blood referenced for Michael Brown. Were you able
7 to find any profiles on those bracelets?

8 **A** I was able to obtain a mixture on each
9 one. You want me to --

10 **Q** Yes, please.

11 **A** So on the black, yellow and white rubber
12 band bracelet, the DNA typing results obtained from
13 that item Q25-1, are consistent with being a mixture
14 of two or more individuals. This profile can be
15 separated into a major male component profile and
16 one or more minor contributors. Due to the limited
17 genetic information available from the minor
18 component of the mixture, no inclusionary statements
19 will be made regarding the minor component. Michael
20 Brown and PO Wilson are excluded as contributors of
21 the major male component profile, however, I
22 couldn't determine if they were present as possible
23 minor contributors.

24 **Q** There wasn't enough of a DNA profile to
25 make the connection?

1 **A** Yes.

2 **Q** Okay. That's for the yellow and black,
3 yellow and white rubber bracelet. And then the dark
4 brown bracelet, did the same determination?

5 **A** It was essentially the same. On this
6 particular item there was a mixture of three or four
7 individuals instead of a mixture of two or more, but
8 again, there was a major male component profile and
9 then two or more minor contributors, but they were
10 excluded as the major contributor.

11 **Q** Then going to the first page, the
12 Cardinals baseball cap.

13 **A** That profile was single source. Michael
14 Brown was the source of that DNA profile. And then
15 Q24-1 was the reddish brown stain on the right Nike
16 sandal, that was also Michael Brown.

17 **Q** Okay. When you say single source, you
18 mean no mixture, just straight one source?

19 **A** Correct.

20 **Q** Does that pretty much conclude that second
21 supplemental report?

22 **A** The only other item would be swabs from,
23 again, the second set of swabs from the left and
24 right sandals and those results were inconclusive,
25 so I wasn't able to do any conclusions on them.

Page 194

1 Q You didn't do anything with the socks,
2 correct?

3 **A** No.

4 Q All right.

5 . Did you
6 do anything with the clippings of the fingernails?

7 **A** Yes. That was in the first report and
8 those were consistent with Michael Brown. Let me
9 see where that is.

10 MS. WHIRLEY: Is that Q10?

11 **A** Yes.

12 MS. WHIRLEY: Q9, Q10?

13 **A** Let's see, Q9-1, Michael Brown's left hand
14 finger nail scrapings. This was a mixture, so again,
15 this is Q9-1. It was consistent with being a
16 mixture of three or more individuals. This profile
17 can be separated into a major component profile
18 consistent with Michael Brown and two or more trace
19 contributors. Due to the limited genetic
20 information available from the trace component of
21 the mixture, no inclusionary statements will be made
22 regarding the trace component PO Wilson is excluded
23 as a contributor to this mixture profile.

24 MS. WHIRLEY: Q10?

25 **A** And then Q10 was a single source profile

1 and it was consistent with Michael Brown.

2 Q6 and Q8

3 backs of Michael Brown's hands, looks like there's
4 no Officer Wilson's DNA on the backs of his hands?

5 A That's correct, it is a single source
6 profile consistent with Michael Brown.

7 : We had heard that Michael
8 Brown was punching the officer in the face. Would
9 you say that's inconsistent with those reports?

10 A Well, on these particular items, it has
11 RBS after it, reddish brown stain. So it is
12 possible that PO Wilson isn't there, it's also
13 possible he is not being detected due to the blood
14 on the hand.

15 MS. ALIZADEH: Let me ask you this also.
16 When it says that the backs of the hands were
17 swabbed, and I guess we would have to talk to
18 whoever swabbed them, we don't know if that includes
19 the knuckles or back of the hand?

20 A Yes, I'm not aware.

21 MS. ALIZADEH: There is no indication in
22 your notes to say where on the back of the hand it
23 was swabbed, correct?

24 A Correct. I don't have that information.

25 MS. ALIZADEH: It could be, but they

1 **A** That they were clippings.

2 MS. ALIZADEH: And that she swabbed the
3 clippings.

4 **A** Right, because what I received is just a
5 portion of the original item. So I just get a
6 little tube with something inside, so I don't know.
7 In the
8 report it says here that the contributors not
9 identify, were unable to identify that, the example
10 is put it in CODIS; is that correct, is that my
11 understanding?

12 **A** Yes, at the very end there are two samples
13 that were entered into CODIS.

14 : Do they stay in CODIS for
15 a specific amount of time or just in case somebody
16 might pop up?

17 **A** So just a little bit of background on
18 CODIS. There is actually three levels of CODIS.
19 There's a local level, state level and national
20 level. So the national level is the most
21 restrictive. There's a number of rules about what
22 can go in. It has to be something from the scene of
23 a crime. It cannot be from the victim, it cannot be
24 from a witness in the crime, for example. But as
25 you move down to the local levels it gets less

1 restrictive.

2 So, for example, all the analyst
3 profiles are in our local database. Any reference
4 standard from the list of the suspect is entered
5 locally.

6 The Missouri State Attorney General
7 has made a ruling at the state level we can maintain
8 those suspect profiles. So we enter the suspect
9 known at our level and it stays at the state level.
10 It does not move to the national level.

11 Any unknown sample, we call it a case
12 work unknown sample. And this example of Q12, which
13 was consistent with Michael Brown, and I believe
14 that was from the vehicle. That was entered into
15 CODIS and that would go to the national level.

16 . I want to go
17 back to Q1-1, Michael Brown's T-shirt again to make
18 sure I'm clear. The last line says PO Wilson is
19 excluded as a contributor to this mixture profile.
20 So that tells he is not part of whatever stain is on
21 that shirt.

22 **A** He was not detected, that's correct.

23 : And they also swabbed some
24 of the non stained areas of that shirt and did not
25 find any DNA in that area either?

1 **A** I believe Q1-1 was from the non stained
2 areas.

3 : Okay.

4 **A** She did not swab the stained areas
5 because, again, we would expect to find Michael
6 Brown's blood.

7 MS. WHIRLEY: And that's pretty much
8 protocol or standard not to swab an area that is
9 bloody like that, just too much and the person who
10 bled?

11 **A** Right, and DNA testing is expensive and
12 time consuming so we try to restrict the number of
13 samples to something that can provide information in
14 the case.

15 **Q** There's just no way to know until it was
16 requested?

17 **A** Right.

18 **Q** So what do you do after you complete your
19 analysis, what do you do with all this stuff?

20 **A** All the samples, in this particular case
21 for a time, I believe, the FBI were intentionally
22 going to take it and place it in a vault in
23 preparation for them to take. The particular items
24 that I tested, I don't believe they ended up taking.
25 So we boxed them up for long-term storage.

1 **Q** You have custody of them?

2 **A** They're in the laboratory, yes.

3 **Q** Do you know what items the FBI did test
4 and they took the items that you tested, is that
5 what you said?

6 **A** They informed me that they don't repeat
7 something that has already been done, so they would
8 do testing in addition to what our laboratory
9 performs.

10 **Q** So I don't know that.

11 **A** I'm not aware that they retested anything
12 that I tested.

13 **Q** And you don't know what they did test?

14 **A** No.

15 **Q** Okay. Here is a question I guess you
16 posed for me, do you keep items, why do you keep the
17 items for?

18 **A** The cuttings and all of the envelopes and
19 things that would have taken. We do retain it
20 for possible defense retesting. So we try not to
21 consume any samples. And if we do have to consume a
22 sample, we have to obtain permission from the
23 prosecutor's office or whoever maybe if there is a
24 suspect in the case.

25 **Q** I think you've already talked to us about

Page 202

1 how you insure that your work is accurate, you said
2 there is a technical review or someone reviews your
3 work?

4 **A** Yes.

5 Q They don't retest, Kathi already asked,
6 they just review what you have done?

7 **A** That's correct.

8 **Q** Steps that you have taken?

9 **A** Right, and they double check all the math
10 and any calculations that were done.

11 MS. WHIRLEY: All right. Questions,
12 Kathi?

13 MS. ALIZADEH: No.

14 MS. WHIRLEY: Anybody else? Okay. I
15 guess you asked them along the way, that was good.
16 Okay, thank you very much.

17 (End of the testimony of
18 .)

19 ,
20 of lawful age, having been first duly sworn to
21 testify the truth, the whole truth, and
22 nothing but the truth in the case aforesaid,
23 deposes and says in reply to oral
24 interrogatories, propounded as follows, to-wit:

25 EXAMINATION

1 BY MS. ALIZADEH:

2 Q That's the part where you promise not to
3 talk about this after you leave today.

4 A Got it.

5 Q All right. Could you state your name,
6 please?

7 A .

8 Q , the microphone won't
9 amplify your voice.

10 A Okay.

11 Q You don't need to lean into it to pick you
12 up, just talk loud enough so that I can hear you
13 back here, okay?

14 A Got it.

15 Q What do you do,

16 A My title, 911 services coordinator for St.
17 Louis County. I make 911 work in the county.

18 Q All right. And how long have you had that
19 position?

20 A Twenty years.

21 Q And so are you also, do you have access to
22 all the records that 911, that the communication
23 center keeps regarding 911 calls?

24 A Yes.

25 Q What about radio traffic, do you also have

1 anything to do with the monitoring of radio traffic
2 in St. Louis County?

3 **A** I did, and I still have access because it
4 helps me troubleshoot a lot of things.

5 **Q** Okay. And so we've already heard
6 testimony so we're not going to need a detailed
7 description, but you, of course, you are familiar
8 with the RIOT channels that St. Louis County has?

9 **A** Yes.

10 **Q** And how many RIOT channels are there?

11 **A** I believe there's four.

12 **Q** And they are A, B, C and D then?

13 **A** Right.

14 **Q** And so we have already again heard talk
15 about what they are and how they work and when
16 they're in use.

17 But when transmissions are received
18 on the RIOT channel in the communication center, are
19 those transmissions recorded?

20 **A** Yes, if they're actually heard they would
21 be recorded.

22 **Q** Okay. So there's an audio recording of
23 transmissions, correct?

24 **A** Correct.

25 **Q** Is there also a record that's made that

1 that transmission is actually received so there
2 would be a date stamp, a time stamp with each
3 transmission that's heard?

4 **A** Yes.

5 **Q** Okay. And were you asked during the
6 course of the investigation into the shooting of
7 Michael Brown, were you aware that there was some
8 issue about whether or not a call was made on a RIOT
9 channel?

10 **A** Not until you had asked.

11 **Q** Okay. So, and let's go back on August 9th
12 of 2014, were you, do you recall that and were you
13 aware that there was an incident that occurred down
14 in South County at the St. Anthony's Hospital in one
15 of their hospice care facilities?

16 **A** Yes.

17 **Q** And were you aware that there were a
18 number of officers and County TAC responded, they
19 had a staging area and so forth; is that correct?

20 **A** Yes.

21 **Q** And were you aware that on that, for that
22 incident that the County Police had switched over
23 and were broadcasting on RIOT A?

24 **A** That's correct.

25 **Q** And now, just for clarity sake, RIOT A, B,

1 C and D, those are separate channels, correct?

2 A That's correct.

3 Q And so did I ask you to search your
4 records for any calls that were received and
5 recorded on the RIOT A channel during times that are
6 relevant to the shooting of Michael Brown?

7 A Yes.

8 Q And now you told me, we talked about this
9 briefly out here just now that when you pull a
10 segment of calls or time segment, that has to be in
11 ten-minute increments; is that correct?

12 A Correct.

13 Q And so did you pull all the calls for the
14 times that I requested and burned those onto a disc?

15 A Yes.

16 Q I'm going to show you Grand Jury Exhibit
17 Number 60.

18 (Grand Jury Exhibit Number 60
19 marked for identification.)

20 Q (By Ms. Alizadeh) Is that your handwriting
21 on there?

22 A Yes, it is.

23 Q Have you listened to the call on this
24 disc?

25 A Yes.

1 **Q** Are those the calls that you pulled that I
2 asked for?

3 **A** Yes.

4 (Grand Jury Exhibit Number 71
5 marked for identification.)

6 **Q** (By Ms. Alizadeh) And then did I, did you
7 also provide for me a print-out that I've marked
8 Grand Jury Exhibit Number 71, that shows the dates
9 and times of those calls?

10 **A** Yes.

11 **Q** All right. So the first call that is
12 recorded on Grand Jury 60 is a call from August 9th
13 at 11:43, 11:00 a.m., I'm sorry, let me back up.

14 11:43 and 15 seconds in the a.m.?

15 **A** Correct.

16 **Q** All right. And then the record, which is
17 Grand Jury Exhibit 71, date and time stamps it and
18 says how long the call lasts; is that correct?

19 **A** That's correct.

20 **Q** And now the next column says caller
21 number, but there is nothing in there?

22 **A** Correct. That would show like if it was a
23 911 call, would show the number that came in.

24 **Q** Okay. And then for the column that says
25 channel name, it is all of those are RIOT A calls?

1 **A** Correct.

2 **Q** Okay. And then what is the, the next
3 column says location, what does that mean?

4 **A** That's the DVD that it's on. For
5 instance, 549, that's the 549th CD we have stuck in
6 there to record.

7 **Q** So these calls are not maintained on a
8 hard drive someplace?

9 **A** They are for about probably three weeks
10 and then they are archived to this.

11 **Q** So regardless of whether I ask for these,
12 I could get calls from a year ago, correct?

13 **A** We keep them that long, yeah.

14 **Q** So when you got these calls for me it was
15 more than three weeks past August 9th, is that fair
16 to say?

17 **A** Yes.

18 **Q** And so that location means you were able
19 to determine what DVD it was on?

20 **A** Exactly.

21 **Q** Okay. And I'm going to pass out these
22 records.

23 So the first call that was reported,
24 I already mentioned, is at 11:43 and 15 seconds in
25 the a.m. And then the last call recorded is at 2:06

1 and 31 minutes, I'm sorry, 2:06 and 31 seconds in
2 the p.m., correct?

3 **A** Correct.

4 **Q** I mean, that's more than a ten-minute
5 increment?

6 **A** Right.

7 **Q** You get these?

8 **A** What I was doing was trying to show when
9 it ended and when it started and any traffic in
10 between.

11 **Q** Okay. Now, are you aware that the
12 incident at the St. Anthony's hospice facility, did
13 that start before 11:43:15 a.m.?

14 **A** Way before it, yes.

15 **Q** So were you aware then that the county had
16 already notified their officers to, that were
17 involved in that incident, to switch over to RIOT A?

18 **A** Correct.

19 **Q** And so that transmission is not included
20 in what you've gotten me, right?

21 **A** No.

22 **Q** And then down here you have a reference on
23 August 9th, 2014 at 12:35:35 p.m., St. Anthony
24 secure.

25 Is that reference, just that

1 particular phrase, St. Anthony secure, is that
2 something that you came up with?

3 **A** I just came up with it because at that
4 point on the tape or the CD is when they secured the
5 channel. In other words, we're done.

6 **Q** So there is actually an audio recording of
7 an officer's voice, we are clearing the RIOT A
8 channel. In other words, the incident has ended,
9 you can tune back to dispatch or whatever?

10 **A** Correct.

11 **Q** Okay. And then you also indicate at about
12 2:00 p.m. and 26 seconds on the same day, it says
13 RIOT A for Ferguson, and again, that was, you
14 determined, that is your phrase?

15 **A** That is my phrase from what was said on
16 the audio.

17 **Q** Okay. So there's an audio of an officer
18 activating the RIOT A channel because of the
19 Ferguson incident?

20 **A** Correct.

21 **Q** And that was at 2:00 p.m.?

22 **A** Yes.

23 **Q** And have you listened to all of these
24 calls yourself?

25 **A** Yes.

1 **Q** And have you heard in any of these calls,
2 well, prior to the 2:00 and 26 second entry, so any
3 time prior to that is there a call for shots fired
4 on the RIOT A channel?

5 **A** I don't believe so.

6 **Q** Is there a call for officer in need of
7 aid?

8 **A** Not that I heard.

9 **Q** Is there a call that says something like
10 send every car you've got?

11 **A** Never heard that.

12 **Q** All right. And now I've listened to the
13 calls also and I asked you out there, there's some
14 of these calls actually is a series of tones and
15 there's nobody speaking?

16 **A** Right.

17 **Q** Why are those calls, what is that?

18 **A** That's an FCC regulation where each
19 channel has a frequency and you have to either
20 broadcast yourself, the call signal over it, and for
21 instance, normal everyday traffic, you'd say KWA
22 519, that's our call signal. On a channel that's
23 not used very often, it is an automatic identifier
24 that goes out, it is a tone.

25 **Q** So that's an FCC requirement?

1 **A** Yes.

2 **Q** And that is a tone that's just generated
3 automatically?

4 **A** Correct.

5 **Q** It doesn't have any kind of meaning as far
6 as any incident happening, correct?

7 **A** No, correct.

8 MS. ALIZADEH: I don't have any more
9 questions. My questions for you, jurors, is do you
10 want to hear these calls? They're not very long.
11 Obviously, some of them are five seconds in
12 duration, six seconds, 14 seconds. We could listen
13 to all of them in a matter of less than ten minutes.
14 Of course, this would be available if you all want
15 to listen to it yourself at a later date, but that's
16 up to you. Do you have an interest in hearing these
17 calls?

18 MS. WHIRLEY: I had a question for

19 **Q** (By Ms. Whirley) This RIOT A for Ferguson,
20 these are not Ferguson's communications to their own
21 communication system, this is them on county's
22 communication system?

23 **A** I'd have to hear it, but I believe it was
24 county activating the RIOT channel. Normally most
25 of your municipalities that are going to use it at

1 the very beginning you can hear a couple people just
2 talking. They don't identify themselves. I can
3 recognize one of the names. It was a guy in the St.
4 Anthony's. They'll use it, they'll use that channel
5 just, hey, meet me over at McDonald's or something,
6 they will talk car to car kind of thing.

7 Q Okay.

8 A But usually an activation is done by the
9 county.

10 Q And I'm sure it was said already, just to
11 make sure I'm clear. A municipality like Ferguson
12 can access that RIOT A channel and talk to other
13 officers and other departments?

14 A Correct.

15 Q Okay. But it is really a channel that is
16 maintained by County?

17 A Yes.

18 Q All right. On this channel, all of these
19 other calls, like the St. Anthony's secure and the
20 calls previous to that, all dealt with something
21 that was happening at St. Anthony's?

22 A You can tell one of the cars, you could
23 hear a guy say , he is on the SWAT team.

24 Q But they are not like communications where
25 they are calling into dispatch and announcing their

1 location or their arrival, or asking for assistance
2 or anything like that, it is just sort of an
3 informal communication amongst officers on this
4 channel?

5 **A** Yes.

6 MS. ALIZADEH: And just to clarify,
7 because Sheila asked you, officers in municipalities
8 can use this to talk to each other, but the other
9 person has to be monitoring the RIOT A channel?

10 **A** Correct.

11 MS. ALIZADEH: So it is not like if
12 someone transmits something on a RIOT A, it is not
13 suddenly everybody switches over to RIOT A because
14 there was transmission?

15 **A** No, you usually have a few, the smaller
16 municipalities, they'll know. Let's say I'm
17 Dellwood and you're something else, Bellefontaine.
18 We know, hey, monitor this channel and I will call
19 you when I need you, not call when I need you. I
20 will just talk to you whenever I want you to
21 monitor.

22 MS. ALIZADEH: We also heard some
23 testimony, you know ; is that right?

24 **A** Yes.

25 MS. ALIZADEH: You are the one who hooked

1 me up with him so he could explain how radio traffic
2 works, right?

3 **A** Yeah.

4 MS. ALIZADEH: And so we heard him testify
5 about that emergency button or the orange button
6 that was on the walkie-talkie. And he said that no
7 matter what channel an officer is on, when that
8 button is pressed, it automatically switches, it
9 automatically goes to the dispatch channel for that
10 officer's department.

11 Now my question to you is, if that button
12 is pressed by an officer in a municipality who is
13 not on RIOT A, but might be on another channel,
14 would you hear it on RIOT A?

15 **A** No.

16 MS. ALIZADEH: If that button is pressed
17 while the officer is on RIOT A, because
18 testified about how that tone, the data bursts that
19 are sent out when that button is pressed, are going
20 to go through, they are going to override everything
21 else?

22 **A** Uh-huh.

23 MS. ALIZADEH: So if that button is
24 pressed when the radio is on the RIOT A channel,
25 whatever channel that might be for the municipality,

1 would you hear it on the, would you be able to hear
2 it on the RIOT A monitoring, when you are monitoring
3 RIOT A?

4 **A** Well, County is different. I think the
5 way described it is Ferguson does automatic, is
6 programmed to automatically, no matter what channel
7 I'm on, if I press it, it is going back to the
8 Ferguson main. So, no, we never hear it.

9 MS. WHIRLEY: It is not going back to
10 County, just Ferguson?

11 **A** Correct.

12 MS. WHIRLEY: Okay. I know you had a
13 question.

14 GRAND JUROR 12: It shows the RIOT A for
15 Ferguson started at 2:00. I know you were asking
16 questions about you hear anybody asking for help,
17 but this would have been, they would have secured
18 this channel after the incident happened, correct?

19 **A** They didn't secure it, they started it up.
20 : They started the RIOT
21 channel after the initial incident --

22 **A** Yes.

23 MS. WHIRLEY: These are officers talking
24 informally amongst each other?

25 : Right. This is not an

1 officer asking dispatcher for help, this is officers
2 talking to each other about the aftermath of.

3 **A** No, when St. Anthony secured, we shut down
4 the RIOT channel. There is nobody sitting there
5 monitoring, listening, we shut it down. Ferguson
6 happens, all of the phone calls made.

7 : You said Ferguson
8 happened.

9 **A** The incident at Ferguson.

10 : The incident happened.

11 **A** That was around noon-ish. So that happens
12 and all the phone calls are made and then the
13 decision, commander decides let's move everything
14 over to the RIOT channel.

15 : So my question, just so I
16 get everything, this is not, this is not going to
17 tell us whether Officer Wilson called in for help or
18 anything, this is just going to tell us that after
19 the fact they secured this channel for what they
20 needed?

21 **A** Well, everything you see in here is on the
22 RIOT channel.

23 : I know that.

24 **A** So if he called on the RIOT channel.

25 : If he called his own

1 dispatcher, it would not be on here?

2 **A** No, this is strictly St. Louis County.

3 : They started using this
4 channel after the incident?

5 **A** After the incident, code 2000 they call
6 it, and they activated the RIOT channel.

7 : They activated the RIOT
8 channel to assist with the aftermath of what
9 happened?

10 **A** Yeah.

11 MS. ALIZADEH: Again, just to be clear, if
12 for the sake of assumption, if Officer Wilson had
13 broadcast or had transmitted something on the RIOT
14 channel, it may have been received and recorded,
15 correct?

16 **A** Correct.

17 MS. ALIZADEH: But we've already heard
18 from that there are these voting recorders
19 or receivers and they selected a transmission that's
20 best quality and so it might get, might not have
21 been received?

22 **A** Correct.

23 MS. WHIRLEY: Okay. On your report,
24 it says from August 9th, 2014, from 11:52:32 seconds
25 a.m. to 12:04 and 01 seconds p.m. Does that

1 indicate that there was no transmission between that
2 time period?

3 **A** No, say that again, though, you say --

4 MS. WHIRLEY: 11:52 and 12:04 on the RIOT
5 channel, was there any transmission? Because it
6 looks like the duration of 11:52, was that six
7 seconds?

8 **A** Yeah, okay, it picked up something at
9 11:52 for six seconds.

10 MS. WHIRLEY: Right. So after that six
11 seconds was over, is there nothing else that was
12 picked up until 12:04?

13 **A** Correct.

14 MS. WHIRLEY: So if someone was on the
15 RIOT channel, that would have been recorded?

16 **A** Correct.

17 MS. WHIRLEY: Between that time period?

18 **A** Yeah.

19 MS. WHIRLEY: Between 11:52 and 12:04, if
20 there was nobody else transmitting.

21 **A** Yeah, any kind of break in time in there,
22 there's no audio to record it.

23 MS. ALIZADEH: Let me clarify. I believe
24 talked about the fact that a lot depended
25 upon where the transmission was made from?

1 **A** Oh, yeah.

2 MS. ALIZADEH: The strength of the
3 transmitter, whether there is buildings in the way.
4 So when Sheila said if somebody made a transmission
5 during that time period, it would have been
6 recorded. The answer has to be not necessarily,
7 correct?

8 **A** Yeah, this is what was heard, what was
9 recorded.

10 MS. ALIZADEH: Whatever was heard was
11 recorded?

12 **A** Correct.

13 MS. ALIZADEH: We don't know if there was
14 something transmitted that didn't get received or
15 recorded?

16 **A** There is dead spots throughout the whole
17 county.

18 MS. WHIRLEY: And then for St. Louis, I
19 mean, for Ferguson's communication, they actually
20 have their own dispatch; is that correct?

21 **A** Yes.

22 MS. WHIRLEY: You know that for a fact?

23 **A** Yes.

24 MS. WHIRLEY: Is it Ferguson Police
25 Department that dispatches for Ferguson Police

1 Department?

2 **A** Yes.

3 MS. WHIRLEY: And this is a question you
4 may or may not be able to answer and someone else,
5 maybe you ask it better, ?

6 . Do you
7 know how far Ferguson's tower is from Canfield by
8 any chance?

9 **A** For the RIOT channel?

10 : Just distance.

11 **A** There are different frequencies or
12 different towers. So, for instance, I can speak for
13 the county. The county's tower is at Seven Hills
14 and Halls Ferry. So that's where our RIOT receiver
15 would be.

16 : Okay.

17 **A** But as far as Ferguson and their local
18 town their frequency, no clue.

19 : I think we were told it
20 was in the back of the police?

21 **A** There is a tower back there, but I don't
22 know if it's a cell tower or what's actually on it.

23 MS. WHIRLEY: If it's a cell tower, if it
24 is a cell tower, go ahead.

25 : Do you know the distance

1 from that tower to Canfield by any chance?

2 **A** No.

3 MS. ALIZADEH: I had told you I was going
4 to look that up, I'll try to. I'll try to find that
5 out again.

6 MS. WHIRLEY: Was that all of your
7 questions? Just the distance, or you wanted to
8 know, was he able to transmit?

9 : If like the line of sight
10 wasn't available, even if he would have been on
11 Ferguson, which he may or may not have been, could
12 it have still been picked up, for lack of a better
13 term, a dead zone?

14 **A** We have a lot of those, believe it or not,
15 throughout the whole county. That's part of the new
16 radio system we're building.

17 MS. ALIZADEH: To correct those issue?

18 **A** Correct all of those issues.

19 . Earlier
20 you said something about a 911 call, if there would
21 have been one, caller's number would have showed up
22 on this report. Does that indicate that there were
23 no 911 calls?

24 **A** No, this is strictly RIOT A recordings.

25 You're the 911 coordinator

1 too, right?

2 **A** Uh-huh.

3 : Do you know if there were
4 911 calls made?

5 **A** Oh, yeah.

6 : Like --

7 MS. ALIZADEH: I have those, yes. You
8 didn't print out one of those 911 calls?

9 **A** I have made several different ones, I
10 don't know if I made the 911 calls for you.

11 MS. ALIZADEH: Okay.

12 **A** To give you an idea, the traffic and our
13 recorder is 120 channels. It is very tough just to
14 say give me the calls pertaining to Ferguson. I
15 couldn't sit there, it would take me two years to
16 play every call and figure out what had to do with
17 it. The ones that I made, here they are, you know,
18 pick out what you want and let me know and I will
19 try put them in order or go back and record just
20 those incidents.

21 MS. ALIZADEH: I do have a disc that has
22 911 calls on it and, you know, there are some that
23 have to do with this. I don't want to characterize
24 them as they don't really help you with anything
25 because I don't want to be the person, I don't want

1 that to be my judgment, but if you want to hear
2 that, I have them.

3 **A** Just to give you an idea, they have their
4 own 911 center. So if they call from landline, they
5 are going to Ferguson.

6 So what the county took could have
7 been cell calls that hit a tower facing, that is
8 pointed to the county as opposed to Ferguson?

9 That's where I was going
10 with that, I was just wondering if there were any
11 911 callers that witnessed something that did not
12 come forward to be interviewed by anybody, anybody's
13 doing that crosscheck?

14 MS. ALIZADEH: That would be a good
15 question for Detective Wilson when he's going to
16 come and testify close to the end. There are lots
17 of leads that were followed up that went nowhere.
18 He would be able to talk about those kind of things
19 and so I don't want to characterize it and say, yea
20 or nay. Any of those type of questions he would be
21 the one to ask.

22 Anyone else?

23 MS. WHIRLEY: , did you have
24 something?

25 : I did, I wanted to make

1 sure when testified earlier this week,
2 he mentioned there were like 16 or 19 channels,
3 something like that, that the police officers could
4 be on. There were a number of channels that the
5 police officers could be on and in my notes I put
6 that there are five RIOT channels, there is dispatch
7 channel, mutual aid channel, the point-to-point
8 channel and some other channels.

9 So just because somebody may not be on
10 here doesn't necessarily mean it might not be on
11 another one of those channels?

12 **A** Correct. Some are receive only, it all
13 goes back to like --

14 : Point-to-point is receive
15 only.

16 **A** Hey, you're good.

17 : I know, thank you.

18 MS. ALIZADEH: I'm going to quiz you about
19 DNA. Any other questions for this witness?

20 (End of the testimony of)
21
22
23
24
25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. ALIZADEH:

9 Q Can you state your name, please, and spell
10 it for the court reporter.

11 A .

12 Q All right. And, I'm going to
13 stand back here because the microphone that's in
14 front of you does not amplify your voice. So you're
15 going to have to speak loud enough that I can hear
16 you back here, then I know they can all hear you,
17 okay?

18 A (Nods head.)

19 Q When I ask you questions, and you shook
20 your head yes, because we're recording and the court
21 reporter is taking it down, there is no way that
22 gets recorded. So I might remind you if I ask you a
23 question and you shake your head, I might say is
24 that a yes, but if you can remember, try to say yes
25 or no to answer the question so that he can take it

1 down, okay?

2 **A** Yes.

3 **Q** All right. How old are you?

4 **A**

5 **Q** Okay. And are you familiar with the
6 Canfield Green Apartment Complex?

7 **A** Kind of, not really.

8 **Q** Okay. Do you live in the apartment
9 complex?

10 **A** Yes.

11 **Q** How long have you lived in Canfield?

12 **A**

13 **Q** Okay. There is a map here, Grand Jury
14 Exhibit Number 25, and it is an aerial view of some
15 streets and apartment buildings that make up the
16 Canfield Apartment Complex, okay. And if you look
17 here, the street that cuts through the complex is
18 Canfield Drive, okay?

19 **A** (Nods head.)

20 **Q** And if you were to drive this way, that's
21 going west and West Florissant is out here, okay.
22 And if you are driving this way down Canfield Drive
23 and you are driving that way you're going into the
24 Northwinds Apartment Complex, okay?

25 **A** (Nods head.)

1 **Q** Does that help kind of orient you to where
2 you are?

3 **A** Yes.

4 **Q** Now, I don't want you to say your address
5 because that's not necessary. But what I want you
6 to do is use this laser pointer, do you see your
7 building on there? Don't say it, but do you see it?

8 **A** Yes.

9 **Q** So this is a laser pointer. If you press
10 this button, you know, it puts a red dot on the map.

11 So you don't have to say it, but the
12 grand jurors can see it, where is the apartment that
13 you live in?

14 **A** (Indicating.)

15 **Q** This one right here?

16 **A** (Nods head.)

17 **Q** Are you putting it on this unit right
18 there?

19 **A** Right.

20 **Q** Okay. And so were you living there on
21 August 9th of this year?

22 **A** Yes.

23 **Q** And do you recall anything special about
24 that morning?

25 **A** No.

1 **Q** And who do you live with?

2 **A** My girlfriend and my daughter.

3 **Q** Do you recall how old is your daughter?

4 **A** She's

5 **Q** She's Your girlfriend, was she
6 home that morning?

7 **A** Yes.

8 **Q** Was there anybody else in your apartment
9 that morning?

10 **A** Her family.

11 **Q** Other adults?

12 **A** No.

13 **Q** Are they children?

14 **A** No, they are young adults.

15 **Q** Young adults?

16 **A** Right.

17 **Q** And so we've heard people talk about these
18 apartments, these units have three levels to them,
19 correct?

20 **A** Correct.

21 **Q** And what level do you live on?

22 **A** The second level.

23 **Q** Okay. And so when you, and we've also
24 know from pictures and other people telling us, that
25 each of these units has a front door and a sliding

1 glass door. And when you walk out, there's like a
2 wooden balcony or wooden area, correct?

3 **A** (Nods head.)

4 **Q** There is an outdoor staircase that leads
5 you, the upper floor down to the ground; is that
6 right?

7 **A** Correct.

8 **Q** All right. And so do you remember
9 something happening around noon on the 9th?

10 **A** Yes.

11 **Q** Okay. Where were you when something
12 started to happen?

13 **A** On the staircase.

14 **Q** And so were you on the staircase outside
15 of your apartment unit?

16 **A** Yes.

17 **Q** And were you walking down the stairs like
18 you were going someplace?

19 **A** No, I was sitting there.

20 **Q** You were sitting there?

21 **A** Yes.

22 **Q** Were you with anybody?

23 **A** No.

24 **Q** And we also know from pictures that each,
25 this is an overhang that covers the staircase from

1 rain and snow, correct?

2 **A** Correct.

3 **Q** And we also know that there is like a wall
4 that is in front of that?

5 **A** Correct.

6 **Q** All right. So when you were on the
7 staircase, could you see Canfield Drive from where
8 you were?

9 **A** Yes.

10 **Q** Were you sitting or standing, do you
11 recall?

12 **A** Sitting.

13 **Q** Okay. And so if this is, I'm just going
14 to do a line in this direction. If I bisect
15 Canfield at this point, could you see from this
16 point west?

17 **A** Yes.

18 **Q** Could you see from this point east?

19 **A** Only so far.

20 **Q** And is it because this building blocked
21 your view of some things?

22 **A** Yes.

23 **Q** And so if you are sitting outside your
24 unit, you can probably see beyond this intersection
25 of Canfield Drive and Canfield, well, this is like a

1 little loop around Canfield Drive, correct?

2 **A** That's correct.

3 **Q** But, for example, where this white car is
4 in the map on the picture, which wasn't there that
5 day, this image was not taken that day, but, for
6 example, you wouldn't be able to see that far from
7 where you were; is that right?

8 **A** No.

9 **Q** So what did you see that drew your
10 attention?

11 **A** Well, there were two guys walking down the
12 street in the middle of street and, uh, police car
13 passed them, it stopped where they were and they had
14 conversation or whatever, and so they continued
15 walking and then the police car backed up to where
16 they were and I guess had another conversation that
17 led to an altercation.

18 After they had an altercation, one of
19 the guys ran off and the other guy was still there,
20 and then once he ran from the car, I seen the
21 officer get out of his car and shoot in his
22 direction, but that's all I seen.

23 **Q** Okay. So use the laser pointer and show
24 us where the two boys were when you first saw them
25 walking on Canfield?

1 **A** It was coming kind of going east.

2 **Q** When you first saw them where were they?

3 **A** Uh, when I first saw them?

4 **Q** Uh-huh.

5 **A** Approximately here. (indicating)

6 **Q** Okay. And you said they were walking in
7 the middle of street?

8 **A** Yes.

9 **Q** From where you were sitting, could you
10 tell who they were?

11 **A** No, I'm not familiar with anyone
12 particularly.

13 **Q** How is your eyesight?

14 **A** Fair, fairly good. It is not excellent.

15 **Q** Do you have contacts or glasses?

16 **A** I'm supposed to wear glasses, but I don't.

17 **Q** So do you, if you need glasses, are they
18 for reading or they for seeing distance?

19 **A** More reading, not distance.

20 **Q** Your eyesight for distance okay?

21 **A** Pretty good, but not too good.

22 **Q** How is your hearing?

23 **A** Fair to good.

24 **Q** Never been told that you have a loss of
25 hearing or anything have you?

1 **A** No.

2 **Q** Okay. Um, so let me ask you this. When
3 you were on the staircase at your residence, if you
4 were to look too far west on Canfield Drive, would
5 this building block your view?

6 **A** No.

7 **Q** And why not?

8 **A** Um, because the staircase is more out then
9 the building.

10 **Q** Okay. So you said you saw them about this
11 area and you can see them, this building didn't
12 block your view from where you could see them from
13 here?

14 **A** Yes.

15 **Q** Okay. Which direction were they walking?
16 Were they walking into the complex?

17 **A** East.

18 **Q** East?

19 **A** Right.

20 **Q** So you said a police car came?

21 **A** Right.

22 **Q** A truck I think you said?

23 **A** Yeah, it was a truck, yes.

24 **Q** Was it like a pickup truck or SUV truck?

25 **A** SUV.

1 **Q** What color was it?

2 **A** White.

3 **Q** Did it have police markings on it?

4 **A** Yes.

5 **Q** Was it a Ferguson police truck?

6 **A** Yes.

7 **Q** And when it came down Canfield, what
8 direction was it traveling?

9 **A** It was going west.

10 **Q** Was it going fast like it was going to a
11 call or anything?

12 **A** No.

13 **Q** And how about lights and sirens?

14 **A** No.

15 **Q** And so you saw the officer's truck, could
16 you see the officer inside the truck at this point?

17 **A** No, because he was driving west, it was
18 the driver's side on the west.

19 **Q** So you are looking at the passenger side
20 of the truck as it is going west?

21 **A** Correct.

22 **Q** And so when the truck stopped and you said
23 there was a conversation between the boys and
24 presumably an officer inside the truck, correct?

25 **A** Correct.

1 **Q** Could you hear what was being said?

2 **A** No.

3 **Q** All right. So are you saying there was a
4 conversation just based upon what you saw?

5 **A** Right.

6 **Q** And then you said at some point the boys
7 kept walking and the officer backed up. Did the
8 officer proceed to move after?

9 **A** No.

10 **Q** He stayed there?

11 **A** Yes.

12 **Q** So the boys kept walking, were they still
13 walking east?

14 **A** Yes.

15 **Q** And then you said the officer backed up?

16 **A** Right.

17 **Q** Was there anything unusual about the way
18 he backed up?

19 **A** Kind of, because it was diagonal like to
20 cut them off and at the same time still be, here he
21 was in the middle of the road.

22 **Q** And you saw that, you saw him back up?

23 **A** Yes.

24 **Q** And did you tell, did he hit one of the
25 boys?

1 **A** No, I don't think.

2 **Q** It didn't look like anybody got hit?

3 **A** No, it didn't look like it.

4 **Q** Did it appear like maybe somebody got
5 their foot run over or anything?

6 **A** It could have been possible, but they was
7 on the opposite side of me from the street from
8 where I was.

9 **Q** Okay. So then you said at that point the
10 officer is continuing to talk to the boys?

11 **A** Correct.

12 **Q** And you said there was an altercation?

13 **A** Yes, after backing up, the conversation
14 could have lead to an altercation, or it could have
15 been an altercation from when he backed up, I don't
16 know.

17 **Q** So describe for us when you say that there
18 was an altercation and you couldn't hear anything
19 being said; is that right?

20 **A** No.

21 **Q** Could you hear voices?

22 **A** No, I seen the truck moving like they were
23 having some type of altercation.

24 **Q** So from your vantage point, are you still
25 looking at the passenger side of the truck?

1 **A** Yes.

2 **Q** Now, we know that the boy that was shot is
3 Mike Brown, we know that now, correct?

4 **A** Correct.

5 **Q** You didn't know Mike Brown before that?

6 **A** No.

7 **Q** We know he was like 6'5", he is a tall
8 guy. When he was standing on the other side, was he
9 on the driver's side of the truck?

10 **A** Yes.

11 **Q** Could you see his head above the roof of
12 the truck?

13 **A** No.

14 **Q** Okay. Could you tell what was going on at
15 the truck?

16 **A** Not as good as I could see that the truck
17 was rocking, but no, not inside of the truck, I
18 couldn't see.

19 **Q** You couldn't see if anybody's hands were
20 in or out of the truck or if somebody had ahold of
21 somebody, could you see any of that?

22 **A** No.

23 **Q** Okay. And then so which one of those two,
24 Michael Brown, let's just call him the bigger guy,
25 and then there's another guy with him, was he

1 smaller?

2 **A** Yes.

3 **Q** Did you know that guy from before?

4 **A** No.

5 **Q** And so when the officer backed up and were
6 both boys on the driver's side of the vehicle on the
7 police car?

8 **A** Yes.

9 **Q** Could you see what the smaller boy was
10 doing?

11 **A** He was like going forward still, he was
12 like trying to get away from the altercation or what
13 was going on with them. So he was walking forward a
14 little bit.

15 **Q** When you say forward, was he walking east
16 a little bit?

17 **A** East, yes.

18 **Q** Okay. And how about anybody else, did you
19 see any other car, other people down there?

20 **A** Um, like initially when the police truck
21 stopped, it wasn't a car, but then after the traffic
22 started coming through, I remember seeing a white
23 car because the second guy, when the first shot was
24 fired, he ran and got behind the car. The
25 altercation is still going on because Mike Brown

1 never left the truck.

2 So after that, I see Mike Brown run
3 east and his flip flops fall off and then he keeps
4 going past the building where I couldn't see him any
5 more. So that's when I seen the officer get out of
6 the truck and fire more shots.

7 Q So let's go back now to where Mike Brown
8 is standing next to the truck. You said the shorter
9 guy was kind of walking away from the ordeal?

10 A Right.

11 Q And then you said you heard a gunshot?

12 A Correct.

13 Q How many gunshots did you hear?

14 A It was maybe one, maybe two, I don't know.

15 Q And was this before the officer got out of
16 truck or after?

17 A It was before he got out.

18 Q Okay. And so when you hear that gunshot,
19 have you heard gunshots before?

20 A Yes.

21 Q Were you confused about what it was, did
22 you ever think it was like fireworks or anything?

23 A No.

24 Q You recognized it as gunshots?

25 A Yes.

1 **Q** Or two gunshots?

2 **A** Yes.

3 **Q** Did you see Mike Brown do anything when
4 those gunshots happened?

5 **A** The altercation was still going on, so he
6 was still near the truck. After the shots go off,
7 that's when I see him run, but other than that, no.

8 **Q** Okay. So when you see him run, what
9 direction does he run?

10 **A** East.

11 **Q** And does he run in the street or does he
12 go into the sidewalk or grass?

13 **A** In the street.

14 **Q** He stays in the street?

15 **A** Yes.

16 **Q** All right. And now you had mentioned that
17 you saw his flip flops come off?

18 **A** Right.

19 **Q** And when you saw him run, could you tell
20 at that point if he had been injured?

21 **A** No, because he was running like he was
22 kind of skipping with his run. I didn't, I couldn't
23 say that he was injured, no.

24 **Q** You didn't see any blood or anything on
25 him?

1 **A** No.

2 **Q** Okay. And you said that he ran out of his
3 flip flops?

4 **A** Correct.

5 **Q** It is hard to run in slide flip flops,
6 right?

7 **A** Correct.

8 **Q** And so, obviously, he gets to a point
9 where you can't see him any more?

10 **A** Correct.

11 **Q** And you said you see the officer get out
12 of the vehicle, right?

13 **A** Correct.

14 **Q** Is it a man or a woman?

15 **A** It is a man.

16 **Q** Is he white, black, Hispanic?

17 **A** White.

18 **Q** And were there any other officers in the
19 vehicle that got out?

20 **A** No.

21 **Q** Did you see any other police trucks at
22 that point?

23 **A** No.

24 **Q** So he's by himself?

25 **A** Yes.

1 **Q** Is he in uniform?

2 **A** Yes.

3 **Q** Does he get out of the driver's side?

4 **A** Yes.

5 **Q** So when he first gets out, are you
6 partially blocked because the car is between you and
7 him?

8 **A** Yes.

9 **Q** All right. When he first gets out of the
10 car, do you see the gun?

11 **A** No.

12 **Q** Prior to, when you heard the gunshots, did
13 you ever see a gun?

14 **A** No.

15 **Q** And then you said the officer, I don't
16 want to put words in your mouth, I can't remember
17 what you said, he moves in the direction that
18 Michael Brown ran, correct?

19 **A** He didn't move, once he hopped out of the
20 vehicle, he looked in his direction, but he didn't
21 go towards him. Like he shot, he came from behind
22 the car and then he shot more.

23 **Q** Okay. So when the officer gets out of the
24 car, you said that he looks in his direction. When
25 you say his, are you talking --

1 **A** Mike Brown.

2 **Q** Okay. And at this point, had the littler
3 guy already run behind the white car?

4 **A** Yes.

5 **Q** So he looks in his direction, and then
6 does he fire before he starts moving or as he starts
7 moving?

8 **A** Maybe as, but it was definitely he got out
9 of the vehicle, it could have been as, or before he
10 starts.

11 **Q** Okay. Now, at this point do you see a
12 gun?

13 **A** Yes.

14 **Q** All right. So is it because he's got the
15 gun held high or is it he's away from the vehicle so
16 you can see his full body?

17 **A** He's not away as far as, he wasn't against
18 it. It was like he was out from it because I was on
19 the second level. So I could see the top of the
20 vehicle, but I can't see like closer to the ground.

21 **Q** If you were closer to the car, the car
22 would be blocking?

23 **A** Yeah.

24 **Q** He was away from the car a bit?

25 **A** Yes.

1 **Q** So did you see how he was holding the gun?

2 **A** He had it like police, you know.

3 **Q** With both hands?

4 **A** Yeah.

5 **Q** Were his arms out in front of him?

6 **A** Yeah.

7 **Q** Extended like that? (indicating)

8 **A** Yeah.

9 **Q** And you said that he fired a shot and at
10 the time that he fired that shot, could you still
11 see Mike Brown or had Mike Brown disappeared beyond?

12 **A** No, I can't see him any more.

13 **Q** So at that point you don't know what Mike
14 Brown's doing?

15 **A** Right, correct.

16 **Q** And so you said how many shots did he fire
17 at that point?

18 **A** Maybe four or five, I don't know.

19 **Q** So there's a series of shots?

20 **A** Yeah.

21 **Q** Is he moving while he's shooting?

22 **A** It is like he took a couple then moved and
23 then he shot more.

24 **Q** So there is two series of shots?

25 **A** Correct.

1 **Q** And is there, if you can guesstimate, how
2 long of a pause between the two series of shots?

3 **A** Maybe a second or two, I don't know.

4 **Q** And so you said there were four or five
5 shots in that first series, I can't remember what
6 you said.

7 **A** In the vehicle it was maybe one or two
8 shots.

9 **Q** Okay.

10 **A** After the vehicle, he got out and maybe
11 took two or three shots. I didn't expect the whole
12 situation, so I wasn't counting on the bullets, so.

13 **Q** Sure.

14 **A** I was just listening and watching.

15 **Q** And I understand, and so I'm only asking
16 you to give us your best guess, okay?

17 **A** Okay.

18 **Q** There's one or two shots while he's in the
19 car, then he gets out, then you say he shoots again,
20 but is it one shot out of the car or is it, is that
21 the series of shots?

22 **A** Correct, that was the first of the series.

23 **Q** Okay. And so in that first series of
24 shots, how many do you think?

25 **A** Maybe two or three.

1 **Q** Okay. And then there's like just a couple
2 seconds pause?

3 **A** Yes.

4 **Q** And then there's another series of shots?

5 **A** Correct.

6 **Q** Can you see the officer the whole time
7 he's shooting?

8 **A** Not the whole time, because after he does
9 the first set of shots and then he runs in this
10 direction east and then he fires more shots. And
11 then I see him walking back towards my vision.

12 **Q** So at some point he disappears from your
13 sight because of the building that's between the two
14 of you?

15 **A** Correct.

16 **Q** And you hear more gunshots after that?

17 **A** Yes.

18 **Q** Okay. And then about how much time, if
19 you can guesstimate, from when the shooting all
20 stops until you see the officer again?

21 **A** Uh, maybe three seconds, four seconds.

22 **Q** And you said he's walking back towards his
23 vehicle?

24 **A** Yes.

25 **Q** What does he look like?

1 **A** I can't say he's looking like he's
2 walking.

3 **Q** Did you notice was there any blood on him?

4 **A** No. I think that he was like stumbling
5 with his hand or something. I don't know. At the
6 moment I had thought maybe he got hit or whatever
7 altercation was or something, looking at his hand.
8 I seen him do something with his hands.

9 **Q** Now, you've described that when you saw
10 the officer holding the gun he was holding it with
11 both hands, right?

12 **A** Yes.

13 **Q** So when he's walking back, do you see the
14 gun when you see him walk back?

15 **A** Yes.

16 **Q** How is he holding it then?

17 **A** Uh, with one hand, I think he was, I don't
18 know.

19 **Q** Was it in his hand or in his holster?

20 **A** I think it was in his hand.

21 **Q** In his hand. Do you remember if it was
22 pointed at anybody?

23 **A** No, it wasn't.

24 **Q** Okay. And so do you remember which hand
25 he was holding the gun in?

1 **A** No.

2 **Q** But you recall that he was doing something
3 with his hand, was it the hand that didn't have the
4 gun in?

5 **A** It didn't have the gun, right.

6 **Q** So you just made a motion with your hand
7 like you would be shaking something off on your hand
8 or shaking your hand, is that what you just kind of
9 did?

10 **A** Right, yes.

11 **Q** But you didn't see any blood on his hand?

12 **A** No.

13 **Q** Or any blood on his uniform?

14 **A** No.

15 **Q** And to your knowledge, did anybody that
16 was in your apartment that day see this?

17 **A** No.

18 **Q** Okay. So nobody else was out on the
19 stairs with you the whole time that happened?

20 **A** No.

21 **Q** Did you ever go down, did you ever go down
22 towards the street?

23 **A** Yes, after the incident took place.

24 **Q** Okay. After it happened, did you go down
25 at that point or did you go back into your

1 apartment, or what did you do?

2 **A** See, while it was going on, some people in
3 my house heard the shots. So my girlfriend came out
4 and was like, what's somebody shooting for. And she
5 was like, um, somebody shooting? I was telling her
6 the situation and so she was like, is he dead? I
7 was like, I don't know. Then she was looking at
8 other people that was around, I guess they thought
9 that he was dead. So we then walked down there and
10 was like, and he was laying in the middle of the
11 street.

12 **Q** Did you ever see the officer who shot him,
13 did you ever see that officer go down by the body?

14 **A** Uh, no, I didn't see that.

15 **Q** How about did you ever see the officer's
16 truck, did it ever move?

17 **A** No.

18 **Q** So after this happened and the police
19 came, the truck stayed there?

20 **A** Yes.

21 **Q** What about the body, other than when
22 eventually, which I know was a long time, but
23 eventually it was removed, but did you ever see
24 anybody try to move the body?

25 **A** No.

1 **Q** Okay. Did you ever hear the officer
2 saying anything or yelling or anything like that?

3 **A** No.

4 **Q** How about did you ever hear anybody else,
5 whether it was Mike Brown or the littler guy that
6 was with him, did you hear anybody saying anything?

7 **A** No.

8 **Q** And when I ask that, I don't necessarily
9 mean if you understood what was being said?

10 **A** I didn't hear anything.

11 **Q** You just didn't hear any voices or
12 screaming or anything?

13 **A** No.

14 **Q** Okay. And so, obviously, a lot of police
15 arrived after that; is that right?

16 **A** Yes.

17 **Q** And did you stay at the scene while the
18 police were investigating?

19 **A** Yes.

20 **Q** You didn't go up to the police on that day
21 and tell them that you saw part of that; is that
22 right?

23 **A** No.

24 **Q** And eventually some FBI agents knocked on
25 your door and asked if you had seen something and

1 you told them you did?

2 **A** Right.

3 **Q** And you made a statement to them; is that
4 right?

5 **A** Yes.

6 **Q** Is there anything else that you saw that
7 you think is important or that maybe I haven't asked
8 you that, let me ask you this, did you ever see
9 anything in Michael Brown's hands?

10 **A** No.

11 **Q** How about the littler guy, did you ever
12 see him hold anything?

13 **A** No.

14 **Q** Did you ever see anything fall or drop,
15 being dropped from somebody?

16 **A** No.

17 **Q** Um, did you ever see what became of the
18 littler guy?

19 **A** Um, as the shooting is going on, like he
20 hid behind the white car and then he tried to get in
21 the white car, but then I guess they denied him. So
22 he ran, I think, by then the officer was going
23 towards Mike Brown. So he ran back behind the
24 police car and ran behind right here and ran behind
25 this building.

1 **Q** When you say he ran behind the police car,
2 you said was facing west. Did he run in front of
3 the car?

4 **A** I don't remember. I just know he ran
5 behind the building.

6 **Q** Okay. And did you ever see him down at
7 the scene later that day?

8 **A** Uh, no, I don't remember, no.

9 **Q** Have you ever talked to that skinnier or
10 the littler boy about what you saw?

11 **A** No.

12 **Q** Do you remember when you were talking to
13 the FBI agents, strike that, I misunderstood
14 something, okay.

15 MS. ALIZADEH: Sheila, you have any
16 questions?

17 MS. WHIRLEY: Just a few.

18 **Q** (By Ms. Whirley) I couldn't hear you as
19 well, so if I ask you the same question again,
20 forgive me, okay.

21 There was a scuffle, you said, at the
22 car, correct?

23 **A** Correct.

24 **Q** And what could you see of the scuffle?

25 **A** Nothing but the vehicle rock.

1 **Q** But what now?

2 **A** Nothing but the vehicle rocking.

3 **Q** Okay. The vehicle, you couldn't see the
4 hands of either Mike Brown or the officer?

5 **A** No.

6 **Q** Was the officer in the car alone?

7 **A** Yes.

8 **Q** You're sure of that?

9 **A** Yes.

10 **Q** Did you see any other police cars around?

11 **A** After the situation.

12 **Q** During the scuffle?

13 **A** No.

14 **Q** And from your viewpoint, were you looking
15 at the passenger side or the driver's side of the
16 police car?

17 **A** The passenger side.

18 **Q** So you were looking through the passenger
19 side through?

20 **A** Correct.

21 **Q** You couldn't see hands or anything?

22 **A** No.

23 **Q** All right. You said that you heard a shot
24 while they were scuffling, right?

25 **A** Correct.

1 **Q** And then did the scuffle continue after
2 you heard the shot?

3 **A** Momentarily, yes.

4 **Q** Like how long?

5 **A** Um, maybe three to four, five seconds.

6 **Q** Okay. So when the shot first rang out,
7 Michael Brown did not immediately run from the car?

8 **A** I don't think so, no.

9 **Q** I'm sorry?

10 **A** No, I don't think so.

11 **Q** Okay. Did you hear just one shot at the
12 car?

13 **A** It was one or maybe two.

14 **Q** One or two, okay. So when Michael Brown
15 ran from the car, he ran, show us with the pen
16 again, or the pointer.

17 **A** East.

18 **Q** He ran east on Canfield?

19 **A** (Nods head.)

20 **Q** All right. And did the officer shoot at
21 him while he was running?

22 **A** Correct. Well, I don't know if he shot at
23 him while he was running. He ran enough past the
24 building so I couldn't see whether or not he kept
25 running or not.

1 **Q** Let me break it down a little bit. So
2 when he ran from the car you could see him running
3 from the car?

4 **A** (Nods head.)

5 **Q** What did the officer do?

6 **A** He was still in the truck getting out of
7 the truck.

8 **Q** Did you see the officer get out of the
9 truck?

10 **A** Yes.

11 **Q** When he got out of the truck, what was he
12 doing?

13 **A** He faced his direction.

14 **Q** Faced the direction that Mike Brown was
15 running?

16 **A** Yes.

17 **Q** Was Mike Brown's back to the officer?

18 **A** Yes.

19 **Q** Did he have his weapon or did you see a
20 weapon at that time?

21 **A** As he was getting out of the truck, yeah.

22 **Q** Could you show us what it looked like when
23 he was getting out of the truck? Pretend like
24 that's a weapon.

25 **A** So Mike Brown is running this way, I guess

1 he was getting ready to run towards him, or
2 whatever, I can't say the motions about.

3 **Q** But he had his weapon up?

4 **A** Not to say he got up pointing, I just know
5 he got up and he was facing his direction. So I
6 guess if he didn't get out like this, he got out,
7 took a couple steps and then faced him.

8 **Q** Well, did you see the officer facing
9 Mike's back with his weapon drawn?

10 **A** No, the officer was getting out of the car
11 as Mike Brown was running. So once he got past the
12 building where I couldn't see him no more, the
13 officer is out of the car and then pointed in his
14 direction.

15 **Q** When were you able to see the officer?

16 **A** Say that again?

17 . I do have a
18 quick question. Right after the altercation, maybe
19 during the altercation at the car, did you see a
20 minivan pull into that parking lot right directly in
21 front of where you had been sitting and someone get
22 out of that minivan, or you see anybody pulling out
23 of that lot during this time?

24 **A** I think somebody tried to come that way
25 and turned around. I remember seeing the white car

1 turn around in the street, but.

2 : Someone coming from that
3 direction, coming from West Florissant that pulled
4 into that lot?

5 **A** I really can't say. I think it was a
6 vehicle, I won't say that I know it was.

7 : This is . I have a
8 question about what Sheila was asking. I want to
9 make sure the first time after the police officer
10 got out of the car, the first shots that were fired,
11 you could not see Mike Brown at that time?

12 **A** Correct.

13 : So you don't know if his
14 back was to the officer, you assume he was, he was
15 running away?

16 **A** Right.

17 : You don't know for sure?

18 **A** Correct.

19 MS. ALIZADEH: Anyone else?

20 (End of the testimony of .)

21

22 of lawful age, having been first duly sworn to
23 testify the truth, the whole truth, and
24 nothing but the truth in the case aforesaid,
25 deposes and says in reply to oral

1 interrogatories, propounded as follows, to-wit:

2 EXAMINATION

3 BY MS. ALIZADEH:

4 Q Sir, could you state your name and spell
5 it for the court reporter?

6 A ,
7 .

8 Q And, sir, back in August of this year,
9 were you living in the Canfield Green Apartment
10 Complex?

11 A Yes.

12 Q And I am going to direct you to look at
13 Grand Jury Exhibit Number 25, which is a map of the
14 streets of the buildings that make up the Canfield
15 Apartment Complex. Do you see your building that
16 you lived in back then?

17 A Yes.

18 Q Can you use that laser pointer and point
19 to where your building was?

20 A (Indicating.)

21 Q Okay. And so we heard some testimony that
22 these buildings have three floors?

23 A Yes.

24 Q What floor were you on?

25 A The third floor.

1 **Q** Okay. And back on August 9th of this
2 year, around the noon hour, do you recall what you
3 were doing?

4 **A** I was in my room. I was, at the time,
5 video texting.

6 **Q** Okay. So at the time were you living with
7 anybody?

8 **A** Yes.

9 **Q** Was there anybody else home at the time?

10 **A** Yes.

11 **Q** When you were in your room, were you
12 alone?

13 **A** Yes.

14 **Q** Okay. So now you said you are video
15 texting, what program or what app are you using to
16 do the video texting?

17 **A** Glide.

18 **Q** So for those of us who don't do that, were
19 you doing it on your phone?

20 **A** On my phone, yes.

21 **Q** So you have like a smart phone?

22 **A** Yes.

23 **Q** That has a camera?

24 **A** Yes.

25 **Q** And so when you video text somebody, I

1 guess you can see their face and they can see your
2 face while you are talking to them?

3 **A** Yes, it is delayed, I guess, it is delayed
4 for the person receiving or sending, but it is
5 almost like maybe a little bit delayed.

6 **Q** So when you are doing this, this video
7 texting on Glide, is your phone recording what's
8 being done?

9 **A** Yes.

10 **Q** Okay. And so right around noon of
11 August 9th, you said you were video texting a friend
12 and did you hear something?

13 **A** Yes.

14 **Q** And something unusual or something that
15 was different?

16 **A** Yes.

17 **Q** What did you hear?

18 **A** I heard gunshots.

19 **Q** And so have you heard gunshots before?

20 **A** Yes.

21 **Q** So did you know that these were gunshots
22 initially, or did you think it might have been
23 something else?

24 **A** Um, living in Canfield, what I notice that
25 these gunshots were a little bit louder than what

1 I'm used to hearing. It alerted me because I had a
2 conversation with my roommate and she said, you
3 know, she said , what was that. She called me
4 , what's that, and then I said those sound like
5 gunshots.

6 Q Okay. Now, did you later discover that
7 you had actually recorded the gunshots while you
8 were video texting your friend?

9 A I -- it did not, it did not. I wasn't
10 thinking that I did, I was concentrating on sending
11 my video, but I heard it in the background, but I
12 was focused on talking to who I was talking to.

13 Q Okay. Now, you've seen that video again;
14 is that right?

15 A Yes.

16 Q And can you, that's you in the video and
17 your voice is heard in the video talking to
18 somebody, right?

19 A Yes.

20 Q And you can hear some shots in the
21 background?

22 A Yes.

23 Q Did you video, does your video capture all
24 of the shots that you heard?

25 A No.

1 **Q** And were the shots that you didn't
2 capture, were they before you started the video or
3 after the video ends?

4 **A** Before.

5 **Q** Do you recall how many shots you heard
6 before your video begins?

7 **A** Approximately two.

8 **Q** Okay. And then the recording starts and
9 you hear more gunshots, correct?

10 **A** Yes.

11 **Q** And we'll play this now, but did the
12 recording accurately record what you remember
13 hearing?

14 **A** Yes.

15 **Q** Okay. Can you give the jurors an estimate
16 as to the two that you heard before the ones
17 happened that you recorded, was there a pause
18 between those?

19 **A** There was a pause. There was a pause
20 before when I started the video, the conversation I
21 had was very short. I was just focusing, you know,
22 video chat, I didn't have a long conversation. The
23 other was just recorded as I was sending a video.

24 **Q** At some point you realized that you had
25 this video; is that right?

1 **A** Yes.

2 **Q** And I believe you contacted attorneys
3 first?

4 **A** Um, well, they contacted me.

5 **Q** Okay. And did they then contact law
6 enforcement and you tell them that you had recorded
7 these shots?

8 **A** Yes.

9 **Q** And you made, you talked to law
10 enforcement and let them examine your phone and take
11 the recording off your phone, correct?

12 **A** Correct.

13 **Q** Um, and this clip, this clip is just a
14 matter of a few seconds long, is that fair to say?

15 **A** Yes.

16 **Q** Do you mind if we play it so that you can
17 tell the grand jurors, yeah, that's me and that's my
18 voice on the clip?

19 **A** Yeah, go ahead.

20 MS. WHIRLEY: What's that exhibit number?

21 (Grand Jury Exhibit Number 59
22 marked for identification.)

23 MS. ALIZADEH: This is Grand Jury Exhibit
24 Number 59. Can you see okay?

25 **A** Yeah.

1 MS. ALIZADEH: We can listen to this as
2 many times as you want.

3 (Playing the audio recording.)

4 MS. ALIZADEH: Just before we do that
5 again, that was you on the video?

6 **A** Yes.

7 MS. ALIZADEH: And you can hear some
8 gunshots in the background?

9 **A** Yes.

10 MS. ALIZADEH: You want to hear it again?
11 Play that play again, turn it up a little bit.

12 (Playing of the video.)

13 MS. ALIZADEH: This video, you can play it
14 as many times as you want, but in light of maybe
15 letting him go and you all getting out of here
16 today, I don't have any other questions for this
17 witness. Sheila, do you have any questions for him?

18 MS. WHIRLEY: Just to make it clear that
19 you did not tape or record the actual shooting of
20 Mike Brown, did you?

21 **A** No.

22 MS. WHIRLEY: This recording that you
23 made, it was unintentional; is that correct?

24 **A** Right.

25 MS. WHIRLEY: And the actual shooting of

1 him being shot and falling, you do not have that on
2 videotape anywhere?

3 **A** No.

4 MS. WHIRLEY: Okay. That's all I have.
5 Any questions?

6 (End of the testimony and
7 end of Grand Jury Hearing Volume XIX.)

8

9 State of Missouri

10 SS.

11 County of St. Louis

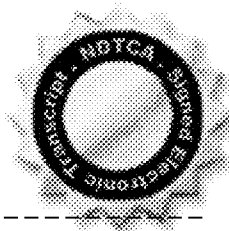
12 I, , a Licensed Certified Court
13 Reporter by the Supreme Court in and for the State
14 of Missouri, duly commissioned, qualified and
15 authorized to administer oaths and to certify to
16 depositions, do hereby certify that pursuant to
17 Notice in the civil cause now pending and
18 undetermined in the County of St. Louis, State of
19 Missouri.

20 The said witness, being of sound mind and being
21 by the grand jury first carefully examined and duly
22 cautioned and sworn to testify to the truth, the
23 whole truth, and nothing but the truth in the case
24 aforesaid, thereupon testified as is shown in the
25 foregoing transcript, said testimony being by me

1 reported in shorthand and caused to be transcribed
2 into typewriting, and that the foregoing page
3 correctly sets forth the testimony of the
4 aforementioned witness, together with the questions
5 propounded by counsel and grand jurors thereto, and
6 is in all respects a full, true, correct and
7 complete transcript of the questions propounded to
8 and the answers given by said witness.

9 I further certify that the foregoing pages
10 contain a true and accurate reproduction of the
11 proceedings.

12 I further certify that I am not of counsel or
13 attorney for either of the parties to said suit, not
14 related to nor interested in any of the parties or
15 their attorneys.



1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury Volume XIX

12

13 11/4/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XX

Date: November 6, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 6, 2014

VOLUME XX

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XX

2

3 MS. ALIZADEH: Good morning. It's
4 Thursday, November 6th, 9:22 a.m. This is Kathi
5 Alizadeh, present is also Sheila Whirley, all 12
6 grand jurors are present as is , the court
7 reporter.

8 We had several minutes of discussion
9 before going on the record this morning. A lot of
10 it was to do with, some of it was to do with
11 scheduling of what we thought we had is still left
12 to do. And I hope I answered your questions about
13 that.

14 There was also talk about some concerns
15 for safety and we talked about that and I will get
16 you some information that I promise to get you.

17 And then we also talked about some
18 additional things that you all wanted us to try to
19 obtain to help you with your decision. And Sheila
20 has made a list of those things, so we'll get what
21 we can and if we can't, we'll tell you why we can't
22 get it.

23 So with that, we have our first witness
24 today is going to be You have already
25 heard from him, but he has some additional

1 information that he did not testify about when he
2 was here previously that, of course, if you recall
3 was I think the second day that you guys, might have
4 been the second or third day that you guys were
5 hearing evidence on this case. So I'll go get Dr.

6

7

8 of lawful age, having been first duly sworn to
9 testify the truth, the whole truth, and
10 nothing but the truth in the case aforesaid,
11 deposes and says in reply to oral
12 interrogatories, propounded as follows, to-wit:

13 EXAMINATION

14 BY MS. ALIZADEH:

15 Q Good morning. Can you state your name
16 again and spell it for court reporter.

17 A My name Dr. . And that's

18

19 (Grand Jury Exhibit Number 5
20 marked for identification.)

21 Q (By Ms. Alizadeh) And, Dr. , thank
22 you for coming back. I know we had you in grand
23 jury several weeks ago and you were here for quite
24 some time on the stand, and I don't think we're
25 going to need to have you here quite as long today.

1 But I did mention to you that previously you had
2 provided me with your most recent curriculum vitae.
3 I had marked that Grand Jury Exhibit Number 5. I
4 forgot about putting that on when he was here
5 previously. So can you identify that as the CV that
6 you gave me prior to your testimony earlier?

7 **A** Yes, this is the CV that I presented to
8 you.

9 **Q** Okay. And I'm going to make copies of
10 this for everybody. I, again, just kind of forgot
11 about this. I will get copies for everybody of
12 that.

13 Dr. we spoke last time
14 about how when the body or the remains of Michael
15 Brown were brought to the morgue and how he was in
16 a, is it a body bag is what you call it?

17 **A** Yes, body bag.

18 **Q** And that was like at the crime scene by
19

20 **A** Correct.

21 **Q** And then it's, the body was placed into a
22 drawer and then later removed by an employee of the
23 medical examiner's office?

24 **A** Correct.

25 **Q** And who was that?

1 some of the morgue photos?

2 **A** Yes, he does.

3 **Q** And you testified that it's procedure for
4 someone such as to check the personal items
5 that might be on the body, any body that is received
6 by the medical examiner's, correct?

7 **A** That is correct.

8 **Q** And then once the personal items are
9 removed, are they photographed?

10 **A** Yes, they are.

11 **Q** All right. So previously I had introduced
12 or offered or identified for the grand jurors a
13 packet of photographs which I marked as Number 9,
14 which are, I call the morgue photos. Those are
15 different than the photos that the police took
16 during the autopsy; is that right?

17 **A** Correct.

18 **Q** Okay. And so I'm going to hand you a
19 photo which was, is in the packet of Grand Jury
20 Exhibit Number 9, and this is, on the back it says
21 looks like, well, it says 039CD. I'm not sure if
22 that's the JPEG number or not. But I'm going to
23 just show you where I'm reading 039CD on the back
24 there. And then I'm going to show you this photo.
25 Does that look like, do you recognize that as one of

1 the photos that was taken?

2 **A** Yes, I do.

3 **Q** Okay. And the items in this photo would
4 represent the items that were on the person of
5 Michael Brown when it was received by the Medical
6 Examiner?

7 **A** Yes, they are.

8 **Q** Now, this blue thing right here, was
9 that --

10 **A** That's on the body bag that locks the
11 zipper.

12 **Q** Is that placed in the photograph to
13 further identify who these items belong to?

14 **A** Yes, it is.

15 **Q** And then there's a placard that says St.
16 Louis County and a number beneath it?

17 **A** Yes, there is a number.

18 **Q** And I assume that was not on his person,
19 correct?

20 **A** No, it is not.

21 **Q** And is this number the Medical Examiner's
22 number?

23 **A** That's the Medical Examiner's number.

24 **Q** Okay. I will go ahead and put this on
25 here, and I will pass it around too. But you see in

1 this photograph two, 5 dollar bills, two, looks like
2 disposable lighters, some paper that has some
3 writing on it, and then this item that you talked
4 about right here. Is that the lock that came off of
5 the body bag?

6 **A** Correct.

7 **Q** Okay. And this is your placard right
8 here, correct?

9 **A** Yes, correct.

10 **Q** And this looks like part of a wrapper for
11 something?

12 **A** Correct.

13 **Q** And then what is this item right here?

14 **A** Leafy green substance.

15 **Q** Okay. And these items were all found by
16 on the body?

17 **A** Correct.

18 **Q** Now, Dr. you talked about when
19 you were here previously that during your
20 examination you looked at an injury or wound on the
21 palm of the right hand of Michael Brown. Just, I
22 can't remember how, is this --

23 **A** It is on the palm.

24 **Q** On the palm?

25 **A** It is the palmer surface on the hand.

1 **Q** Okay. Near the right thumb or thumb?

2 **A** Right, correct.

3 **Q** And you indicated or you testified last
4 time that you thought that that looked suspicious
5 for possible soot or something that you wanted to
6 examine further?

7 **A** Correct.

8 **Q** And you also testified back then that you
9 had cut a piece of that tissue off of the body for
10 you to then later examine; is that right?

11 **A** Correct.

12 **Q** So I know you've already testified about
13 that, but we, I want to go into a little more detail
14 because since you were in grand jury, you've
15 completed a report about your examination of that
16 tissue, correct?

17 **A** Correct.

18 **Q** And so once you cut that tissue out
19 because you and I talked about this in a little
20 greater detail since you were here previously, once
21 you cut that tissue out, what did you do with it?

22 **A** Okay. So anything that I have on the body
23 that I'm concerned about that I would like to
24 perform histology on, which I will get to in a
25 second. I take that fresh tissue, I mean, it hasn't

1 been altered or anything, it hasn't been washed, it
2 hasn't been manipulated. I take those pieces of
3 tissue and I put them in a cassette. The cassette
4 is simply a plastic chamber that holds the tissue so
5 that it doesn't get lost or moves around and it
6 stays positioned how it's put when I put it in the
7 gray cassette.

8 From that point I take that gray
9 cassette and I put it in another container and it is
10 filled with a fluid called formalin. Formalin is
11 simply a preservative that gets the tissue in a
12 state of preservation where it can now be prepared
13 for the next step of processing.

14 So when I took the piece of tissue
15 off to put in a cassette and I put it in formalin
16 for later processing, that's what I did initially.

17 **Q** So did you do with then, is it still in
18 this cassette then?

19 **A** Yes, the tissue remains in that cassette
20 in that fluid until it is transported to another
21 facility where they will process the tissue.

22 **Q** Okay. And so where does the tissue go
23 from there?

24 **A** So after it leaves my position at the St.
25 Louis County Medical Examiner's Office, it is then

1 sent to the St. Louis University Medical
2 School/Histology Department where it will be
3 processed.

4 (Grand Jury Exhibit Number 75
5 marked for identification.)

6 **Q** (By Ms. Alizadeh) And I showed you this
7 morning some photographs that I have put in an
8 envelope marked Grand Jury Exhibit Number 75. And
9 do you recognize what's in those photographs?

10 **A** Yes, I do recognize what is in these
11 pictures.

12 **Q** And what are those pictures of?

13 **A** The pictures that I'm looking at right now
14 are the samples of tissue that I took from
15 Mr. Michael Brown's right hand that I put in that
16 formalin liquid that I spoke with you earlier,
17 transported it to the St. Louis Medical School for
18 Histology and then it is processed. That tissue is
19 then put in a wax to keep everything positioned and
20 that's what I'm looking at right now.

21 **Q** Okay. So this is after the medical school
22 has put the tissue in a wax?

23 **A** Correct.

24 **Q** And so you've seen this before?

25 **A** Yes.

1 **Q** Not only these photographs, but this would
2 be how you would preserve and process any tissue
3 sample that you might want to look at
4 microscopically?

5 **A** Correct.

6 **Q** And so I'll just show you, this is image
7 number one and again these, this box here, is that
8 the cassette or is that a box?

9 **A** It could be either/or. It could be
10 representative of the cassette or something else
11 that they used.

12 **Q** So these reddish, beige-ish brown things
13 inside, that's the actual tissue?

14 **A** Yes.

15 **Q** Okay. And these are numerous photos of
16 the same tissue; is that correct?

17 **A** That is correct.

18 **Q** And there's a ruler next to the box that
19 kind of gives you perspective on the size, correct?

20 **A** Correct.

21 **Q** Do you weigh these tissue at all?

22 **A** No, I do not.

23 **Q** Okay. And there's markings on the side of
24 that box, did you make those markings?

25 **A** No, I did not.

1 **Q** You recognize these as the tissues that
2 you had removed?

3 **A** Yes, I do.

4 **Q** Okay. And I just put on the overhead
5 Grand Jury Exhibit Number 1 through 5 to show the
6 grand jurors.

7 Now, we see this is a larger kind of
8 tray, do you know what that is?

9 **A** It was just a tray for transportation
10 purposes.

11 **Q** Okay. All right. So once the medical
12 school histology lab places this tissue in paraffin,
13 what does it do then to prepare it for examination?

14 **A** So after the tissue is put in that wax
15 substance that you saw, that's the paraffin
16 material, at that point, that block of tissue is now
17 taken to be sliced with a microtone blade, which is
18 a very sharp blade that slices very thin segments,
19 about five micrometers, which is very thin, pieces
20 of wax tissue with the tissue embedded.

21 That slice is then put on a glass
22 slide and it is then counterstained by adding a pink
23 solution and a purple solution. One is called eosin
24 and the other is called hematoxylin. And then that
25 slide now has been prepared where I can look at it

1 under my microscope and examine it at a histological
2 level.

3 Q Did you ultimately receive some slides
4 from the medical school that were actual, this
5 tissue that you had removed from Michael Brown's
6 right palm?

7 A Yes, I do.

8 Q Okay. Did you examine those slides under
9 a microscope?

10 A Yes, I did.

11 Q And again, you've already testified about
12 this, but I'm going to, did you take photographs of
13 those slides as well?

14 A I did take some photographs of the slides.

15 Q Okay.

16 A Or representative photos of some of the
17 pieces. It is not everything.

18 Q And you know, Dr. , I didn't have
19 the opportunity to show you this this morning
20 because by the time you got here, the grand jurors
21 were already here. So I'm going to show you a
22 photograph that's on Disc Number 79, Grand Jury
23 Number 79, which actually just to tie things in, did
24 you later time send some of those photographs and
25 the actual slides to the Department of Defense

1 Medical Examiner for them to also examine?

2 **A** Yes, I did.

3 **Q** Okay. And we're going to hear from that
4 doctor after we hear from you. Actually, just have
5 to ask you if you recognize this picture?

6 **A** Yes, I do.

7 **Q** You recognize what you are seeing up
8 there?

9 **A** Yes, I do.

10 **Q** And so is this a picture of what you would
11 see in the microscope when you were examining that
12 tissue?

13 **A** Yes.

14 **Q** And does this picture help you to explain
15 to the grand jurors what you are looking at when you
16 previously testified that you saw some particulate?

17 **A** Just to take a step back and just to
18 preface again, this is just, there are a lot of
19 pieces of tissue that you saw on that paraffin
20 embedded block. So when you take a slice of that,
21 all of those slices are represented on one slide.

22 So what you are looking at right now
23 is just a small corner of one of those tissue
24 fragments. So we are not looking at all of those
25 slices at one time.

1 So this is merely just a corner or a
2 piece of some of that tissue.

3 **Q** You can use this if you feel it will help
4 you. It will pick up your voice.

5 **A** All right. So for histology, what I was
6 telling you about the colors and the purple and the
7 pink, once that waxed tissue is stained, it give us
8 this pinkish color and some of these things here is
9 the purple color. I spent a lot of time knowing
10 what each thing is, I will just try to keep it as
11 simple as possible.

12 So you are looking at the edge of the
13 tissue and the tissue that I took was from that
14 wound that I passed around and showed up before. I
15 took little samples of those and those were
16 represented in the paraffin block that I showed you.
17 This is the histology.

18 So here, this is just regular, you
19 know, normal tissue of the hand, this pinkish
20 material, but here you can see these little darker
21 areas, these little pigmented flakes, these are the
22 foreign particulate matter that I was talking about
23 that is not native to his hand. It had to be
24 introduced into his hand from another source and
25 that's some of those particulate matter that I was

1 talking about previously. Like that right there,
2 that right there, that right there. (indicating)

3 As I said before, this is merely just
4 a representation, there are other areas on this
5 slide, but this is just a representative of some of
6 that matter that I saw.

7 **Q** And so you have already testified that in
8 your opinion those particulate, the particulate?

9 **A** Particulate matter.

10 **Q** Matter, that is consistent with soot?

11 **A** I would say it is consistent with products
12 that are discharged from a firearm. What I was
13 telling you guys before, there is lots of things
14 that can come out of a firearm. Remember I was
15 telling you guys talking about the primer, the
16 primer on the cartridge is the combustible material
17 that ignites that, then lights the gunpowder, which
18 then propels the bullet. All of those substances
19 together are kind of coming out of that barrel.

20 So the definition of soot is actually
21 burned gunpowder. So there can be different types
22 of things in there. You can have burned, you can
23 have unburned, you probably could have primer, have
24 lots of different types of materials.

25 For myself, a better way to say it is

1 this is just foreign particulate matter consistent
2 with products that can be discharged from the
3 firearm.

4 So soot could be in there, I mean,
5 it's a lot of material.

6 Q Now, did you do any testing to determine
7 if that is, in fact, product from a gunshot?

8 A No, I did not do any specific testing for
9 that.

10 Q Do you do gunshot residue testing in your
11 lab?

12 A In my area, I do not do that.

13 Q Okay. And, Dr. , could those
14 black or darker particulate matters that we can see
15 on that image on the slide, could that be dirt?

16 A In my personal opinion it is not.

17 Q Okay.

18 A But it is due to the circumstances and
19 things that I know about in this case why I feel
20 that that's not dirt.

21 Q And what would those circumstances be that
22 you feel that it's not dirt?

23 A So, got to kind of follow me here, okay.
24 When I get the body, I don't alter it, you know, I
25 don't wash it, I don't do anything to it if there is

1 something of interest that I'm trying to see.

2 So in this particular situation when
3 I look at some Michael Brown's hand there was kind
4 of an area of discoloration in his thumb area on his
5 right hand that I was concerned about that this
6 could be some type of material discharged from a
7 firearm.

8 To myself in looking at it, it is
9 kind of like an experience thing, when I was looking
10 at it, just the color of it, the nature of it, it
11 didn't look like dirt to me. Specifically right
12 near the wound, when I think about dirt, we have all
13 been children or working on things that you have
14 dirt, like dirt is all over your hands, it is not
15 like in one little particular corner.

16 So essentially it was associated with
17 that particular area and it just looked different to
18 me. I did not think that this was dirt and that's
19 why I decided to take the next step to look under
20 the microscope to confirm what I was looking at
21 through my eyes.

22 So that the next step was doing
23 histology. So when I did this and I saw these
24 little molecules here, the fact that they are very
25 darkly pigmented, they are embedded in the tissue,

1 it is hard for dirt to introduce itself into tissue.
2 Dirt usually sits on top of things, it doesn't get
3 into things.

4 So the fact that this is in the
5 tissue, that let's me know that it had to be
6 introduced into the tissue and that is going to be
7 more consistent with products that are going to be
8 discharged from a firearm that would be able to
9 insert itself or get itself into those tissue. So
10 that's why I feel this is not dirt, and this is
11 particulate matter from the discharge from the
12 firearm, if that makes sense.

13 Q And, Dr. , we talked about the
14 fact that, you know, you've already testified about
15 what the immediate affects would have been to
16 Michael Brown once the gunshot wound that entered
17 the top of his head and traveled through his brain
18 and exited out by his jawline, somewhere around
19 there, that that was actually, would have
20 immediately rendered him incapacitated?

21 A Right. And just to back up, the wound
22 that was going to be the more incapacitating, you
23 know, the one that actually went in the top of the
24 head and stayed in, there was another one that came
25 over the brow that came out of the face, but the one

1 that went in and stayed in, that's the one that was
2 going to render him immediately unconscious.

3 Q And a person who was still perhaps on his
4 feet who would receive that wound would immediately
5 fall?

6 A Correct.

7 Q And would they be able to put their hand
8 out to brace themselves for a fall?

9 A No.

10 Q I don't know if you've seen those
11 photographs at this time. These were images that
12 were taken at the crime scene by Detective
13 and they are contained in a packet that I've
14 marked Grand Jury Exhibit Number 3. And I'm going
15 to show you Image Number 70 through 75, which are
16 pictures of Michael Brown at the crime scene. Can
17 you see the hand area that you were looking at
18 during your autopsy?

19 A Yes, I can.

20 Q And if you can look at various pictures
21 because it might show different views of that. His
22 right hand is alongside his body, a little out from
23 the body, but his palm is facing upward in those
24 photographs; is that right?

25 A That is correct.

1 **Q** So he's not, the injured area is not
2 against the pavement?

3 **A** No, it is not.

4 **Q** All right.

5 MS. ALIZADEH: Does anybody want to look
6 at these if I pass them around?

7 **A** And it is showing the hand is exposed to
8 air and not the ground. So it is not touching the
9 ground, it is touching the air. You should be able
10 to see the darkened area on the skin, that's that
11 wound of the hand that I testified about earlier.

12 **Q** (By Ms. Alizadeh) Thanks, you can have a
13 seat.

14 Dr. , did you prepare a
15 supplemental microscopic examination report
16 regarding your findings after you examined the
17 slides that were prepared by the medical school?

18 **A** Yes, I did.

19 (Grand Jury Exhibit Number 77
20 marked for identification.)

21 **Q** (By Ms. Alizadeh) And is Grand Jury
22 Exhibit Number 77, is that a copy of your report?

23 **A** Yes, this is a copy of my report.

24 **Q** Okay. Just could you read that and
25 interpret, I don't know, tell us what it says

1 because --

2 **A** I will try my best. So start from the
3 very beginning, upper left-hand corner you have
4 Michael Brown and then upper right-hand corner you
5 have our case number 2014-5143, exam case. And then
6 it is headed as Supplemental Microscopic Examination
7 Report.

8 Then the next line is, Microscopic
9 Slide Examination.

10 And then the next paragraph, that's
11 where I start to begin to describe some of the
12 particular features that I'm seeing on the slides
13 that were prepared of Mr. Mike Brown's gunshot wound
14 to the hand.

15 So starting with skin and muscle I
16 say, sections of the tissue from the right hand show
17 multiple fragments of skin and single fragment of
18 skeletal muscle.

19 What I was telling you before there
20 is all of those little bits of tissue there, there
21 is different fragments there and then one of those
22 pieces was a piece of muscle, but it is not
23 represented on what you just saw there. That was
24 just one of the pictures and there is lots of things
25 to look at, but that's in totality what I'm looking

1 at.

2 So all of those fragments in that
3 tissue block I looked at each individual one of
4 them, every little corner under the microscope, so
5 that is what that first sentence means.

6 Next, I say there is a darkly
7 pigmented foreign particulate matter present on the
8 superficial surface.

9 So that dark material that you guys
10 saw, that is more in a deeper layer of the tissue,
11 but on the top. Like if you think of the top of a
12 cake, some of that similar type of material is
13 sitting on the superficial, that means the top
14 portion of some of those skin fragments.

15 And the stratum corneum, on your hand
16 skin has different layers. On your palmer skin, you
17 have a very thick layer called stratum corneum, it
18 is kind of the more superficial layer of your skin.
19 It is kind of like where your skin eventually sheds
20 and it's kind of similar to what dandruff is. That
21 is what the stratum corneum is.

22 So that particular layer there is
23 pigmented material embedded within that superficial
24 layer.

25 As I was telling you before,

1 something has to introduce or cause those little
2 particles to get pushed into that particular area,
3 and that's what I'm talking about right here.

4 Also embedded within the stratum
5 corneum of the skin fragments. A mixture of
6 pigmented and non-pigmented foreign particulate
7 matter is present focally within the dermis.

8 So when I was showing you that
9 previous picture, there was pigmented material, that
10 was the darker material and there was some, some
11 things a little white in there, kind of shiny,
12 that's the non-pigmented material. So there is a
13 spectrum of items within the skin and that pink area
14 that I was showing you, that's the dermis.

15 So when you have skin, you have the
16 stratum corneum, you have a granular layer, beneath
17 that you start to get into your connective tissue
18 layer of your skin, which is the next layer beneath
19 and that's where you will kind of see pinkish
20 tissue, that's the dermis.

21 So in the dermis, deeper into the
22 tissue below the skin, you still have those little
23 foreign particulate matter introduced into the
24 tissue.

25 So some of the skin tissue fragments

1 within the skeletal muscle tissue fragment. So as I
2 was telling you before, in all of those little
3 pieces that I had there were different types of
4 tissue, I had a piece of skeletal muscle. Skeletal
5 muscle is even deeper than the skin, deeper than the
6 dermis and the next layer will be muscle.

7 So deep in that tissue injury I took
8 some muscle out too. The muscle that I looked at
9 under the scope also had some of that foreign
10 particulate matter. So this matter, this foreign
11 material was getting embedded deep into the tissues.

12 Some of the non-pigmented particulate
13 matter is polarizable. All that means is that when
14 you polarize something, polarize means basically
15 reflecting light. So there is some of the material
16 that's in there is able to reflect light and some of
17 the material doesn't. It is kind of a nonspecific
18 thing, but it is important for me to describe
19 everything that I'm seeing to let, you know, let
20 people know that there is a mixture of things in
21 here.

22 But some reflect light, some don't.
23 The previously described particles of foreign
24 particulate matter are consistent with the products
25 that are discharged from a barrel of a firearm.

1 That last statement is simply meaning
2 that the things that I'm seeing under the scope in
3 my opinion are being introduced into the hand as
4 foreign material coming from another source. And
5 that other source, in my opinion, what I'm seeing is
6 consistent with coming from the barrel of a firearm,
7 not being dirt introduced from another place, but
8 specifically coming from something else due to the
9 nature of the particles, how they're distributed in
10 the skin, where they are distributed in the skin,
11 and how they got into those particular levels.

12 **Q** Dr. , you previously testified
13 about how close the barrel or the muzzle or the end
14 of the barrel of a firearm would need to be deposit
15 those type of particulate or those products once the
16 firearm is discharged.

17 Can you give us an estimate or a
18 range as to how far away the barrel would have been?

19 **A** In my opinion, the range would be about 6
20 to 9 inches away.

21 **Q** Okay. Could, do you have a terminology
22 that you use such as contact, close contact, medium
23 range or something of that nature?

24 **A** I would say this is consistent with a
25 close range wound.

1 **Q** Okay. Now, contact wound that would be
2 with someone actually, the barrel could possibly be
3 touching the skin; is that right?

4 **A** Correct.

5 **Q** Could you, if the barrel was touching the
6 skin, would it look the same or different?

7 **A** It would look different.

8 **Q** Okay. And so, in your opinion, is it your
9 opinion that the barrel of the gun was not touching
10 the hand of Michael Brown if, in fact, one is to
11 conclude that this is gunshot products from a gun?

12 **A** Correct.

13 **Q** That the actual barrel of the gun would
14 not have been up against the hand?

15 **A** Correct.

16 **Q** Now, let's talk about one more finding
17 that you made after you had testified previously.
18 You were given something to examine that was
19 described by our St. Louis County Crime Laboratory
20 as skin or hardened nasal mucus?

21 **A** Correct.

22 **Q** Were you aware that the St. Louis County
23 Lab had done a DNA analysis on that --

24 **A** Yes.

25 **Q** -- thing?

1 **A** Yes, I was aware.

2 **Q** Were you aware that they had concluded
3 that, whatever that thing was, contained Michael
4 Brown's DNA?

5 **A** Yes.

6 **Q** So was that thing given to you for you to
7 examine to see if you could determine what it was?

8 **A** Yes, it was.

9 **Q** Okay. And what did you do with that thing
10 in order to determine what it was?

11 **A** So as I described to you all previously
12 with those tissue fragments from Mr. Michael Brown's
13 hand, that process of taking the fresh tissue,
14 putting it in the formalin, putting it in the
15 cassettes, sending it to SLU for processing, getting
16 it sliced out of the paraffin block, put it on the
17 microscopic slide, getting it stained and then
18 coming back to me on a glass slide. That whole
19 process happened again with this extra piece of
20 tissue that I was given to look at independently.

21 **Q** And when you looked at it, did you make
22 any findings as to what that thing was?

23 **A** Yes, I did.

24 **Q** And what did you conclude that it was?

25 **A** I determined that it's a fragment of skin

1 associated with some connective tissue, that's just
2 supportive tissue beneath the skin layer.

3 **Q** Can you tell where on the body that skin
4 comes from?

5 **A** Um, not definitively.

6 **Q** Okay. Do you have an educated guess or in
7 your medical opinion, do you suspect it comes from
8 one place as opposed to another?

9 **A** Um, I guess I'll preface it with this.
10 Within a skin sample, there's a variety of cellular
11 elements meaning different types of cells that are
12 present within our bodies and, um, at times there is
13 a cell called melanocyte. It's our cell that's
14 responsible for producing pigment.

15 That particular cell when it makes
16 its pigment, it kind of gives it away to another
17 cell type, which is called a keratinocyte. In this
18 particular cell at the junction between the dermis
19 where I was telling you guys that connective tissue
20 layer is, it's at the bottom part of the legitimate
21 skin layer.

22 These two cells are kind of in
23 contact with each other and they communicate. So
24 the melanocyte makes the pigment, gives it to the
25 keratinocyte, which kind of absorbs it and then it

1 kind of allows skin to kind of display its pigmented
2 characteristics.

3 And the particular sample that I
4 received to look at independently, there are
5 keratinocytes there, but they are not picking up a
6 lot of pigment.

7 So in my personal opinion, this
8 particular skin fragment has to be from an area of
9 the skin that is not highly pigmented. There is a
10 few places on the body, especially for someone whose
11 skin is of a pigmented nature, where you can have a
12 more likely pigmented type skin.

13 And I'd like to show you, if you look
14 on the back side of my hand here, if I looked under
15 a scope on a piece of my skin under the microscope,
16 I would see more pigmented keratinocytes present,
17 but on this side of my hand it is more lightly
18 pigmented, they are not going to be as prominent or
19 being as significant.

20 So saying all of that, the fact that
21 that's specimen that I do have, there aren't a lot
22 of pigmented keratinocytes. So I suppose that this
23 fragment is coming from an area where the skin is
24 lightly pigmented.

25 Q Okay. Such as the palm of the hand?

1 **A** Correct.

2 **Q** But you can't say definitively that that
3 tissue comes from the palm of the hand of Michael
4 Brown?

5 **A** Correct.

6 **Q** And did you prepare a report that
7 documented those findings?

8 **A** Yes, I did.

9 **Q** Okay. And I will have to give you the
10 marked copy.

11 (Grand Jury Exhibit Number 78
12 marked for identification.)

13 **Q** (By Ms. Alizadeh) I'm going to give you
14 Grand Jury Exhibit Number 78. Is that a copy of
15 your supplemental microscopic examination report
16 regarding your examination of that, what we now know
17 is skin tissue?

18 **A** Yes, it is.

19 **Q** And I'm going to put this up here as well
20 so that jurors can look at it and follow along. Can
21 you read from that report and then, you know,
22 describe for them what you are talking about?

23 **A** Okay. So we'll just start from the very
24 top on the upper left-hand corner. You have Michael
25 Brown's name and then on the right-hand side you

1 have once again the examination 2014-5413. You have
2 the heading, Supplemental Microscopic Examination
3 Report.

4 Then you have Microscopic Slide
5 Examination, and then you have the body of the
6 paragraph where I preface by saying tissue fragment.

7 And then I say sections of the tissue
8 fragment from the exterior surface of the police
9 officer's motor vehicle. I say that because that's
10 where I knew where it came from, so I'm just trying
11 to give it a description so that if someone looks at
12 this later on, this kind of identifies where I got
13 the tissue from and also helps to remind me where it
14 came from.

15 Are consistent with a fragment of
16 skin overlying soft tissue and then I put in
17 parentheses connective tissue. So when I'm looking
18 at this particular fragment there is characteristics
19 of cutaneous skin that let me know histologically
20 that it is skin as opposed to something mucosal.
21 When I say mucosal, like the inner side of your lip,
22 that's an epithelial surface, meaning the outer
23 layer of cells that surfaces a lining, but it is a
24 different type of tissue being that it is mucosal.

25 The difference between mucosal and

1 actual true skin, there's something called a
2 granular layer. On the histology, and when I was
3 talking about like the stratum corneum, you have the
4 granular layer and you have another layer, you have
5 a basilar layer. All of these things are kind of in
6 a continuum.

7 A granular layer is specific to skin
8 that's on the outside of a body, it is not mucosal.
9 So this particular fragment that I'm looking at has
10 a granular layer.

11 Since I see that, that let's me know
12 that it is definitely exterior skin and that's how I
13 know it's skin. And then the next part where it
14 says overlying soft connective, the skin surface
15 sits like on the level and beneath that you have a
16 supporting layer of tissue. The supporting layer of
17 tissue is this connective tissue layer that I'm
18 talking about here.

19 Then I say there are features of
20 desiccation/drying artifact. This particular piece
21 of tissue that I had that was, you know, was sitting
22 outside on a car door for an extended period of time
23 before, let me back up.

24 Before I got a chance to put it in
25 formalin, it has been exposed to air, other type of

1 things that can cause it to dry out, that's all
2 desiccation means. It is kind of an artifactual
3 change of it drying out, not being put in
4 preservative, that would kind of halt or stop that
5 process.

6 So for an extended period of time, I
7 don't know how long it took before it got to me, but
8 those features are there, it is hardened, it dried.
9 I can appreciate those changes under the microscope.
10 Those changes under the microscope look like little
11 circles or kind of like pockets of air, kind of
12 looks like swish cheese, in a way to think how the
13 little pockets of swish cheese are. That's cause
14 the tissue has kind of been affected by these drying
15 changes and causes that artifactual change on my
16 slides, so that's what I'm talking about right
17 there.

18 Then I say there is a granular layer
19 present within the upper layer of the stratified
20 squamous epithelium.

21 So that granular layer that I just
22 spoke to you about, that's how I definitively know
23 that this is a skin sample from the outer surface of
24 the body skin surface.

25 And the stratified squamous

1 epithelium is just how I as a pathologist describe
2 this particular type of skin set. There is
3 different types, but this particular type that you
4 have on your skin is known as stratified squamous
5 epithelium, so it is just a name.

6 So focally, lightly pigmented
7 keratinocytes are present within the basal layer of
8 the stratified squamous epithelium.

9 So that's just going back to what I
10 was telling you before, you have that relationship
11 between the melanocytes, who are responsible for
12 making pigment. They give that pigment up to this
13 keratinocyte, who holds onto it and eventually over
14 time, you know, they will migrate up and disappear.

15 But this particular cell type is not,
16 it is present, but it is not overly pigmented. So
17 it was important for me to describe that to maybe
18 suggest potentially where this piece of tissue may
19 have come from and that's what I'm saying in
20 essence.

21 **Q** Okay. I'm not even going to try to
22 summarize that because I can't pronounce half the
23 things you just said. I'm passing out copies of
24 your two supplemental reports to the grand jurors
25 and at this time I don't believe I have any other

1 questions.

2 MS. ALIZADEH: Sheila, do you have any
3 questions for Dr. ?

4 Q (By Ms. Whirley) Hi, Dr. .

5 A Hi, how you doing.

6 Q Are you able to tell regarding the handle,
7 how the injury occurred. For instance, whether he
8 was grabbing the gun, shot went off and hurt his
9 hand or if he was trying to block the weapon or stop
10 him from shooting him, can you give any insight into
11 that?

12 A No, I cannot.

13 Q Why is that?

14 A Due to the nature of the wound, really all
15 the information in my report is saying is that it is
16 helping me with a distance. How far away this gun
17 was discharged when this wound was generated. So
18 other than the fact knowing it is a tangential graze
19 wound and it is a wound of close range, I can't say
20 any more about it because the information that I
21 have, that's all it is telling me.

22 . I thought
23 before, if you could remind us, do you know the
24 direction in which the wound, the gunshot would have
25 entered?

1 **A** So when I was telling you guys before
2 there's, when you get, not all the time, but with
3 graze wounds you can get injury called skin tags or
4 you get these little projections of tissue that
5 point a particular way.

6 So in a situation for Mr. Michael
7 Brown, the skin tags were going in an upward, let me
8 back up. When I do my diagram, it is like this,
9 anatomical position, you are like this. So with his
10 wound --

11 MS. ALIZADEH: Would this help? This is a
12 picture that I am using, which was taken during the
13 autopsy and it is in the packet of Grand Jury
14 Exhibit Number 7, and it is Image Number 49. If it
15 is easier, you want me to turn the lights down?

16 **A** Yeah. The tips of Mr. Michael Brown's
17 fingers will be out here. That's my hand
18 manipulating his hand. So those skin tags I'm
19 talking about kind of look like little shark teeth,
20 these are the little skin tags I'm talking about.
21 These tags are pointing this direction, they're
22 point that way.

23 So the barrel of the gun points
24 towards the tags.

25 MS. ALIZADEH: So let me do this. I'm

1 using my hand as a gun. So would the barrel be in
2 this --

3 **A** The barrel is in that position and the
4 bullet is going in that path just like that, that's
5 the way it is going. (indicating)

6 So when I put it on a body diagram,
7 I'm like this. It's going in an upwards fashion.
8 It doesn't mean it is going upwards, but that's the
9 way that I have to present it to give a reference
10 point of the injuries on a body diagram.

11 But what it is saying in realtime is
12 the hand can be positioned in all kind of fashions,
13 but that gun barrel is going to have to stay like
14 that. It has to be coming in a fashion like this.
15 It can't change, it can't start coming this way, it
16 can't. It has to always be in relationship like
17 this. (indicating)

18 Where the hand could have been like
19 that generating the wound, the hand could have been
20 like this generating the wound, and it could have
21 been like this generating the wound, but they have
22 to stay in this locked position, that's the only way
23 it can be. (indicating)

24 : How long from the first
25 examination to the further examination that you did,

1 how long of a time was it that you got those
2 samples? You said you put them in a preservative
3 liquid.

4 **A** Uh-huh.

5 Was there any
6 deterioration or anything from the time when you
7 received it until you did the second examination?

8 **A** So in terms of processing that tissue, so
9 I did the examination on August 10th. I immediately
10 took samples, I cut little pieces out with scissors
11 from kind of randomly around this area where it is
12 kind of discolored. That's the area that I'm most
13 suspicious for, concern for, for some type of
14 particular matter or deposition of foreign material.

15 I cut those out and immediately put
16 them in preservative solution of the formalin as
17 soon as I took them off that day.

18 : Okay.

19 **A** Once they go in that solution, no more
20 desiccation, nor more changing, nothing else is
21 going to happen to it with the histology that I did
22 of this wound.

23 That other tissue didn't get a chance
24 to go into formalin immediately. I don't know where
25 it sat, it could have been in a cooler or an air

1 room temperature room, I don't know, but it didn't
2 get into formalin until I got it until weeks later
3 after the event occurred when it was given to me.

4 : That couldn't affect the
5 way the particulates appear?

6 **A** Just to make sure we are talking about the
7 same specimen. For the things that I took here,
8 once I put those into the solution, they are going
9 to be preserved and nothing is going to be altered.

10 : Okay. That was the other
11 thing, wasn't it, I'm sorry.

12 **A** So once it goes into that tissue, I'm
13 sorry, once it goes into that liquid, then goes to
14 my histology lab and then, you know, through a
15 series of steps before it gets put in that wax.

16 : So the tissue you got
17 from the hand was preserved right away?

18 **A** Correct.

19 : I just want to clarify
20 because I understand you said it was sent to the
21 medical school histology department?

22 **A** Correct.

23 : But those are not
24 students examining those?

25 **A** No.

1 : They are present, but
2 they are not the ones in charge, they could be
3 present.

4 **A** To my knowledge there's no medical
5 students affiliated with that laboratory.

6 : They are done at a
7 professional level?

8 **A** They are done by technicians who are
9 certified to do that type of work.

10 Okay. You said that dirt
11 doesn't embed the way the soot would. I'm going to
12 say soot, I know you can't verify that. I'm just
13 going to call it that for right now. I know that we
14 see that the hand, the hand palm is upright.
15 Michael was almost 300 pounds and when he fell,
16 could his hand have hit and moved and embedded dirt
17 in there. Is there any way that that could be
18 mistaken for dirt in your professional opinion?

19 **A** I don't think so.

20 Okay.

21 **A** And it goes back to the situation.

22 : Your experience and
23 everything like you said?

24 **A** I'm looking at it in totality.

25 : One more, I'm sorry.

1 **A** No problem.

2 : You said that you could
3 tell that his hand wasn't on the barrel of the gun?

4 **A** Yeah, I can't determine that though.

5 You don't know that it
6 was or you know that it wasn't?

7 **A** On the information on my report, the
8 information on my report is saying it is kind of a
9 thing of static time.

10 : Okay.

11 **A** Having the presence of that material,
12 seeing that it is a graze wound, the way that things
13 are pointing, putting all of those things together,
14 I know it is a close range wound.

15 : Okay.

16 **A** That's all that it is saying. It doesn't
17 help me to say when it happened.

18 : Or even how for?

19 **A** I have a how far. It is about 6 to
20 9 inches when that wound was generated.

21 But you cannot tell?

22 **A** I don't know where in the process, like I
23 said, I can't put an opinion on did he have it and
24 he pulled away, then something happened or was he
25 going towards it and something happened, I can't

1 even talk about that component of things. All I can
2 say is that his hand was about 6 to 9 inches away
3 when that gun went off.

4 Okay.

5 **A** That's all that I can say.

6 Thank you so much.

7 MS. ALIZADEH: And just let me clarify
8 too, the tissue that was on the side of the police
9 vehicle, did you see any of the particulate matter
10 in that sample?

11 **A** No, I did not.

12 MS. ALIZADEH: When you examine the right
13 hand and in particular the palm of Michael Brown and
14 not just the wound, but the entire palm, did you see
15 any dirt or debris on his, on the palm of his hand.

16 **A** When I examined, the only area of
17 discoloration that I was concerned of being
18 something, I guess, not native to his hand was right
19 here in this region. The rest of his hand is clean.
20 You can see it is a normal palmer hand except when
21 you get into this area associated with the wound.

22 : I do want to reiterate
23 something that you said. You can't tell from this
24 whether he was pulling away or going toward?

25 **A** No.

1 : You can only tell the
2 direction of the discharge of the gun?

3 **A** That's correct.

4 He could very well have
5 been pulling away to leave?

6 **A** He could of, but I can't make a statement
7 to that.

8 : I'm done, I promise.

9 **A** The information I have does not help me
10 with determining that scenario definitively.

11 When
12 you do, did you obtain the specimen for just leaving
13 for toxicology.

14 **A** Uh-huh.

15 : We have the toxicology
16 and blood and urine, we don't have anything about
17 the liver and brain. Do you know if it is negative
18 or what?

19 **A** With toxicology?

20 MS. ALIZADEH: You can sit if you want.

21 **A** I don't know if I have to move or
22 something.

23 MS. ALIZADEH: You can get up if you want
24 to again.

25 **A** With toxicology, you kind of have some

1 flexibility in what you want to take, but standard
2 specimens that I take on a full examination pretty
3 much every time I always take some type of blood, I
4 try to preface where it is coming from. I take
5 urine and I also take vitreous fluids, which is
6 fluid from the eyes, and I take liver and I take
7 brain.

8 I have to specifically tell the tox
9 lab to test the brain and the liver if I'm concerned
10 or worried about substances being in those organs.
11 So for this particular case, the substances that
12 were generated were active and metabolites of
13 marijuana.

14 Those particular things are found in
15 the blood and it is not necessary to correlate them
16 to the brain or the liver. The blood samples are
17 going to give an accurate representation of the
18 levels that were in his body at the time of his
19 death.

20 So submitting the brain and the liver
21 is unnecessary.

22 : Okay.

23

24 **A**

25 : And I congratulate you.

1 You do an excellent job and you were very clear in
2 everything that you explain, everybody could
3 understand that perfectly. I congratulate you, you
4 are a very good professor.

5 **A** Thank you.

6 MS. ALIZADEH: , I don't
7 know if I understood it, but you guys are probably
8 smarter than me. I can't say half the things, the
9 words, I can't pronounce them.

10 Anybody else?

11 Did you
12 do any measurements from like, from shoulder to
13 shoulder, like the width or maybe from torso to
14 torso?

15 **A** No, I did not.

16 . I know we
17 went over this in your other visit about the other
18 shots and it is very hard to tell, especially on the
19 arm where things may have come in or come out, but
20 just in your experience, is there anything or
21 anywhere where you think this bullet may have
22 traveled, I have no idea where it may have grazed
23 somewhere else or may have entered somewhere else on
24 his body?

25 **A** In what you just said it's always a

1 possibility that, you know, it is conceivable. It
2 is possible that the hand is in a certain position
3 when something goes off. We know it is a graze
4 wound, it didn't stay, so it had to go someplace.
5 Could it have went into the door? Could it have
6 reentered another area on his body? Could it have
7 just went out into another place in space? All of
8 those things are reasonable and I can't definitively
9 say because I wasn't there to actually see the
10 positioning of how the body was when it happened.

11 It's possible, there is a multitude
12 of ways that the bullet could have traveled after it
13 struck the skin.

14 : Thank you.

15 . When I
16 look at that wound, it looks to me there is a lot of
17 tissue missing yet only one small piece of tissue
18 was recovered. Is that maybe an illusion there is
19 not a lot of tissue missing, more like where it
20 opens up you could put it back?

21 **A** That's a possible thing where it is kind
22 of more like filet and just kind of split open.
23 It's tracking deep, muscle is more, I guess, firm
24 for lack of a better word. So the more firm, the
25 more it is going to kind of split. It is taking

1 more forces to kind of pry it open.

2 So it is hard to say that something,
3 pieces get scattered around or whatnot, but from
4 what you can see, there is definitely a track
5 traveling through deeper into that muscle that you
6 have.

7 You feel your thumb right there, that
8 firmness right there, that muscle is being exposed
9 to the environment due to the tracking of that graze
10 wound superficially over the skin.

11 : Could I conclude that hand
12 was not inside the vehicle?

13 **A** You can't.

14 There would have been more
15 matter?

16 **A** Looking at the wound you can't determine
17 where the hand was positioned in space. It could
18 have been in the car, it could have been outside the
19 car, you can't.

20 : I guess no tissue was
21 recovered in the car, that's what I was after, would
22 there be a lot of tissue?

23 **A** And not necessarily. It is like, you know
24 if you try to squeeze it back, it will
25 re-approximate pretty good. It is something came in

1 between it and pushed things to the side. It is
2 just open like that because the muscle, that's just
3 what muscle kind of does once it gets hit. Because
4 your muscles are in a bundle, it is like a fascicle.
5 You have tissue that kind of holds them together.

6 So when you injure that, they just
7 kind of fall out. So that is going to make a wound
8 that may not necessarily be, you have a little small
9 bullet, but it goes through and filets that stuffs
10 open, the integrity of the tissue elements has been
11 disrupted. So now things are going to be able to
12 kind of flop out. You no longer have the skin
13 holding things together, you don't have connective
14 tissue holding muscle together, that stuff's
15 disrupted, it is going to flop open.

16 I'm also too, I'm putting traction on
17 the hand too, and that's going to help to expose it
18 more. You can see me pulling on his thumb, I mean
19 your hand, your hand kind of just rest like this,
20 I'm stretching it out like that. So that could make
21 things look more dramatic than they really are.

22 : One more question,
23 . But the mucousy substance found on the door
24 outside the vehicle --

25 **A** It is not mucus.

6 : Right. But the
7 pigmentation, the keratin that's in here is
8 consistent with either something with a lighter tone
9 skin, it wouldn't be from this part of the hand and
10 the arm?

12 : It could be here or back
13 here or the foot or whatever?

15 : That's the one that was
16 affected?

17 **A** That's the best spot I got, but I don't
18 know exactly where it came from. There is no test I
19 can do that says this is hands, this came from the
20 hand, you know.

21 : I understand. I wasn't
22 trying to lock you into corner there.

23 . Pretty
24 scientific, seems like here's a little bit of art,
25 different backgrounds trying to figure out what the

1 evidence is telling you. With that being said,
2 obviously, going to hear from the federal, I guess,
3 medical examiner?

4 **A** Yes.

5 : What are your expectations
6 across multiple medical examiners should we expect
7 all of those reports be primarily very much the same
8 or major parts would be the same?

9 MS. ALIZADEH: Can I hold off right now on
10 his answer, we have a juror that needs to use the
11 restroom. Anybody need to go? I don't want to stop
12 it.

13 (Recess)

14 MS. ALIZADEH: We took a quick break.
15 This is Kathi Alizadeh, Sheila Whirley's present,
16 all 12 grand jurors. We just took like less than a
17 five minute break for a couple bathroom breaks.

18 Dr. is still testifying
19 Dr. , you are still under oath, of course.
20 And then the court reporter, , is taking down
21 and recording what is being said and
22 had posed a question to Dr. . Do you have
23 anything, did I interrupt your question or were you
24 done with that?

25 Okay. Mr. , do you recall his

1 question?

2 **A** Yes, I recall his question and it is a
3 good question. Um, you know, I guess in my, I have
4 to be honest with you guys, I have never been in a
5 experience like this before. I've only been doing
6 my craft, I guess on my own, for a little over two
7 years. I haven't been involved in any really high
8 profile cases. This is my second time coming to a
9 grand jury, so this is all, you know, kind of new
10 for me and I will always be learning throughout my
11 life dealing with experiences and whatnot.

12 But in terms of having people come
13 behind me to do an autopsy after I did it? When I
14 initially first started out on this, I didn't know
15 it could become what it is going to become. I was
16 just working. That Sunday was my day to work. I
17 got my caseload, things I was going to do that day.
18 And I approach all my cases the same way every time
19 based off of the training that I got and I just
20 approach them the same way every time.

21 I don't, you know, if there is little
22 special things I'm concerned about. I pursue those,
23 I do that, but I usually have the same approach
24 every time.

25 So knowing that someone is going to

1 come behind me, I've never had people come behind me
2 before. I was a little nervous about it, but I know
3 that I approach this in a logical fashion and I
4 wouldn't have done anything different.

5 So that being said, when people come
6 behind you, the work that we do at the end of the
7 day it is an opinion. There can be a difference of
8 opinion, but as long as, you know, everyone, once
9 everything is documented, you know, when someone
10 says this is an end, this is an out. You know, this
11 is an entrance wound, this is an exit wound. Well,
12 this looks close range, blah, blah, blah.

13 Once you get all of that kind of down
14 on the table, you get all the facts out there, then
15 at that point people start to say well, okay, this
16 is what I think this is.

17 Will somebody potentially look at my
18 slides and say, oh, that's dirt, they can. But you
19 have to understand is you have to, you can't look at
20 these things in a vacuum, you know.

21 Each piece is important for me not
22 physically being there, I have the body, I have the
23 evidence, I have to have all of these things to be
24 able to generate my opinion. I think you have to
25 look at everything in totality. You can't just take

1 a snapshot. You can do my job and do it in a vacuum
2 and some come up with all kind of conclusions, but
3 what you have to do is you have to look at
4 everything and then you have to look at the person
5 who was telling you, I mean, if the person is
6 credible to you and like I say, I'm not here
7 promoting one thing or another, I'm just speaking to
8 the things that I observed. And for lack of a
9 better term, regurgitating them back out with my
10 level of medical training to try to make sense of
11 everything.

12 People can come in and say whatever
13 they want to say for whatever their agenda is and I
14 think people need to be aware of that.

15 MS. ALIZADEH: That brings up some good
16 points that I wanted to maybe clarify with you.

17 Have you, Doctor, ever performed a second
18 autopsy?

19 **A** No, I have not.

20 **Q** (By Ms. Alizadeh) And you said you've
21 never had anybody perform a second autopsy after
22 you?

23 **A** No.

24 **Q** Are you aware of what the proper protocol
25 would be if a second autopsy would be performed

1 regarding what that second doctor may need in order
2 to complete his findings, do you know? I don't want
3 you to guess.

4 **A** I have personal feelings about it what you
5 may need, but I don't know is there a standard
6 protocol, what someone is supposed to get when they
7 do a second autopsy, I do not know the exact answer
8 to that.

9 **Q** Okay. So in your profession in your job,
10 you were tasked with examining the body and
11 determining the manner of death, the cause of death,
12 and documenting and describing any defects or wounds
13 of the body and testifying perhaps about the affects
14 of those wounds and preparing a report which you did
15 in this case?

16 **A** Correct.

17 **Q** Now, you just said that when you went in
18 on the 10th to do this autopsy, you approached this
19 in the same manner that you would any autopsy that
20 you are going to do; is that right?

21 **A** Correct.

22 **Q** You didn't do this any differently because
23 it was Michael Brown?

24 **A** No, I did not.

25 **Q** Did you even know at that time you had

1 just said, you didn't know that this would become
2 what it has become?

3 **A** No, I did not.

4 **Q** And are you familiar with Dr. , do
5 you know him?

6 **A** Yes, I do.

7 **Q** Do you have an opinion as to whether or
8 not he is a reputable or respected pathologist?

9 **A** I have no comment.

10 **Q** Okay. How about have you seen a report
11 from Dr. ?

12 **A** I have not seen a report from him on this
13 case.

14 **Q** And now you're aware that there was a
15 third autopsy done; is that right?

16 **A** Yes, I am.

17 **Q** That was done by Medical Examiners with
18 the Department of Defense?

19 **A** Correct.

20 **Q** And you are aware that one of those
21 doctors was Major , go you not?

22 **A** Yes, I am.

23 **Q** Now, prior to this case, had you ever
24 heard of Dr.

25 **A** No, I have not.

1 **Q** And you have since met him; is that right?

2 **A** Yes, I have.

3 **Q** When you met him, was it in relation to
4 this case?

5 **A** Yes.

6 **Q** Okay. And have you seen his report?

7 **A** No, I have not.

8 **Q** Okay. So you can't today testify to any
9 other findings by other professionals, correct?

10 **A** Correct.

11 **Q** But you do recognize that very competent
12 and reputable experts may differ in their opinions?

13 **A** Correct.

14 **Q** And you've testified just regarding your
15 opinion in this?

16 **A** Correct.

17 **Q** All right. And we'll hear from Dr.
18 and hopefully Dr. in the future.

19 In order to do the things that I told
20 you, you are tasked with doing in this case so that
21 you testified, did you have to examine Officer
22 Wilson's vehicle?

23 **A** No.

24 **Q** Did you do that?

25 **A** No.

1 **Q** Did you have to see the crime scene
2 photos?

3 **A** I've seen them, but they weren't necessary
4 to do my autopsy.

5 **Q** Okay. Did you see them after you had
6 performed the autopsy?

7 **A** Yes.

8 **Q** Did you see them after you prepared your
9 report?

10 **A** Yes.

11 **Q** Okay. Um, how about the medical records
12 of police officer Darren Wilson, did you need to see
13 those in order for you to form an opinion?

14 **A** No.

15 **Q** And how about the clothing of Officer
16 Darren Wilson, did you need to see those things in
17 order for you to form your opinions?

18 **A** No.

19 **Q** What about, now, of course you had the
20 clothing of Michael Brown; is that correct?

21 **A** I don't have it, but I saw it at the time
22 of the autopsy and then I gave it over to the St.
23 Louis County Police Department as evidence.

24 **Q** And would it be, in your opinion, was it
25 helpful to have the clothing to at least see perhaps

1 if there were defects or holes in the clothing that
2 would correspond with injuries?

3 **A** Yes.

4 **Q** Was there anything, so you have the body
5 of Michael Brown, you have the clothing of Michael
6 Brown you, of course, did not have the toxicology
7 results when you did your report?

8 **A** Correct.

9 **Q** And was there anything else that you had
10 that you relied upon in making your reports?

11 **A** The x-rays.

12 **Q** X-rays of the body, correct. And we have
13 those on a disc that we didn't show those to you,
14 but I indicated if you needed to see them or ask any
15 questions about them they would be available.

16 Anything else that you needed to form
17 your ultimate conclusions?

18 **A** No.

19 **Q** Is there anything that you didn't have you
20 wish you'd had?

21 **A** At this particular time, no, I can't think
22 of anything.

23 **Q** What about the gun of Officer Wilson, the
24 gun that was used in the shooting, did you need to
25 have that or examine that to make your findings?

1 **A** No.

2 MS. ALIZADEH: Sheila, anyone else?

3 MS. WHIRLEY: No.

4 After

5 you completed your autopsy of Michael Brown, and

6 then we find out that there was going to be a second

7 autopsy done, do you know how soon after you

8 completed your autopsy was that second autopsy by

9 Dr. done, do you know the timeframe?

10 **A** No, that was not shared with me.

11 Okay. Before you released

12 the body from your office.

13 **A** Uh-huh.

14 : Is the body cleaned in any

15 way.

16 **A** I mean --

17 : Do you wash it down like

18 with distilled or stabilized water.

19 **A** The autopsy technician, like I said, doing

20 the autopsy is not a totally clean process. You

21 don't want to have blood all over the place from

22 point of health hazards and visually esthetic

23 purposes, it just doesn't look good.

24 With water, the body is washed also

25 so it is not all bloody and things of that nature.

Page 65

1 Okay. And this is just
2 from a personal question.

3 **A** No problem.

4 okay
5 and usually if I bet on something, I know pretty
6 darn sure that what I know is right.

7 **A** Gotcha.

8 : Going from what you know
9 that you've done in this autopsy and from your
10 experience, like would you bet, I'm not going to say
11 bet your life, but would you bet your bottom dollar
12 that you are 100 percent correct about your finding?

13 **A** I stand by my report 100 percent.

14 : You said you know

15 Dr. ?

16 **A** I know of him.

17 : You never worked with
18 him?

19 **A** I don't know him, I know of him, I know
20 who he is.

21 : Okay.

22 : . On the
23 case examine, I notice that on Michael Brown's lower
24 extremity there were several scars on his knee and
25 on his lower left leg.

1 **A** Yeah.

2 : Was there any damage to
3 his lower extremities that was recent?

4 **A** No.

5 : Nothing consistent with
6 his foot being ran over?

7 **A** No.

8 : , I'm sorry.

9 When you say you wash the body, you don't like scrub
10 it or any use any soap or anything, it is just
11 water?

12 **A** Water and a rag.

13 : So you can get a good
14 view of what's going on?

15 **A** Yeah.

16 MS. ALIZADEH: In fact, I think,
17 Dr. , if you recall from your previous
18 testimony there's a series of photos that are taken
19 before the body is washed and then there's a series
20 of photos taken afterwards, and in cleaning parts of
21 the body, is that so you can visualize the wounds
22 and see what you are looking at?

23 **A** Correct.

24 **Q** (By Ms. Alizadeh) And if something is
25 maybe dried blood that washes away and it is not

1 actually an injury or wound?

2 **A** Correct.

3 **Q** Okay. And just also to clarify when you
4 did your autopsy, the body of Michael Brown had not
5 been embalmed or touched by a funeral director or
6 anyone else, it came from the crime scene to be
7 placed in a locked bagged and then delivered
8 directly to your offices?

9 **A** Correct.

10 MS. ALIZADEH: Any other questions?

11 (End of the testimony of Dr. .)

12

13 of lawful age, having been first duly sworn to
14 testify the truth, the whole truth, and
15 nothing but the truth in the case aforesaid,
16 deposes and says in reply to oral
17 interrogatories, propounded as follows, to-wit:

18 EXAMINATION

19 BY MS. ALIZADEH:

20 **Q** Could you state your name and spell for
21 the court reporter?

22 **A** Sure. .

23

24 **Q** What do you do, sir?

25 **A** I'm a forensic pathologist in the

1 military.

2 **Q** And prior to your testimony, did I ask you
3 to send a copy of your current curriculum vitae?

4 **A** Yes, ma'am.

5 (Grand Jury Exhibit Number 80
6 marked for identification.)

7 **Q** (By Ms. Alizadeh) I'm going to hand you
8 what I've marked as Grand Jury Exhibit Number 80, is
9 that what you sent me?

10 **A** It is.

11 **Q** And I'm going to pass this out, but I'm
12 also going to ask you to testify a little bit about
13 your educational background.

14 Tell me, starting with college, your
15 degree in college and where you went from there?

16 **A** I graduated from LaSalle University with a
17 bachelor's degree in biology back in 2003 and then I
18 went to Georgetown University School of Medicine in
19 Washington and graduated in 2007 with a medical
20 degree. From there I went to the University of
21 North Carolina in Chapel Hill and spent five years
22 there completing residency and forensic pathology
23 training.

24 **Q** And we've already heard from Dr.
25 about the science of forensic pathology, how long

1 have you have been working as a forensic
2 pathologist?

3 **A** I finished my fellowship in 2012. I have
4 been employed with the Armed Forces Medical Examiner
5 System out of Dover Air Force Base since then. So A
6 little over two years as a practicing forensic
7 pathologist.

8 **Q** So you are employed by the military, is
9 in, what branch of the military?

10 **A** The Air Force.

11 **Q** And are you a commissioned officer in the
12 Air Force?

13 **A** Yes, ma'am. I hold the rank of major.

14 **Q** And so today, would you prefer I call you
15 or would you prefer to go by Dr.

16 ?

17 **A** Dr. is fine.

18 **Q** All right. And so Dr. , in your
19 duties and responsibilities as a forensic, are you a
20 forensic pathology?

21 **A** Yes, ma'am.

22 **Q** Are you a board certified forensic
23 pathologist?

24 **A** I'm board certified in anatomic and
25 clinical pathology, as well as forensic pathology.

1 **Q** And so in your job with the military, do
2 you perform autopsies?

3 **A** Yes, ma'am.

4 **Q** And do you perform autopsies and then
5 prepare reports regarding your findings?

6 **A** Yes.

7 **Q** And have you testified in court regarding
8 your findings after performing autopsies?

9 **A** Yes, I have.

10 **Q** And so in relation to this case, you know
11 that you are here because you performed an autopsy
12 on the remains of Michael Brown, correct?

13 **A** Correct.

14 **Q** When were you contacted, approximately, in
15 order, when did you first learn that you were being
16 asked to perform for an autopsy?

17 **A** I believe August 18th was the day that we
18 performed the autopsy, I know that. I think that
19 was a Monday. I don't recall specifically, but I
20 remember getting a call when I was at home from my
21 boss. It was probably Sunday, the day before.

22 **Q** Okay. And what did your boss tell you
23 about what you were being asked to do?

24 **A** Well, he said that the Department of
25 Justice was making a special request from the

1 Department of Defense to perform an independent and
2 non-biased autopsy on a civilian that had died in
3 St. Louis.

4 **Q** So was it unusual for you to perform an
5 autopsy on civilians?

6 **A** I would not say it is unusual for me to do
7 autopsies on civilians. We perform autopsies on
8 anyone that dies in federal jurisdictions as long as
9 it's a medical examiner's case. If there's a
10 civilian on a federal installation, we will be
11 responsible for performing that post-mortem
12 examination.

13 **Q** So, for example, a serviceman, serviceman
14 who maybe lives on base, his child dies and there is
15 a need for an autopsy?

16 **A** That is correct.

17 **Q** That's a civilian, correct?

18 **A** Correct.

19 **Q** Someone who may be, would be shot during a
20 bank robbery, that would be a federal case, but that
21 wouldn't necessarily be military, involved?

22 **A** Correct.

23 **Q** Okay. And so, so you were told that you
24 were be requested by the Department of Justice to
25 perform an independent and unbiased autopsy, is that

1 right?

2 **A** Correct.

3 **Q** Were you are told that the body had
4 already been autopsy previous?

5 **A** Yes, I was.

6 **Q** And did you, were you told that it had
7 been autopsy twice?

8 **A** Definitively it had been autopsy at least
9 once before by the St. Louis County Medical
10 Examiner's Office. There was some rumor at the time
11 that a second independent autopsy had been
12 performed, but we weren't sure at that time.

13 **Q** Now, did, when you were notified about
14 this, did they tell you who you were going to be
15 autopsying?

16 **A** At that time the name was given to me over
17 the phone.

18 **Q** Did they tell you it was going to be the
19 body of Michael Brown?

20 **A** They did.

21 **Q** And on August 18th, had you ever heard of
22 Michael Brown?

23 **A** In fact, I was ignorant. I'm not sure why
24 I hadn't been watching media on this. I know there
25 was a lot of coverage that I know now, at the time

1 this was the first I was hearing of it at that phone
2 conversation that Sunday.

3 **Q** So you had not viewed or at least had not
4 made any connection between the media coverage
5 regarding the shooting death of Michael Brown and
6 the allegations that are being and were being made
7 at the time with the autopsy that you were
8 performing?

9 **A** Correct, this was the first I was hearing
10 of it.

11 **Q** And so did you travel to St. Louis to
12 perform the autopsy?

13 **A** Yes, ma'am, I did.

14 **Q** Did anyone come with you?

15 **A** I was accompanied by one of our senior
16 forensic pathologist was a Navy captain. He
17 probably has 15 or 20 years experience named
18 Dr. . We performed the autopsy
19 together and whenever we travel to do a case, we
20 also bring one of our photographers. We have a
21 staff of photographers that will accompany us when
22 we go on road cases. So I had a photographer and
23 Dr. accompany me.

24 **Q** And so prior to doing the autopsy, did you
25 learn anything additional that helped you to do the

1 autopsy?

2 **A** So once we arrived at the Medical
3 Examiner's Office, they welcomed us in, essentially
4 gave us all access to the radiology, all the x-rays
5 they had taken on the day that they performed their
6 case, which I believe was the 10th of August.

7 So before any gunshot wound case, we
8 need to review the radiology in order to see what
9 bony structures have been injured, if there are any
10 projectiles in the body that need to be recovered.
11 So this is standard procedure.

12 So they gave me access to those
13 x-rays and then I also was able to look at a small
14 scene investigation synopsis probably a few
15 paragraphs, I guess dating back to the 9th or 10th
16 of August. So I had that information to review
17 before we performed our, I guess, third autopsy.

18 **Q** Do you recall what you learned from that
19 scene synopsis?

20 **A** It was just that there was an individual
21 that had an altercation with a police officer and
22 that he received multiple gunshot wounds and died at
23 the scene.

24 **Q** Did you have any information about, for
25 example, whether or not there was an altercation at

1 or near a police vehicle?

2 **A** It wasn't specified in what I had read.

3 **Q** Okay. Did you have any information that
4 there were perhaps conflicting reports about whether
5 or not the individual was running or standing still
6 or turning or what position his body was in?

7 **A** I don't recall that being elaborated in
8 that small synopsis, no.

9 **Q** Okay. And so when you arrived at the
10 Medical Examiner's Office in St. Louis County, did
11 you speak with any of the medical examiners in St.
12 Louis County?

13 **A** Yes, ma'am. I spoke with Dr. right
14 before we performed our own procedure and then
15 afterwards, I spoke with Dr. .

16 **Q** So Dr. would be the chief medical
17 examiner for St. Louis County?

18 **A** To my knowledge, she is the chief at that
19 office, yes, I believe so.

20 **Q** All right. And did she give you any
21 information that you felt was necessary in order for
22 you to perform the autopsy?

23 **A** She didn't provide any additional
24 information before the autopsy itself. She was just
25 there mostly to facilitate and make sure things were

1 going smoothly and she allowed us to actually use
2 one of their own technicians to help with the case.

3 Q Do you recall who that technician was?

4 A I do not recall. I saw him in the
5 photographs from the first autopsy, I don't recall
6 his name. We have a full ledger in our own case
7 file of everybody that was present in that room,
8 which would include that technician as well as an
9 FBI agent.

10 Q And so the photographs that you mentioned
11 that you saw from the first autopsy.

12 A That is correct, but I did not get to see
13 those until after we performed our own examination.

14 Q Is that because they wouldn't allow you to
15 see them, but you wanted to?

16 A We actually prefer that we did not look at
17 any photographs before completing our own autopsy.
18 We felt like we were there to perform our own
19 independent study. We didn't want to get biased by
20 other photographs.

21 Q All right. And when you arrived at the
22 Medical Examiner's Office, I assume that the body
23 was identified to you as the body of Michael Brown?

24 A That is correct. He also had
25 identification bracelets around his ankles and his

1 wrist that said Michael Brown.

2 **Q** And did your photographer take photographs
3 of the different stages of the autopsy?

4 **A** Yes. We have a very specific protocol in
5 the military in the way we deal with photographs and
6 we performed our autopsy the same way we would as if
7 it was a service member for a normal autopsy.

8 When we arrive the body was
9 discovered in several blankets. We take a
10 photograph of that and then we removed those
11 blankets and then we begin our standard photographs,
12 which would include identification bracelets and
13 anything else that could identify the body.

14 MS. WHIRLEY: Are you looking for the
15 other file?

16 MS. ALIZADEH: Sorry.

17 **Q** (By Ms. Alizadeh) For the record, we are
18 using a disc that I've marked as Grand Jury Exhibit
19 Number 79, and there are a number of photographs on
20 this disc. And I'll ask you, Dr. , if it is
21 easier for you, and it might be, to maybe wheel that
22 chair, you don't need to worry about the microphone
23 picking you up, it will pick you up and you would be
24 in a better position to look.

25 Here is a laser pointer so as we talk

1 about these photographs, you can use that.

2 **A** Sure.

3 **Q** I'm also going to turn this light down a
4 little bit so it is easier for the jurors to see
5 this.

6 So this is the first image that is on
7 the file that's on the disc, Number 79.

8 **A** Yes, ma'am.

9 **Q** Do you recognize this placard?

10 **A** I do. We use this placard on all of our
11 autopsies, this is how we start all of the
12 photography with this placard. And usually we make
13 this at Dover Air Force Base before we go to the
14 actual case.

15 **Q** And the side of that placard says
16 Dr. , St. Louis, Missouri?

17 **A** Correct. We were the two pathologists
18 that were performing this autopsy.

19 **Q** Okay. The date at the top, is that the
20 date that you prepared the placard or the date that
21 you actually performed the autopsy?

22 **A** So this placard would have been prepared
23 by at the bottom, he's our photographer. I'm
24 not sure if he did it the day before or the morning
25 we flew out, but that was the day we performed the

1 autopsy.

2 **Q** So AFMES, what's that?

3 **A** Arm Force Medical Examiner System. That's
4 where we work and we're stationed out of Dover Air
5 Force Base.

6 **Q** You have your own case number?

7 **A** Correct. ME140240.

8 **Q** Then you said MCCA, that's the
9 photographer that you brought along with you?

10 **A** Correct. I'm not in the Navy, so I don't
11 know what MCCA stands for. He's a senior chief
12 enlisted in the Navy. I'm not sure what that means.

13 **Q** So you indicated that when you first
14 arrived and the body was presented to you, it was
15 wrapped in some blankets and that you took some,
16 that your photographer took some pictures.

17 There is, in this next image, Image
18 Number 2, you can see something that's inside a
19 blanket and there is a piece of paper perhaps that's
20 on top of the blanket and that is your case number,
21 correct?

22 **A** Correct. We label all of our images no
23 the matter what they are with a case number. I
24 think that is just important for us to do not to
25 misplace images across different autopsies.

1 **Q** This was all done at the Medical
2 Examiner's Office here, correct?

3 **A** Correct. This entire autopsy was done
4 here, but these placards that we are seeing were
5 things we had printed up before we arrived.

6 **Q** Okay. So Image Number 3, and that is
7 another different view of the body underneath the
8 blankets?

9 **A** Correct.

10 **Q** Image Number 4. And so now in this image,
11 we're seeing the lower half of the body and you
12 indicated that there were bracelets, there is a
13 green bracelet around the right hand and then there
14 are bracelets around the ankles of the body. Did
15 those identify the body as Michael Brown?

16 **A** Yes, ma'am. I think we have closer up
17 images that show his name actually written on these
18 bracelets, but they did.

19 **Q** And the next image. And then this is the
20 upper half of his body; is that correct?

21 **A** Correct.

22 **Q** Now just viewing this as we see it and as
23 you saw it that day, can you tell by looking at it
24 then that this body has been autopsied?

25 **A** Yes, this is the standard Y incision that

1 we do in the United States and it has been sutured
2 together.

3 Q All right. And the next photo. Again,
4 you indicated that you took close-up images of the
5 actual identifying bracelets around the wrist and
6 ankles s of the body, correct?

7 A Correct.

8 Q And the next image and then the next, and
9 the next, and then the next. Sorry, and so the last
10 image we've already seen that image. So now we saw
11 a number of images that you could see close up the
12 bracelets that identified the body and now do you
13 know why this image was taken?

14 A Again, this is just our standard protocol.
15 So at this point we would consider the body, usually
16 the bodies that we are dealing with are actually
17 still within the body bag, the human remains pouch.
18 This is just a standard image.

19 After we remove the blankets,
20 whatever was underneath him, we will take pictures
21 of him on the actual autopsy surface that we are
22 going to be performing the case on.

23 Q Okay.

24 A So again, pretty much redundant
25 information.

1 **Q** Okay. But these are different images?

2 **A** They are, they are. We have already
3 removed the blankets.

4 **Q** All right. Now, this is an image of the
5 lower half of his body, but he's turned over and
6 he's lying on his stomach?

7 **A** Correct. And you can see here some
8 evidence of decomposition change, some skin
9 slippage.

10 **Q** And we see some discoloration on the,
11 maybe I shouldn't characterize it as discoloration,
12 you can see that there is definitely some different
13 color to his skin, what's that caused by?

14 **A** Correct. So the body has been embalmed, I
15 think any images you may have seen up to this point
16 have been from the first autopsy. So now, you know,
17 eight days later, the body has been embalmed, been
18 three, several other autopsies. So when the body's
19 playing flat on the table getting embalmed, some of
20 the embalming fluid may not reach these areas
21 because the skin is pressed against a flat surface
22 that prevents it from getting in. So I think any
23 changes in tone or color is probably due to that.

24 **Q** All right. So those aren't anything that
25 you feel that were caused by the injuries that he

1 sustained during the shooting?

2 **A** No.

3 **Q** And the next image?

4 MS. WHIRLEY: Let me ask him, what's the
5 white.

6 **A** This here? Skin slippage. It is
7 decomposition.

8 Again, the skin here isn't going to
9 be as embalmed as the skin on the front. He's
10 laying on his back, so this area could be prone to
11 decomposition.

12 **Q** (By Ms. Alizadeh) And the embalming
13 process is to slow down decomposition?

14 **A** Correct.

15 **Q** And then you see the back of the upper
16 half of his body. And you see some injuries to his
17 body from that photograph; is that correct?

18 **A** Correct. And this photograph we can see
19 clearly, it is hard to tell from here, but that's
20 the exit gunshot wound from a gunshot wound to his
21 forearm.

22 And then here is actually an autopsy
23 artifact, that's where they had removed a bullet
24 gunshot wound to the right lateral chest. That's
25 where they recovered that round during the first

1 autopsy.

2 **Q** Now, were you able to tell that just by
3 looking at it?

4 **A** No.

5 **Q** Or did you have to examine it?

6 **A** This information I'm giving you is after I
7 examined the entire case.

8 **Q** Okay.

9 **A** I did not know at the time of first
10 looking at his back that that was where they
11 recovered a round from the first autopsy.

12 **Q** And you weren't able to conclude that from
13 the x-rays either?

14 **A** No, because the x-rays, all we have is
15 pretty much one dimension anterior and posterior, so
16 it is hard to tell where exactly the bullet is. I
17 only know it's in the right side of the chest
18 somewhere, but in this situation, it was actually in
19 the back.

20 So you need x-rays from two different
21 angles in order to really tell that, which we didn't
22 have.

23 **Q** All right.

24 MS. WHIRLEY: There's no indication that
25 he was shot in his back?

1 **A** No, I would not at any point thought that
2 was a gunshot wound.

3 **Q** (By Ms. Alizadeh) The next slide, is this
4 a repetition of the previous, of a previous slide
5 we've seen?

6 **A** Correct.

7 **Q** Which is the body still on its stomach and
8 it is the lower half of his body. And the next
9 slide and again, is this repetitious of --

10 **A** I'm not sure why we are looking at this
11 again.

12 **Q** Okay.

13 **A** Just closer up image of the same thing,
14 this is that defect that they created during the
15 first autopsy to remove that round.

16 **Q** And you learned that after your autopsy?

17 **A** Correct.

18 **Q** But looking at that, you can say that that
19 is not an entrance wound, a gunshot entrance wound?

20 **A** That is correct. And there is no evidence
21 here of any, what we would say a sign of life.

22 There is no vital reaction here, there is no blood,
23 there is no inflammation around these edges, this
24 looks like a post-mortem phenomenon and that's what
25 it is.

1 **Q** All right. Is that a closer up of the --

2 **A** Correct. As you get closer you can
3 actually see a scalpel injury here, it's all
4 post-mortem, it is where they removed it.

5 **Q** And the next image. Describe what this
6 photograph shows?

7 **A** So this is the right hand, we are looking
8 at the palm surface and this is a tangential gunshot
9 wound to the base of the right thumb.

10 **Q** And what do you mean tangential?

11 **A** Meaning if the skin surface is like this,
12 the bullet is kind of going in the same direction as
13 the skin at that point. So it is basically, you've
14 heard the term graze, I'm sure. I would beg to
15 differ this is a little deeper. When I think graze,
16 I think of something very close to the surface of
17 the skin only, which we will see later in this case.
18 But I think this would be, I prefer to call it
19 tangential gunshot wound, meaning the bullet was
20 kind of going in the same direction as the skin at
21 that point.

22 **Q** Now, you were just showing with your hand,
23 you had your, at this point can you tell by looking
24 at this the direction, if this injury was caused by
25 a bullet, can you tell the direction the bullet was

1 traveling?

2 **A** It is difficult in this image because we
3 have to orient it differently. You will see through
4 different photographs there are skin tags and that
5 is what we use to tell the direction of fire in a
6 tangential gunshot wound. In this image I would
7 have a hard time telling.

8 **Q** Okay.

9 **A** Again, this image can't help a whole lot.
10 You can see a little bit of skin tag kind of
11 pointing in this direction and one on this side
12 also. This still a little difficult based on this
13 image.

14 You will also have to keep in mind,
15 again, the body has been embalmed. So as the skin
16 starts to get tighter, it starts to change compared
17 to first autopsy.

18 **Q** Have you ever done a second autopsy?

19 **A** In fact, we do a lot of second autopsies
20 at Dover Air Force Base. A lot of the civilians
21 that die overseas, they are going to get autopsies
22 in sovereign countries and then they are going to
23 come back to Dover and do a second autopsy, so we
24 see a lot of these.

25 **Q** The next picture. This is the same injury

1 to the right hand and there is a scale that is
2 placed over the wound to give it perspective, is
3 that fair to say?

4 **A** Exactly. We do this for any gunshot
5 wound, that is standard. You can start to see
6 another tag coming into the field here again, it
7 starts to point in that direction, not as good as I
8 would like.

9 **Q** All right. And the next image?

10 **A** So in this image we have the posterior
11 surface, an anatomic position, this is actually the
12 anterior surface. I'm sure this has been
13 demonstrated, right? So anatomic position is like
14 this, standing straight ahead, palms facing forward.
15 Okay.

16 This is actually confusingly the
17 anterior surface of the right forearm and that's an
18 exit gunshot wound right there.

19 We can also see that tangential
20 gunshot wound to the thumb also in this image.

21 **Q** And the next image.

22 **A** Is just close-up image here of the exit
23 wound on the anterior surface of right forearm.

24 **Q** All right.

25 **A** Here we are moving up a little bit closer

1 into the axilla. Basically still on his back and we
2 are taking a picture here of the back of his arm
3 here close to his armpit. So this is actually an
4 exit gunshot wound. If I hold my arm out like this,
5 it is right about in this location here.

6 (indicating)

7 Q Now, let me ask you, Dr. , is there
8 any, this may sound silly for me to ask you this, is
9 there any rhyme or reason as to the order which you
10 document and photograph wounds?

11 A There is, a lot of it's mechanics, right.
12 Michael Brown wasn't a light person, you know, he
13 was probably well over 250 pounds. It is difficult
14 for us to continuously manipulate and turn him from
15 front to back.

16 So we try to take all the photographs
17 when he is laying on the stomach, then flip him over
18 and then take all the photographs from the other
19 side.

20 Q So when you talk about these wounds, we
21 will see in your report later you might have them as
22 numbered, or in this case the first wound you
23 photographed and the second one you photographed, is
24 there any, are you saying that those were the order
25 in which the wounds were sustained?

1 **A** No, I'm not. This has nothing to do with
2 the order of infliction of these wounds. This is
3 just the order that we happen to photograph them at
4 autopsy.

5 **Q** All right. So you said that this is on
6 the back, upper arm and that is an exit wound?

7 **A** Correct.

8 **Q** And is this a gunshot wound?

9 **A** Correct, this is an exit gunshot wound.

10 **Q** And then the next photograph?

11 **A** Just a closer up image of the same thing.

12 **Q** And the next photograph?

13 **A** Okay. So now he's still laying on his
14 stomach and now we have an image of the left forearm
15 and we can see an injury here. I think if you go on
16 we can actually get a better picture of that.
17 Perhaps, okay, a little bit better here.

18 So we actually call this a
19 superficial incised wound. In our opinion, a sharp
20 force injury, it is not blunt.

21 Whatever caused this was something
22 sharp, like a piece of glass, a piece of jagged
23 metal, a knife, something like that, something
24 sharp. The way that we can tell that is the edges
25 of this are very clean. We don't see any abrasion

1 along it.

2 I think what you see here that is
3 kind of dark along the edge of this is actually some
4 vital reaction, he is getting a little inflammation
5 from it. It doesn't take long for a wound to become
6 inflamed. I think that is what we are seeing here.

7 And again, it is a little dry, it is
8 eight days later, he has been embalmed, so it is a
9 little different than it would look during the first
10 autopsy.

11 And then along the same trajectory
12 right here, you can pick up kind of a faint scratch
13 along with it. So again, this is consistent, in our
14 opinion, with something sharp.

15 Q All right. So in your opinion, you have
16 said a couple of times in our opinion.

17 So are you performing the autopsy
18 together with Dr. ?

19 A That is correct. We performed this
20 autopsy together.

21 Q And do you talk about your beliefs and
22 findings as you are performing the autopsy?

23 A Yes.

24 Q Who prepared the report in this case?

25 A I wrote the report and then Dr.

1 proofread it and signed it.

2 **Q** All right. And so when you say our
3 opinion, for purposes of this grand jury I
4 understand that it is because you and Dr.
5 were working together, but it is important that we
6 make sure that we are getting your opinion.

7 **A** Yes.

8 **Q** Since Dr. is not here to testify.

9 **A** Yes.

10 **Q** And let me just ask you, was there ever
11 any difference of opinion between you and
12 Dr. in your autopsy and your findings in
13 this case?

14 **A** There was not.

15 **Q** Okay. All right. So if you continue to
16 say our opinion, it is also your opinion as well.

17 **A** That is correct. I can change and say my
18 opinion.

19 **Q** Okay. So now in this wound you said you
20 think this was caused by a sharp object?

21 **A** I do.

22 **Q** You don't think that that could have been
23 a bullet?

24 **A** I do not. This does not look like a graze
25 gunshot wound to me. Again, I know we use the word

1 clean, I know that is kind of subjective. It is a
2 little hard to fine, but when I say clean, I mean
3 the edges of this are very straight, there is not a
4 lot of abrasion to it.

5 A gunshot wound is going to create a
6 lot of abrasion, it's going to look for all intents
7 and purposes a lot slopier, it is not going to look
8 like that.

9 Q And to kind of jump ahead a little bit
10 here. After your autopsy, did you have a chance to
11 review Dr. report?

12 A I did once we completed our autopsy. We
13 actually sat down with Dr. , Dr. ,
14 Dr. and our photographer at a table and we
15 reviewed all the images from the first autopsy. It
16 was at that point he also gave us his autopsy
17 report, which may have been preliminary at that
18 time, but actually I think it was finalized.

19 Q Regarding this particular wound, you and
20 Dr. disagree about what might have caused
21 that wound; is that correct?

22 A Correct. Dr. , he may have called
23 this abrasion. In my opinion an abrasion is
24 superficial. It's basically the very most outer
25 layer of the skin is just kind of worn away and it

1 is a blunt force injury. It is either your body
2 impact a blunt object like a baseball bat or
3 something flat or blunt object impact your body.
4 That is what an abrasion is, it is very superficial.

5 This is deeper, it goes through the
6 outer layers of skin. You can actually start to see
7 a little bit of the deeper dermis and the
8 subcutaneous tissue within that wound.

9 The only other thing that would be on
10 differential for this is a laceration, which is also
11 a blunt force injury. We see them all the time in
12 contact sports, people that get hit in boxing, they
13 get lacerations, the skin rips.

14 Again, I think this is a sharp force
15 injury, a superficial incised wound.

16 **Q** Now, let me ask you then, Dr. , in
17 your experience as a pathologist for the military, I
18 would imagine you have seen performed a number of
19 autopsies on servicemen who were killed by IUD's?

20 **A** Correct.

21 **Q** And they have like shrapnel injures and so
22 forth?

23 **A** Correct.

24 **Q** A shrapnel injury, would that be something
25 like you would have a piece of metal or some other

1 hard object that would injure the skin or injure the
2 tissue?

3 **A** Correct, it can injure the body in a great
4 number of ways. If you want to call shrapnel
5 injuries, we would call them blast fragment
6 injuries. They can actually look like gunshot
7 wounds, but depending on the velocity and size of
8 the fragment, it can also cause lacerations. I
9 would not call them sharp force injuries if they
10 impacted the body.

11 **Q** Okay. So you don't think the bullet
12 grazing the surface of skin could cause that injury?

13 **A** That is not my opinion.

14 **Q** Okay. Did you look at the photographs
15 that Dr. has taken of this injury?

16 **A** I did.

17 **Q** And I'm just wondering because we've
18 talked earlier and Dr. has testified, of
19 course, before about that experts can differ in
20 their opinions. Did anything about the photographs
21 that Dr. had taken change your opinion
22 about the cause of what caused this injury?

23 **A** No, in fact, his photographs reinforced
24 what I thought. I still believe this is a sharp
25 force injury with his photographs and in addition to

1 ours.

2 Q Did you discuss with Dr. that you
3 had a difference of opinion in regard to this
4 injury?

5 **A** We had talked about it, yes. But he
6 wasn't swayed one way or another.

7 Q And you weren't swayed either to change
8 your opinion?

9 **A** No.

10 Q All right. And so could a piece of glass
11 could have caused this injury, yes. I believe a
12 piece of glass could have caused that injury?

13 MS. WHIRLEY: The only question I have is
14 that this injury you believe happen
15 contemporaneously with the gunshot injury?

16 **A** I do, especially if you look at the first,
17 the first autopsy images of this injury. It looks
18 very acute, it doesn't have any signs of healing.
19 It has a little bit of inflammation around the
20 border, it is still wide open and it is bleeding. I
21 would think that if that injury had occurred in the
22 past it would have potentially have been treated in
23 some way, a bandage or something, that is a pretty
24 large wound to leave open.

25 . What side

1 is the back side of what side, left or right?

2 **A** This is the left arm.

3 : This is the left arm?

4 **A** Correct. It would be like right here.

5 : Oh, so it is right here.

6 So could that have happened against a metal car

7 rubbing up against the window?

8 **A** I believe so, as long as whatever impacted
9 his arm at that point was a sharp object, jagged
10 metal, glass, yes.

11 Okay.

12 . What a
13 about fingernail?

14 **A** Fingernail, no. Fingernail injury we
15 would term abrasions. It would have to be an
16 extraordinarily filed and sharp fingernail to cause
17 that injury.

18 MS. ALIZADEH: You know, I appreciate as
19 we move along, rather than save your questions just
20 butt in because while we have a slide up, it makes
21 sense for you to raise those questions for the
22 doctor as we go along.

23 So the next image, this image we have seen
24 of the lower half of his body.

25 **A** Okay. So now we have the other side of

1 the left hand here. At this point you saw in the
2 last image we flipped his body back over and I think
3 what is becoming apparent here is a small abrasion
4 here kind of at the base of the wrist.

5 **Q** (By Ms. Alizadeh) So you describe this as
6 an abrasion?

7 **A** Correct. An abrasion meaning it is a
8 blunt force injury, either the hand impacted a blunt
9 object or the blunt object impacted the hand. And
10 it eroded away some of the superficial layers of
11 skin leaving that.

12 **Q** Could that injury have been caused by a
13 bullet?

14 **A** No, it is not my opinion that could be
15 caused by a bullet.

16 **Q** You can't say what object then caused that
17 abrasion?

18 **A** I cannot.

19 MS. WHIRLEY: A fingernail?

20 **A** Fingernail abrasions usually, we call them
21 curve linear, they are basically a little U shaped
22 abrasions. I don't think that that's a fingernail
23 injury.

24 MS. WHIRLEY: Someone grabbing, holding?

25 **A** Potentially, but again, I cannot look at

1 that and tell you what caused it.

2 MS. WHIRLEY: Okay.

3 A bracelet?

4 A A bracelet potentially, yeah, a bracelet
5 could do it, that's one possibility.

6 MS. ALIZADEH: Would the bracelet have to
7 have been a hard object?

8 A It depends on how the injury occurred.

9 MS. ALIZADEH: Okay, all right.

10 A I can't add any more to that.

11 MS. ALIZADEH: Let me ask you this. We
12 see a bracelet now on the right hand, was there an
13 identifying bracelet on the left hand?

14 A I don't recall there being one on the left
15 hand, no. But I know that it is not a postmortem
16 abrasion because we can see that same abrasion on
17 the autopsy photographs in the first case and there
18 wasn't that bracelet there yet.

19 So in this image here now we can see
20 entrance gunshot wound to the right forearm and that
21 couples with the exit gunshot wound that we saw on
22 the anterior surface of the right forearm in
23 previous images.

24 Q (By Ms. Alizadeh) And so this wound have
25 been, entrance wound would have been on the other

1 side of his forearm, correct?

2 **A** Correct. This is the entrance wound for
3 this gunshot wound, and we saw the exit wound when
4 he was laying on his stomach and that was on the
5 right forearm in this location on the anterior
6 surface.

7 **Q** And I just lost what I was going to say.
8 Looking at the x-rays of his extremities, were you
9 able to tell if this gunshot wound impacted any
10 bone?

11 **A** Correct. The right ulna was fractured and
12 we picked that up on x-ray.

13 **Q** And was that fracture consistent with a
14 bullet passing through his forearm?

15 **A** It was 100 percent consistent with a
16 bullet trajectory with an entrance wound here and an
17 exit wound here, going through the right ulna.

18 MS. WHIRLEY: Two things. One is this
19 wound consistent with being, with him being shot
20 from behind, you understand what I'm saying? If
21 someone is pursuing him and shooting, is that wound
22 consistent with receiving that shot in that way?

23 **A** Right, obviously, a difficult question to
24 answer because as you know, our arms can do all
25 sorts of things in three dimensional space. And,

1 you know, the shooter versus who is receiving the
2 bullets, it also depends on where they are in three
3 dimensional space.

4 So if you are asking me could a shot
5 from his backside produce that, I say yes. Because
6 as you are running, if your arm is down like this,
7 that surface, that very surface of your arm is
8 exposed posteriorly. So a bullet coming from behind
9 you could cause that injury.

10 Could it come from the front side?
11 Yes, depending on how your arm is. If your arm is
12 out in front of you like this, a bullet impacting
13 here could still exit here.

14 If your arms are up like this, they
15 have to be rotated in order for the bullet to impact
16 here if the shooter is directly ahead of you. It's
17 difficult, but I think there is a lot of different
18 scenarios that can explain that trajectory.

19 (indicating)

20 **Q** (By Ms. Alizadeh) So the last posture that
21 you demonstrated with your arms above your head.

22 **A** Yes.

23 **Q** You said you believe your palms would have
24 to be rotated?

25 **A** Correct.

1 **Q** So I can describe for the record, you had
2 your palms facing each other?

3 **A** Correct. If my palms face outward like
4 this, that part of the arm is starting to go
5 lateral. The shooter in my opinion if you are
6 facing like this would have to be at that angle. In
7 order to go through your arm here and exit here. It
8 is kind of going leftward, right. If your arms are
9 up like this. If you rotate in, then the bullet can
10 come more face on.

11 MS. WHIRLEY: And that's assuming that the
12 shooter is right in front of you?

13 **A** That's correct.

14 MS. WHIRLEY: If the shooter is diagonal
15 to you?

16 **A** If the shooter is diagonal, right, then I
17 believe your palms can be facing forward, but you
18 are not directly whoever is shooting you at that
19 point.

20 MS. ALIZADEH: And this is the right arm,
21 correct?

22 **A** This is his right forearm.

23 **Q** (By Ms. Alizadeh) So if the shooter were
24 on his side, it would have to be on his right side?

25 **A** Correct.

1 MS. WHIRLEY: Ready?

2 A Just a close-up image of the entrance
3 gunshot wound to the right forearm. Just some
4 pertinent negatives that we see here, we don't see
5 any close range discharge of a firearm, any evidence
6 of that.

7 When I say that, that means
8 stippling, which is essentially impact with the skin
9 with burning and unburned gunpowder particles. We
10 don't see any soot, which is a product of combustion
11 of the gunpowder, we don't see any deposition of
12 that.

13 I don't see any searing or muzzle
14 imprint that would have occurred if a gun was right
15 up against that forearm. So no evidence of that.

16 Q (By Ms. Alizadeh) And just to jump ahead a
17 bit so you're not repetitious. We will talk about
18 the hand injury separately, but other than the hand
19 injury, were any of the other gunshot wounds in your
20 opinion, did you observe any soot or stippling on
21 any of those other injuries?

22 A On none of the other injuries did we see
23 any soot, stippling or unburned gunpowder particles.
24 No evidence of close range discharge of a firearm on
25 any of these gunshot wounds except for the one you

1 had just mentioned on the hand.

2 And again, we have to preface that by
3 saying I did not have the clothing to inspect at the
4 time of this autopsy. And furthermore, this could
5 have been the third autopsy, the body has been
6 embalmed, washed several times. A lot of that stuff
7 can start to wash away. Stippling doesn't, but soot
8 can.

9 And the other thing to say is the
10 gunshot wound to the top of the head, Michael Brown
11 had pretty thick hair. So a lot of times hair can
12 actually prevent deposition of soot, stippling.

13 **Q** Okay. Can you describe this injury, this
14 wound?

15 **A** This here is an entrance gunshot wound to
16 the upper right arm. We saw the exit wound earlier
17 that was closer to the armpit. So this entrance
18 wound was here on the right lateral arm and the exit
19 was under the arm here by the armpit area.

20 And again, just a close-up image of
21 the same.

22 **Q** Next image?

23 **A** Okay. So we have two things we can talk
24 about here. One is an entrance wound, gunshot
25 entrance wound of the right clavicle region and here

1 is a gunshot exit wound on the right chin.

2 Q All right.

3 A Again, close-up image here of the entrance
4 gunshot wound to the right clavicle area.

5 So here we have two things we can
6 talk about. This is a graze wound, a graze gunshot
7 wound on right forearm, excuse me, right upper arm,
8 that's basically in the bicep area. That would be
9 about here on my arm.

10 This here is just another angle on
11 that entrance gunshot wound to the upper right arm.
12 (indicating)

13 Q Can you tell anything from that graze
14 injury that you are circling right now about the
15 direction of travel of the bullet?

16 A So we cannot, I cannot. We talked about
17 earlier with that thumb wound, a lot of the ways
18 that we can tell trajectory on some superficial like
19 this is with the skin tags. Well, you guys can see
20 just as well as I do there are no skin tags here.

21 Sometimes we can start to guess by
22 the direction of the abrasions. We don't really
23 have anything that I can go on here to tell the
24 trajectory of this fire.

25 Q All right. And the next image?

1 here on the right clavicle area was another entrance
2 gunshot. So I guess we haven't talked about that.

3 So the total amount of the gunshot
4 wounds in this case is eight. There is eight
5 separate gunshot wounds.

6 Now, the possibility exist that the
7 gunshot wound to the right clavicle and the gunshot
8 right lateral chest could be reentry gunshot wounds.
9 The gunshot wound to the arm or the gunshot wound to
10 the forehead. It is my opinion that entrance wound
11 here on the right clavicle is likely a reentry wound
12 from that exit right there on right chin because the
13 trajectories line up perfectly.

14 **Q** (By Ms. Alizadeh) And then regarding the
15 entrance wound on the chest being a reentry of a
16 gunshot wound to the forearm, would that all just
17 depend on how that forearm was positioned when the
18 bullet passed through it?

19 **A** Correct. This gunshot wound on the upper
20 right arm, which we've seen and then the exit was
21 here, under the axilla basically. I have a hard
22 time with that one coming from my body and causing
23 this entrance gunshot wound to the right lateral
24 chest, which we actually have not seen a picture of
25 yet. The trajectory doesn't make sense in my mind.

1 The arm would have to be pretty up
2 and over across the chest in order to come back,
3 because that's where they got the bullet. It
4 entered here and recovered it down here on the right
5 lower flank. It is challenging, but the forearm one
6 I do think could line up with that lateral chest if
7 it was out like this. (indicating)

8 **Q** All right. And this is also that wound --

9 **A** This is the exit wound on the jawline
10 there on the right side of the face.

11 : Question, Dr. ,

12 .

13 **A** Yes.

14 : In order for a bullet to
15 enter twice, go in, come out and enter, do you have
16 to be close or far away for that to happen?

17 **A** You do not, no. It is really going to
18 depend on the type of weapon, the type of ammunition
19 and what structures the bullet hits as it goes
20 through the body. It's a very complicated question.
21 But at this range, I'm actually not sure what weapon
22 was used and I do not know the caliber. I can't
23 really comment any further on that.

24 : Okay. Thank you.

25 **Q** (By Ms. Alizadeh) This next image you see

1 injuries to the right eye and above the eye?

2 **A** Correct. So now we can see the entrance
3 wound that was on the forehead here. It is a little
4 bit to the right of the midline.

5 This gunshot wound actually caused
6 these lacerations both here to the right eyebrow and
7 to the upper right eyelid here as it passed
8 underneath of it. It also ruptured the right eye.
9 I didn't even see it at the time of our autopsy. It
10 was essentially obliterated.

11 It fractured several bones in the
12 face and then it exited right here. (indicating)

13 **Q** And that is a bullet that you said
14 possibly could have then reentered the clavicle
15 area?

16 **A** Correct. So minimum number of gunshot
17 wounds is six in this case and then eight total
18 depending on whether or not you believe these are
19 reentry wounds, you can drop the total number of
20 gunshot wounds to six. Again, just a closer up
21 image.

22 **Q** Let me just clarify that. When you talk
23 about gunshot wounds, if each wound is separate.

24 **A** Right.

25 **Q** I think there is some confusion. We've

1 heard about other possible opinions. So how many
2 total gunshots wound were on Michael Brown's body?

3 **A** If you want to count entrance and exist
4 separately?

5 **Q** Right.

6 **A** See, I haven't been doing that. When I
7 say eight total gunshots wounds, I just mean
8 basically eight bullets went through his body.

9 **Q** Okay.

10 **A** If you want to drop the number to six
11 total bullets went through his body, you would have
12 to consider this and these two injuries on the right
13 chest as reentry wounds.

14 **Q** Okay. I didn't want there to be some
15 confusion that you thought there were only eight
16 wounds on the body that were caused by a bullet.

17 **A** No.

18 **Q** Okay. All right. So the next slide we
19 see is another image of the entry wound in the
20 forehead; is that right?

21 **A** That's correct. This is a closer up image
22 of that.

23 **Q** And again, you do not believe that this
24 was a close contact wound?

25 **A** I do not. There would have been,

1 obviously, in this situation no clothing over the
2 body. He wasn't wearing a hat, his hair wasn't
3 here, we see no stippling, no soot, no muzzle
4 imprint, no searing of his skin, no evidence.

5 Q This bullet would have traveled downward
6 through the eye and then exited out the jaw?

7 A Correct.

8 Q And so given that Michael Brown was about
9 6'5", the bullet would of had to have entered and
10 traveled downward, correct?

11 A Correct.

12 Q So the barrel of the gun would have to
13 have been above, when I say above, it had to enter
14 from this direction, correct? (indicating)

15 A Correct. Again, it is difficult with
16 trajectories. We have to imagine, there is a lot of
17 different scenarios to explain this trajectory.
18 Yes, if you just look at it in anatomic position, it
19 goes sharply downward to the right and a little bit
20 backward. I can manipulate my head in all sorts of
21 ways in three dimensional space where the shooter,
22 if we don't know where he is, there is a lot of
23 different ways to get that wound.

24 So we don't know anything
25 whether or not he was falling or whether he bent

1 over to charge or whether he was just bending?

2 **A** Correct, yeah. I can't tell you from this
3 what he was doing, that's correct.

4 **Q** (By Ms. Alizadeh) Okay. The next slide.

5 **A** Okay. So here they're just taking a more
6 close-up image of the skin lacerations that were the
7 result of that entrance gunshot wound. So again
8 here, eyelid and eyebrow.

9 **Q** But those were caused by the bullet
10 passing through?

11 **A** Correct.

12 **Q** That's not like a blunt force?

13 **A** We don't have any reason to suspect these
14 are separate injuries. We believe, I believe that
15 they were caused by that single gunshot wound to the
16 forehead.

17 **Q** Okay. Next one?

18 **A** So left hand, we just noticed a few
19 defects here, some small abrasions. Dr.
20 also mentioned some possible abrasions, I think he
21 calls them postmortem at times. Bottom line, I
22 wouldn't make a big deal of these abrasions. They
23 could have been there before.

24 : I have a question going
25 back to the one in the head. I just want to make

1 sure that I understand. Would it have been
2 possible, from what I'm reading, you're not
3 indicating that somebody was standing over here,
4 that's not indicated or standing over him at a close
5 range?

6 **A** That's possible. When we say close range,
7 it still did not deposit any evidence of close range
8 discharge on --

9 : So not as close as we
10 are?

11 **A** Not as close as we are. That's a whole
12 another topic. I don't know if we want to get into
13 that, you may have already addressed it, you know,
14 at what distance does this stuff still deposit onto
15 the skin. And I can just give a ballpark average,
16 I'm not a ballistics expert, but with a standard
17 handgun, it's about 2 feet to still get stippling
18 and then within a foot you can get soot.

19 So if I'm two feet away from you with
20 a standard handgun, standard ammunition, you are not
21 going to have any evidence of close range discharge.

22 So having said that, this
23 is 12. It is at least 2 feet away?

24 **A** Ballpark, yes, 2 feet away. But the
25 weapon needs to be test fired with the exact same

1 ammunition that was used.

2 I understand. That's an
3 educated guess.

4 **A** Educated guess I would say greater than
5 2 feet.

6 Okay.

7 MS. ALIZADEH: All right. The next image?

8 **A** So just a closer up image here, small
9 discoloration here and then an abrasion there.
10 Again, I cannot tell you what caused that and I
11 really wouldn't put much significance into it.

12 MS. WHIRLEY: And the abrasion, you can't
13 even say if it was contemporaneous with the
14 shooting.

15 **A** I cannot. I would have to re-review all
16 the images from the first autopsy again. I remember
17 seeing some of these abrasions there, but I believe
18 Dr. called them postmortem, which it is
19 possible. Once the body is down on the ground, it
20 is being manipulated and put in a body bag,
21 abrasions can still occur.

22 MS. WHIRLEY: Is that what a fingernail
23 would look like?

24 **A** This?

25 MS. WHIRLEY: The other one?

1 **A** Here?

2 MS. WHIRLEY: Yeah.

3 **A** No, a lot of the fingernail abrasions that
4 we see in forensics are in cases of strangulation
5 and they literally look like curve linear little U
6 shaped abrasions. This kind of just looks irregular
7 to me. I don't really have an opinion on it.

8 MS. ALIZADEH: This is the right hand?

9 **A** Could you go back. This is the left hand
10 here.

11 MS. ALIZADEH: All right. Left hand,
12 good.

13 MS. WHIRLEY: Done with that?

14 MS. ALIZADEH: Yes, sorry.

15 MS. WHIRLEY: No problem. I'm going back,
16 sorry, let me go forward.

17 **A** So now we're moving back over to the right
18 hand here and again, some small defects, a little
19 abrasion here and there. I really, again, I cannot
20 tell you what caused them, just small abrasions.

21 So now we're looking at his right
22 flank. I had the photographer take this image cause
23 now you can see the trajectory of this gunshot
24 wound.

25 Here is the entrance gunshot wound to

1 the right lateral chest and this is where they
2 recovered that round that we saw that defect from
3 the prior autopsy. It is basically going front to
4 back and a little bit downward.

5 And while it goes through this
6 course, it doesn't actually enter the chest cavity,
7 but it fractures the eighth rib and a splinter of
8 that bone actually injured the right lung on the
9 lower lobe.

10 Q (By Ms. Alizadeh) This is a gunshot wound
11 from the front?

12 A Correct, correct. Here is your entrance
13 here and this is where the round was recovered.

14 Q And in this image, because we can't see
15 the hands or feet of the body, where is his head?

16 A His head would be up to this side and the
17 feet would be down here. (indicating)

18 Q So that's on the right side?

19 A Correct, this is the right side of his
20 body here.

21 Q All right.

22 MS. WHIRLEY: Would that wound have
23 disabled him?

24 A No, it is not in my opinion that wound
25 would have disabled him. It would hurt, but it

1 wouldn't disable him.

2 **Q** (By Ms. Alizadeh) If someone received that
3 wound, could they run 25 feet?

4 **A** Yes, yes. Again, another image here. We
5 kind of put his arm back and you can see his armpit
6 and again entrance gunshot wound here, and that is
7 where they recovered that round.

8 Just because we haven't mentioned it
9 yet, we haven't really described that other wound
10 here on the right clavicle. What it did on the
11 inside he had about 400 milliliters of blood in his
12 right chest cavity. That's about like a can of
13 Coke. A can of Coke is about 350 milliliters, so a
14 decent amount of blood in his right chest.

15 And again, this fractured a rib that
16 caused injury to the lung and that gunshot wound to
17 the right clavicle area fractured the clavicle and
18 then it went right through the upper lobe of the
19 right lung. So quite a bit of injury to the right
20 side of his chest.

21 MS. ALIZADEH: We're going to ask the same
22 question. If someone received those injuries that
23 then injured his lung, would that immediately
24 incapacitate a person?

25 **A** They would not.

1 **Q** (By Ms. Alizadeh) Is that a fatal wound?

2 **A** It could be. We talk about gunshot
3 wounds, it could be fatal to your leg. I mean, it
4 doesn't matter over time anything can be fatal.
5 Instantly fatal, no.

6 **Q** So this person, Michael Brown, if he had
7 received those two gunshots, he would still be able
8 to stand?

9 **A** Yes.

10 **Q** Could he run?

11 **A** Yes.

12 **Q** Could he perceive things?

13 **A** Yes.

14 **Q** And see things and speak?

15 **A** Yes.

16 **Q** Make sound?

17 **A** Yes.

18 MS. WHIRLEY: Would he be able to raise
19 his hands up towards his head?

20 **A** Yes, but with pain. Now you have a
21 fractured clavicle, you have a gunshot wound through
22 the right side of your chest. It is going to hurt
23 to raise your arm, but yes.

24 MS. ALIZADEH: What about, you mention
25 that the lung was actually pierced by the 8th rib,

1 but also that the bullet entered the lobe of right
2 lung?

3 **A** Correct.

4 **Q** And there was a significant amount of
5 blood from that, which I imagine you did not see in
6 your autopsy?

7 **A** Of course, that's correct. A lot of these
8 things that I'm telling you I could not tell from
9 our autopsy. We actually had to go back and look at
10 Dr. report and his images. And that's
11 because, as you can imagine, after the autopsy, all
12 of these organs have been dissected and they're
13 dissected again on a second autopsy. And they're
14 put in a bag and they are in the abdominal cavity
15 after embalming.

16 So we basically just have a bag of
17 organs to look at. We lay them all out, we do our
18 best, but it can be challenging to interpret gunshot
19 wounds at that point.

20 **Q** If the lung was injured in two different
21 places at that point, could a person scream loudly?

22 **A** Yes, I see no reason why a person couldn't
23 scream loudly.

24 **Q** And the other lung was uninjured by any
25 gunshots wounds, correct?

1 could be misleading. If we were hurt like that, our
2 instinct would be to bend over?

3 **A** I agree, that's possible.

4 : Okay. And he would be
5 out of breath, so he'd be breathing heavy probably.

6 **A** Yes, he would have labored breathing. It
7 would be difficult to get a good breath at this
8 point.

9 With that
10 same out of breath, he's out of breath, maybe he
11 can't move as fast?

12 **A** Oh, I agree, undoubtedly. These are
13 definitely, they're not fatal gunshot wounds, but
14 they are difficult to breathe afterwards. I mean,
15 having any injury to your right chest like that.
16 Once a bullet goes through your lung, a lot of
17 things can start happening physiologically. Your
18 lungs can shrink down, it can be a real difficult
19 time to breathe after that.

20 : You could still run or
21 walk?

22 **A** You have a lot of reserves, especially in
23 a certain situation like this and you have a lot of
24 adrenaline going, you will be surprised what you can
25 do after you receive a gunshot wound.

1 So, yes, I think he could still walk,
2 run, talk, and do all of that despite having injury
3 to his right chest.

4 MS. WHIRLEY: Okay.

5 **A** So now we are looking at the other side of
6 the body. We don't have any injury here to talk
7 about.

8 And again, left forearm, that injury
9 we talked about before that superficial incised
10 wound.

11 Just a close-up image here of his
12 tattoo.

13 And now we're just going to do our
14 face shot. These are our standard shots after we
15 are done. Nothing new here. You get a little bit
16 better appreciation of all the abrasions that he had
17 suffered here above the right eye and below the
18 right eye.

19 MS. WHIRLEY: The wound to the top of the
20 head we have not seen yet, correct?

21 **A** The wound to the top of the head we have
22 not seen yet. And I'll just make a quick comment
23 about these abrasions because I know it will come
24 up.

25 These are abrasions, blunt force

1 injury. The body impacts a foreign object or a
2 blunt object impacts the body. I believe they are
3 consistent with a terminal fall. We see it all the
4 time, heart attacks, people all the time get
5 abrasions on the prominences of their face when you
6 hit the ground if you can't protect your head with
7 your hands.

8 MS. WHIRLEY: I don't know if we will see
9 this in this light, but there was testimony that he
10 fell to his knees before falling on his face.

11 A Okay.

12 MS. WHIRLEY: Did you see any injuries to
13 his knees?

14 A We did not see any injuries to his knees.

15 MS. WHIRLEY: You would have looked at the
16 whole body?

17 A Yes, ma'am, head to toe.

18 : I have one question,
19 On that forehead shot, I know we talked
20 about some of the lungs, would he be able to still
21 stay on his feet and run?

22 A In my opinion that would be a very
23 disorienting thing to experience. If you think
24 about it, you have a gunshot wound going from here
25 through your right eye and exiting. Fracturing

1 multiple bones of your face in the process. Your
2 brain is not far away. So just think about
3 concussive effects of a bullet passing through your
4 forehead.

5 We've seen people knocked out from
6 punches, now imagine a bullet going through
7 forehead. Yes, I believe it could be very difficult
8 to not be disoriented after receiving that.

9 MS. WHIRLEY: What's disoriented going to
10 look like?

11 **A** That's just going to depend, you could
12 just look like you're in a stooper, it is going to
13 depend.

14 MS. WHIRLEY: But it would not have put
15 him down necessarily?

16 **A** I think it is just going to depend on
17 situation. It depends on his constitution. I can
18 see this putting somebody down.

19 MS. WHIRLEY: Was it the fatal shot in
20 your opinion?

21 **A** This is not in and of itself an instantly
22 fatal gunshot wound, no.

23 MS. WHIRLEY: Okay.

24 . Would it
25 look like he was drunk or something like he was

Page 125

1 staggering.

2 **A** I believe that's possible, yes, I believe
3 that's possible.

4 . From
5 these can you tell the duration between the time
6 each of these wounds?

7 **A** We cannot.

```
8           :   Going back to back,
9 seconds in between now.
```

10 **A** We cannot do that.

11 This is a stupid
12 question, but you can't even tell if those abrasions
13 were happening, what time they happened?

14 **A** We can't. I mean, this all happened, I
15 assume, within the same window of time. None of
16 these injuries look like they are from weeks ago or
17 anything.

18 So the image of the left side of the
19 head. Now you can see that some more prior autopsy
20 artifact he has had, his scalp reflected and there's
21 sutures in there.

22 MS. WHIRLEY: What do you mean by scalp
23 reflected?

24 **A** So during the autopsy, we take our scalpel
25 blade and run it over the vertex of the scalp behind

1 the ears and then reflect the scalp over the face in
2 order to get access to the brain, and it has already
3 been done.

4 Now we are looking at the other
5 gunshot wound.

6 Go ahead.

7 : I'm .

8 You said that he would be dizzy or disoriented, but
9 if he has 12 nanograms of marijuana or 45 nanograms
10 for marijuana in his body, that could let him do,
11 not to feel that much, the pain or the part what is
12 going on?

13 **A** I understand your question and I'm going
14 tell you guys this. I'm not a forensic
15 toxicologist. These levels of marijuana, I don't
16 make any sense of them myself. I don't want to go
17 there. I don't know its affects on him. I know
18 general affects of marijuana, but I can't say
19 whether or not that would make him impervious to
20 pain. I would prefer not to comment.

21 Thank you.

22 MS. WHIRLEY: Still on this slide, I
23 think.

24 **A** Okay. This gunshot we are looking
25 straight down on the top of his head at this point.

1 His abdomen would be up here, his back is against
2 the gurney.

3 So this has been previously shaved,
4 Dr. had done this, I did not. And now we
5 can see an entrance gunshot wound basically right at
6 the top of your head right here. And I think we
7 have a closer up image if we can go one more. Go
8 one more, maybe we have one more. Go ahead one
9 more. Maybe we don't, can you go back one more,
10 sorry.

11 MS. WHIRLEY: Okay.

12 **A** Sorry.

13 MS. WHIRLEY: No problem. I'm trying to
14 go back right.

15 **A** Slightly closer up image of that entrance
16 gunshot wound to the top of the head. These red
17 marks that you guys are seeing here, that was caused
18 by the scalpel blade when Dr. had basically
19 taken the hair off. Those are abrasions for where
20 the scalpel kind of ran across the top of the skin.
21 Now we have an entrance gunshot wound here. Again,
22 we don't see any close range discharge with the
23 firearm.

24 MS. ALIZADEH: And just let me ask you
25 this. This is an entrance wound, correct?

1 **A** Correct.

2 MS. ALIZADEH: Was there a corresponding
3 exit wound for this injury?

4 **A** There was not. On the x-rays we noticed a
5 projectile on kind of the right side of his head.
6 So this particular trajectory through the head went
7 downward and to the right. It went right through
8 the right hemisphere of the brain, clear through it.
9 Clear through the parietal lobe, clear through the
10 temporal lobe and then they recovered a bullet next
11 to the base of the skull beneath the brain, and that
12 was also fractured.

13 So there were skull fractures at the
14 top of the head and also at the base of the skull
15 and quite a bit of what we call intracranial
16 bleeding. There was a lot of blood associated with
17 this bullet going through the head.

18 MS. ALIZADEH: Can you explain what the
19 effects of this wound would have been on Michael
20 Brown?

21 **A** Right. So, you know, we had some debate
22 with the gunshot wound to the forehead if that could
23 immediately debilitate you and make it impossible to
24 have purposeful movement. This gunshot wound, in my
25 opinion, would be instantly fatal.

1 have hit his knees on the way down.

2 : If he had hit his knees,
3 is it possible to be no abrasion on his knees?

4 **A** Well, I took a look at his clothing, which
5 we didn't have and obviously he wasn't clothed when
6 he came in for his third autopsy, but his shorts do
7 seem to go beyond his knees, around the level of the
8 mid calf. I think they would have offered some
9 protection to his knees, so it is possible he could
10 have hit his knees on the pavement and not gotten an
11 abrasion.

12 MS. ALIZADEH: Now, hold on. Is this the
13 last gunshot wound.

14 **A** Well, we haven't talked in full detail
15 about the one to thumb yet.

16 MS. ALIZADEH: Those pictures we have
17 already seen, correct?

18 **A** Correct.

19 MS. ALIZADEH: So to spare everybody from
20 looking. If you want to see those other images that
21 show the eye and the mouth, let me ask you this, you
22 talked about the injury to his right eye. Did you
23 notice anything remarkable about his mouth?

24 **A** Uh, no. So when we open the mouth, we are
25 going to look at the teeth and make sure they're all

1 intact. We also look at the frenulae, that's
2 basically the part that attaches the gum to your
3 lip, that was all intact. I didn't notice any
4 significant injury to the mouth.

5 The tongue was still in place, we
6 took the tongue out and we didn't see in any
7 injuries to the tongue either.

8 MS. ALIZADEH: All right. Did you examine
9 the neck of Michael Brown?

10 **A** So with any autopsy we first look at the
11 exterior of the neck, we didn't see any lesions at
12 all on the surface of his neck, any lesions on the
13 back of his neck.

14 MS. ALIZADEH: What's a lesion, Doctor?

15 **A** Any kind of a defect out of the ordinary
16 that you wouldn't expect to see. So we didn't see
17 any abrasions, any contusions, any lacerations, no
18 injuries.

19 During the autopsy you reflect the
20 skin over the face and then we can look at
21 underneath, we can look at all of the musculature of
22 the neck, we can look at the deep layers of the
23 skin. We didn't see any evidence that there was any
24 bleeding in any of the neck structures.

25 MS. ALIZADEH: Did you notice either

1 through your autopsy or examining the photographs
2 and the report from Dr. autopsy, did you
3 note that there was any bruising to the neck area?

4 **A** No, we did not, nor through our
5 examination or review of what Dr. had done,
6 there was no injury to any of the neck structures.

7 MS. ALIZADEH: We talked yesterday a
8 little bit about this bruising is a very difficult
9 thing to interpret, would that be fair to say?

10 **A** Correct.

11 MS. ALIZADEH: And people bruise
12 differently?

13 **A** Correct.

14 MS. ALIZADEH: And people have different
15 skin tones, might make it more difficult to see a
16 bruise, visualize a bruise, correct?

17 **A** Correct.

18 MS. ALIZADEH: Can you see a bruise after
19 you've reflected the skin?

20 **A** Yes, especially once we reflect the skin,
21 you can actually see, a real bruise is going to
22 diffuse in the skin beneath.

23 So you can take your scalpel blade
24 and run it over a bruise. If there is contusion or
25 bleeding underneath that's consistent with a true

1 bruise. But in this situation, we didn't see
2 anything like that in the neck.

3 : Just so I understand what
4 you're saying, I know I want to make sure that I
5 understand it.

6 It is easier to see a bruise under the
7 skin than it is on the skin?

8 **A** Oh, no, not necessarily. It depends on
9 the skin tone, it depends, you know, how old you
10 are, because it is pretty easy to see bruising on
11 some people that are over the age of whatever. Very
12 old people have thinner skin.

13 MS. ALIZADEH: Be careful, Doctor.

14 **A** That is true.

15 : Just because they
16 couldn't see it doesn't mean the bruising wasn't
17 there?

18 **A** There was no evidence of bruising.

19 MS. ALIZADEH: Again, visually on the
20 surface, no evidence of bruising, correct?

21 **A** Correct.

22 MS. ALIZADEH: And then when you reflected
23 the skin and examined the tissue under the skin, no
24 evidence of bruising?

25 **A** Correct.

1 MS. ALIZADEH: And I asked you yesterday,
2 and I know that this is asking you to speculate
3 somewhat, but have you seen strangulation injuries?

4 A Yes, ma'am, I have.

5 MS. ALIZADEH: And strangulation, have you
6 seen strangulation injuries that are caused by a
7 human hand as opposed to like what do you call it?

8 A Ligature.

9 MS. ALIZADEH: Ligature.

10 A I have, yes.

11 MS. ALIZADEH: Just for speculation
12 purposes, and I know that this is, I'm asking you to
13 use your medical expertise and if you can't answer
14 this, just simply say I couldn't tell you. But if
15 someone were to have grabbed Michael Brown around
16 his throat with one hand and were to have hold
17 tightly enough with that grasp so that Michael Brown
18 could not get away from that grasp, would you expect
19 to see bruising?

20 A I would, I would. Strangulation in
21 general is a very violent act and it requires a lot
22 of force. And in order to do it effectively, you
23 need to be doing it hard. So you are going to have
24 some evidence usually, yes, I would expect to see
25 it.

1 MS. ALIZADEH: Not impossible that there
2 wouldn't be any evidence.

3 A I would say that's true.

4 MS. ALIZADEH: Or maybe if his grasp was
5 momentary as opposed to lasting several seconds,
6 that would affect maybe whether you would see
7 bruising?

8 A I agree.

9 MS. ALIZADEH: So I don't recall if there
10 are any other injuries that you photographed. I
11 would like to go back and talk about the injury to
12 the palm now.

13 A Yes.

14 MS. ALIZADEH: Would it help you to
15 explain your findings if we were to use photographs,
16 because you've seen the photographs that
17 Dr. , that were taken during Dr.
18 autopsy; is that correct?

19 A Yes, ma'am, correct.

20 MS. ALIZADEH: By the time you examined
21 the body, the appearance of that wound was somewhat
22 different?

23 A Yes.

24 MS. ALIZADEH: Would it help you to
25 explain your findings to look at the photographs

1 that Dr. look or would it be better for you
2 to use the photographs that you took?

3 **A** I would prefer to use Dr.
4 photography on this.

5 MS. ALIZADEH: Okay. I've got some
6 photographs, and Sheila can you switch it so we can
7 do that. And these are again photographs that were
8 taken during the autopsy by Dr. , which are
9 contained in State's Exhibit Number 7.

10 I'm going to show you one that is Image
11 Number 49, and the picture is always clearer than it
12 is when I put it up on the overhead here. So if you
13 need to look at it on the overhead, I can have that,
14 I can show you the picture, but can you see it
15 clearly enough to describe what you need to see to
16 describe your conclusions about this injury?

17 **A** Yes, ma'am.

18 **Q** Explain for the jurors, you have already
19 talked about this being a tangential wound and you
20 describe what that means. There is no bullet
21 recovered in this wound; is that correct?

22 **A** Correct.

23 **Q** You believe this was caused by a blunt
24 force as oppose to like a sharp object?

25 **A** I believe this was caused by a gunshot

1 wound.

2 **Q** Why do you think that?

3 **A** So this is very classic once again for a
4 tangential gunshot wound. It was going in this
5 direction towards the base of the palm here and the
6 reason why I can say that is because whenever these
7 injuries occur, these skin tags will form and they
8 point toward the direction from which the bullet
9 came.

10 So you can appreciate them a lot
11 better here than you can on our autopsy photograph.
12 And again, the body has been embalmed, the tissue's
13 kind of contract and it makes it difficult, but you
14 can appreciate several tags that point in that
15 transaction.

16 Trajectory is going this way, and in
17 this area, and I know it is difficult to appreciate
18 projected on the screen, but I'm sure you guys have
19 seen these photos in person before.

20 Again, I would suggest you take a
21 close look at this area. This was from the first
22 autopsy, it is after he washed the hand, but before
23 he took sections of it for special microscopies. He
24 was interested in this area right here which is the
25 origination of this gunshot wound where the bullet

1 came from.

2 So right in this region, the skin is
3 slightly discolored, it's a little gray in
4 comparison to the skin around it. It's hard to see
5 on the screen, but on these images you can see it up
6 close. That is our interpretation of soot. It is
7 from the barrel of the gun.

8 And we can confirm that when we take
9 this and we look at it under the microscope and we
10 can see the soot deposits on the skin and within the
11 gunshot wound track. (indicating)

12 **Q** Now, at some point after your autopsy, did
13 you receive some slides and some photographs of
14 slides that were sent to you by ?

15 **A** Yes, ma'am, I did. took
16 photographs of a slide from this location and sent
17 it to me and then eventually sent me a slide to look
18 at under my own microscope.

19 **Q** And we've seen actually a picture of the
20 slide that you have talked about. Actually, the
21 slide we had shown during Dr. testimony I
22 received from the Department of Defense, but the
23 image that you looked at through the microscope, did
24 you draw any conclusions about whether or not there
25 were any foreign particulate in the tissue?

1 **A** Yes. So what we're actually seeing, if
2 you guys have already seen this image, it might be
3 easier to explain. Little black deposits, foreign
4 material. It is highly consistent with soot.

5 And again, we see the same thing in
6 people that are in and around fires that get smoke
7 inhalation. Inside the airways when we look at it
8 under the microscope, we can see soot deposits, this
9 black particulate matter.

10 I don't know what else it is, it's
11 soot.

12 **Q** Could it be dirt?

13 **A** It is not my opinion that it is dirt.

14 **Q** What does it tell you then if you looked
15 at the tissue samples provided to you by
16 Dr. as well as the pictures of the slides
17 that he has taken. What is your conclusion once you
18 determine that he believed that there is soot
19 deposited in the tissue that you examined?

20 **A** That this is officially close range
21 discharge of a firearm at this point. This entrance
22 wound was extremely close to the barrel of the
23 weapon.

24 **Q** And what would be the farthest distance
25 that you would consider before you would say it was

1 not close range?

2 **A** So we discussed this briefly before,
3 again, in order to get soot deposition, standard
4 ballpark number, standard handgun about one foot
5 out. After two feet, you no longer see soot
6 certainly, and you don't see any gunpowder
7 stippling. Beyond 2 feet you won't see any evidence
8 of close range discharge.

9 **Q** Did you see any gunpowder stippling?

10 **A** We did not see any gunpowder stippling on
11 any of the gunshot wounds in this case.

12 **Q** It is your opinion that the foreign
13 particulates, the little black specs that you saw on
14 the slide that was the tissue sample from the wound
15 of the right hand, that that was soot and that would
16 indicate to you that it was a close range wound?

17 **A** Correct.

18 **Q** Did you do any gunshot residue test on
19 that wound?

20 **A** We do not. The Arm Forces Medical
21 Examiner System does not do gunshot residue testing.
22 It is usually through CID or NCIS, one of the other
23 investigative agencies. We did not do that in this
24 case.

25 Moreover, it would have been for the

1 most part useless. The body had been autopsied
2 twice before, it has been washed a number of times,
3 embalmed, it wouldn't have given anything valuable
4 at that point.

5 . I was writing
6 while you're talking. Are you saying in order to
7 get soot they would have to be one foot or closer?

8 **A** Within a foot, ballpark within a foot.
9 With gunshot wounds, if it is right up against the
10 skin, at that point all the soot is going to be
11 inside the wound. It's not going to deposit around
12 the skin because the muzzle is pressed against the
13 skin.

14 As you start to pull back, the other
15 thing you will see when it is right up against is a
16 muzzle imprint. You can actually see the barrel
17 basically abraded and stamped right on the skin
18 around it.

19 So you will soot and you also get
20 searing of the skin, like a thermal burning affect
21 from the hot gases of the gun going onto the skin.

22 As you start to move the weapon back,
23 the soot will start to disburse around the entrance
24 wound a little bit and then as you move further and
25 further back, you will start to get stippling. And

1 what stippling is, is basically the gunpowder
2 particles, both burning and unburning that come out
3 of the barrel, they pepper the skin, it's abrasions.
4 They are not burns, they're abrasions from the
5 gunpowder hitting the skin.

6 You usually have to be a few inches
7 back before you start to get stippling. Soot
8 indicates to me it is close, we're within a few
9 inches here, this is close.

10 : So if it were up close
11 right to the skin, it would be almost like a
12 branding.

13 **A** Right, you would see a muzzle imprint. In
14 this case we don't, but remember, though, this is a
15 tangential gunshot wound, the gun is not
16 perpendicular to the skin at this point. So the
17 muzzle, you know, if I'm trying to recreate this as
18 it is in my left hand. The muzzle is going to be
19 like this compared to the skin, it is going to be
20 close, it is not right on it. We would probably see
21 some kind of a muzzle imprint at that point.

22 . Is that the
23 direction that the stippling shows the gun was
24 fired?

25 **A** The direction of fire, again, is this

1 direction. Starts here and goes in that way and
2 that's why the soot is deposited here because that's
3 the closest to the barrel in this location.

4 **Q** (By Ms. Alizadeh) Now, Dr. , you
5 made a further finding in your examination of the
6 slide or slides, you received several images and
7 slides; is that right?

8 **A** Correct, yeah. Dr. has sent me
9 at least three or four images of his slide.

10 **Q** We actually just used one today. For our
11 purposes, it kind of all looks the same to me, if
12 you feel it would help you to explain, we've got
13 images of all of your slides. If I put up the slide
14 that you and I looked at yesterday, would it help
15 you to explain?

16 **A** Sure, we can go over it, that's fine.

17 MS. WHIRLEY: I'm not sure.

18 MS. ALIZADEH: You figure out how to
19 change it back to this.

20 MS. WHIRLEY: What do you want to do?

21 MS. ALIZADEH: Change it back to this. At
22 the very end of this we are finally getting the hang
23 of that.

24 MS. WHIRLEY: Oh, I got it.

25 **Q** (By Ms. Alizadeh) What we're looking at,

1 Dr. , you and I met yesterday and we talked
2 about this image and can you describe for the grand
3 jurors what you are seeing?

4 **A** Okay. So we don't really have an
5 establishing low power shot to kind of explain where
6 we are. I can tell you this is the dermal part of
7 the skin, it is the deeper layers of skin.

8 So you have the surface which is the
9 epidermis and under that is the dermis. It's a
10 little deeper, but it's not quite into the fat,
11 which is pretty deep into the skin.

12 So what we are seeing here along this
13 side, this is the gunshot wound track that was from
14 that gunshot wound into the thumb, okay. And what
15 we are seeing along the edge here are these
16 polarizable fragments here, and then this black
17 carbonation looking deposit.

18 This is soot, in my opinion. There's
19 really nothing else on my differential. Dirt, I
20 don't see how dirt is going to get into that wound
21 in this situation and not really be deposited
22 somewhere else on the palm that we're going to be
23 able to see it.

24 Furthermore, when tissue is processed
25 in histology, it is a pretty destructive process and

1 there's a lot of washing, a lot of chemicals. I
2 would think that simple dirt would get washed away,
3 okay.

4 And also look at where this stuff is.
5 It is actually getting inside the tissue a little
6 bit. For dirt to just crawl inside of the tissue, I
7 think it would be difficult to do. I think this was
8 deposited by force with a gunshot.

9 **Q** So this jagged edge along the right side
10 of the tissue, that's the track of the bullet or it
11 shows the track of the injury at least?

12 **A** Yeah. So in order for me to explain
13 exactly where this is, I have to go back again to
14 the photograph of the hand. But this is the bullet
15 would have gone right through this location and it
16 would have literally touched and injured this skin.

17 **Q** Okay. And so you mentioned the polarized
18 particles, are those little white things?

19 **A** Yeah, these things that are standing out
20 as clear like that and these guys, those are called
21 polarizable foreign debris is what that is.

22 **Q** And the black things are?

23 **A** Again, we would just call this soot. I
24 cannot tell you exactly what that is. It's
25 polarizable foreign debris.

1 So if you think about when you shoot
2 a gun, a lot of things come out of that barrel than
3 just a bullet. You have vaporized pieces of metal,
4 all sorts of things coming out. So it could be
5 that, I'm not sure.

6 **Q** Okay. Now, you also made a particular
7 finding about some thermal changes to the tissue?

8 **A** Correct. So thermal changes to the tissue
9 again, it just means it is in close proximity to
10 that barrel, so the heat from the gun can actually
11 thermally coagulate the skin. A lot of what we see
12 in those situations, these are nuclei down here, the
13 nucleus is inside the cell. They can start to blur
14 and stream, it is kind of hard to see these as clear
15 as you would if it hadn't been heated up.

16 Again, here, there is some indication
17 that there were nuclei here, but they're all kind of
18 homogenizing and blurring and blending. It is a
19 soft indicator there was probably some thermal
20 affect here.

21 **Q** And so when a bullet passes through the
22 barrel of a gun, does the barrel itself heat up?

23 **A** The barrel itself would, there is a lot of
24 pressure in that barrel, it would heat up.

25 **Q** And then the gases that are expelled?

1 **A** Especially hot, the gases that come out of
2 the barrel, you get a muzzle flame and super heated
3 gases that come out of the barrel and they can burn
4 you.

5 **Q** When you examine the injury visually on
6 the hand, do you see any evidence of burning?

7 **A** So we have to remember when I did my
8 autopsy, Dr. had already taken this
9 relevant area out of the body. He submitted it for
10 histology, so I had nothing to look at really of the
11 hand that would suggest to me at that moment in time
12 that there was close range.

13 **Q** So your conclusion about the thermal
14 changes is based strictly on your examination of the
15 slides that were provided?

16 **A** And Dr. photographs.

17 **Q** Okay. And so is there a difference, can
18 you draw, what conclusion do you draw from the fact
19 that you see thermal changes in the tissue?

20 **A** I would just lump it altogether and say
21 close range discharge of a firearm. It is within a
22 very close proximity of the muzzle of the weapon,
23 enough to get thermal effect as well as soot
24 deposition.

25 **Q** Is there any difference, it has to be

1 closer, or farther away, like you could possibly
2 wouldn't see?

3 **A** I know what you are trying to say.

4 **Q** You give a range for the close contact or
5 the close range?

6 **A** That would cause thermal effect?

7 **Q** Yes.

8 **A** That is difficult, I cannot do that. I
9 don't know of any ballpark numbers to say, you know,
10 it has to be 2 inches before you see thermal affect.
11 I don't know, but I can tell you it has to be close.

12 MS. ALIZADEH: Okay. And then you
13 prepared a report regarding your findings in this
14 case. I'm going to hand you what I've marked as
15 State's Exhibit: Number 80.

16 MS. WHIRLEY: Let me ask a question while
17 you are looking for that. Doctor, can you say that
18 how the injury occurred to the hand, I mean, you
19 could say close range, but you can't say whether or
20 not someone was grabbing the weapon and moving it or
21 trying to avoid the weapon from shooting them or any
22 of that?

23 **A** Right, there's nothing based on images and
24 histology for me to be able to say how the hand was
25 and what he was intending to do, I have no idea.

1 MS. WHIRLEY: You're not calling it a
2 contact?

3 A I'm calling it close range.

4 MS. WHIRLEY: Close range. Tell us the
5 difference, I know it sounds self-explanatory.

6 A It is kind of what we are discussing. In
7 order for me to call it literally contact gunshot
8 wound, the muzzle was on the skin. I would prefer
9 to see a lot of soot deposition inside the wound. I
10 like to see some searing of the barrel. I would
11 like to see a muzzle imprint of the barrel on the
12 skin. That's what I prefer to see in order to say
13 contact range.

14 MS. WHIRLEY: You don't see any of that,
15 so you call it close range?

16 A Close range. It's a little bit more of a
17 hedgy term. To say I don't know exactly how far it
18 was, but it wasn't necessarily right up against the
19 skin.

20 A contact
21 would be somebody taking their life?

22 A If they take the barrel and put it right
23 to their temple and pull the trigger, yes, I would
24 call that a contact range gunshot wound.

25 MS. ALIZADEH: All right. I can't lay my

1 hands on the copies I made, but I'm going to show
2 you.

3 (Deposition Exhibit Number 81
4 marked for identification.)

5 **Q** (By Ms. Alizadeh) I'm going ahead to mark
6 my copy, and this is Grand Jury Exhibit 81, is this
7 a copy of your autopsy report?

8 **A** Yes, ma'am. This is copy of our autopsy
9 report.

10 **Q** (By Ms. Alizadeh) Okay. Since this is my
11 copy and I've marked it with highlights, but I'm
12 going to make a clean copy for everyone. I thought
13 I already did this, but just for the sake of making
14 sure that we're looking at the same thing. The last
15 page of your report it says nine of nine pages?

16 **A** Right.

17 **Q** So there is a total of nine pages to your
18 report?

19 **A** Yes.

20 **Q** Let me ask you, Dr. , we're going to
21 wrap this up. Did you see, you talked to
22 Dr. , you saw his autopsy report, are there
23 any differences between your findings and
24 Dr. ?

25 **A** Essentially none. The only real

1 difference is that wound that we described on the
2 left forearm. He called it blunt force, I called it
3 sharp force. Whether that's significant, but that's
4 the only difference.

5 **Q** In order for you to perform your autopsy,
6 did you need to see the vehicle, Michael Brown's
7 vehicle, I mean, Officer Wilson's vehicle?

8 **A** No, ma'am.

9 **Q** What about medical records from Officer
10 Wilson?

11 **A** No.

12 **Q** Did you need to see the clothing from
13 Officer Wilson?

14 **A** No.

15 **Q** And you said you did not have the clothing
16 for Michael Brown when you did your autopsy,
17 correct?

18 **A** Correct.

19 **Q** Would it have been helpful for you to have
20 the clothing?

21 **A** It is always helpful to have the clothing
22 in gunshot wound cases. That way you can see any
23 soot or anything, any gunpowder particles on the
24 clothing, but it doesn't mean I can't perform my job
25 if I don't have them.

1 **Q** Was there anything that you needed in
2 order to do your job and come up with your findings
3 that you didn't have?

4 **A** No.

5 **Q** Did you, how did you have the gun to
6 examine?

7 **A** Oh, no.

8 **Q** Did you need to have the gun in order to
9 come up with your findings?

10 **A** No, ma'am, I have never had a gun to look
11 at during an autopsy.

12 MS. ALIZADEH: Anything else.

13 Was this
14 the time that you examined the body eight days
15 later. Do you normally examine, is there like an
16 earliness or being eight days late, do you normally
17 examine later or sooner?

18 **A** So my job is kind of unique. People that
19 die overseas in Afghanistan and Iraq, it takes them
20 a number of days to get back to Dover. Sometimes
21 embarrassing, they it could take a week. So I'm
22 pretty accustom to seeing bodies if they have been
23 dead for a number of days.

24 MS. ALIZADEH: And Sheila reminded me, I
25 don't think I asked you, did you see the crime scene

1 photos prior or at any time during your examination
2 or prepare your report?

3 **A** No, ma'am. Yesterday was the first day I
4 was seeing the crime scene photos.

5 MS. ALIZADEH: That was when you and I
6 were talking about this?

7 **A** Yes.

8 **Q** (By Ms. Alizadeh) And would you have
9 needed those to have performed the autopsy and come
10 up with your findings?

11 **A** Not in this case, no.

12 **Q** The ones I showed you, you recall that we
13 were looking at the position of the deceased body as
14 it laid on the ground and the position of his right
15 hand?

16 **A** Correct.

17 **Q** All right. And was I asking you if you
18 would expect to see dirt in the wound when his hand
19 would be positioned in that manner?

20 **A** All we can see from that is that the
21 relevant gunshot surface of his hand was not
22 touching the ground, that's all I can say about
23 that.

24 MS. ALIZADEH: Anything else anyone?

25 Thank you, Dr. .

1 (End of the testimony of Dr. .)

2 MS. ALIZADEH: It is November 6th at 1:37
3 p.m. Kathi Alizadeh, Sheila Whirley is present, all
4 12 grand jurors are present and , the court
5 reporter, is present and taking down what's
6 happening in the grand jury. We have one more
7 witness for today and his name is
8 I'm not sure if it is And I
9 believe it is he will spell it
10 when he gets here.

11 And so prior to his testimony, we're going
12 to play a disc that I've marked.

13 (Grand Jury Exhibit Number 82
14 marked for identification.)

15 MS. ALIZADEH: Grand Jury Exhibit Number
16 82. Just for explanation purposes. This is a disc
17 of a POD cast. Do you all know what a POD cast is?
18 If you were on the internet, you can broadcast
19 yourself as well as images and voice, okay.

20 There is a man, I don't know where he
21 originates from, but his name I'm
22 not sure how you say it. But he has a POD cast and
23 so you will see from the video, you can see him and
24 he's sitting in a desk. It looks like he's sitting
25 at a console and he's got what looks like a radio

1 microphone, but he talks about all kind of things.

2 This is a regular thing for him, this is
3 what he does. And then he also take his calls,
4 people call in like a radio show, they will talk
5 about whatever the topic is.

6 And then those programs get broadcast out
7 on the internet. Go to whatever his website is to
8 watch his show and so this is a recording of a part
9 of his show, where the caller talks about having
10 witnessed the shooting of Michael Brown.

11 And so we're going to go ahead and play
12 the call first. This is again Grand Jury Exhibit
13 Number 82. Actually on this disc there are two
14 files. And I'm playing the file that is entitled To
15 Police Brutality! What Should Citizens Do.

16 The other file is actually the beginning
17 of the show before the caller calls in and it is
18 just the host of the show talking about things, so
19 it is not something that eyewitness account.

20 Let me pause it because, , we do not
21 have a transcript. As best you can if you could
22 transcribe what we're hearing. I will have you go
23 ahead and pause the recording right now.

24 (Playing of POD cast.)

25 On television the main

1 news people, they put someone sound dumb, they do
2 not have any sympathy for the situation. You go
3 look on my channel and see the guy that I have and
4 hear how he spoke, hear how well he articulated
5 himself. I'm the only one who put somebody who knew
6 the person, who dealt with the person, who spoke
7 like he knew what he was talking about, who sounded
8 educated, who didn't sound straight street may say,
9 exactly, that's why you want to choke him out, look
10 how they are reporting themselves.

11 I'm the only one who did it. So it is
12 funny that the coon doesn't allow people to get on
13 his channel. It is funny that the coon doesn't help
14 perpetuate the black folks look bad by going to the
15 dumbest motherfucker possible and saying, here's a
16 camera, speak.

17 It is funny how the guy I put up who was
18 speaking at Lenox Mall yesterday was speaking
19 eloquently with everything he said. No one could
20 sit up there and listen to him and saying, he sound
21 hood as a motherfucker, he's stupid.

22 We're going to get to a lot of phone
23 calls, hopefully we have a lot of people calling
24 from the area of St. Louis. I'm being told by a lot
25 of people that I should not go, that it is really

1 bad there. What I'm going to do is speak to a lot
2 of people who are from there. And one, his name is
3 and he lives in the complex where Mike Brown
4 was shot, what's up,

5 Hey, how you
6 doing.

7 : I'm doing well, how you
8 doing brother, when you are right there in the war
9 zone?

10 I'm right in front.
11 First of all, I'd like to say I appreciate the work
12 you doing, brother.

13 : Thank you.

14 Big respect. , man,
15 the incident happened just the other day went from
16 the murder to a damn carnival out here, man.

17 Explain.

18 Well, I was on my front
19 patio sitting down and I heard a first shot. So I
20 jumped up and looked out my patio, right.

21 : Uh-huh.

22 And I notice that
23 officer, officer is in his car. And the boy he's
24 leaning up into the window, they are like
25 struggling, right.

1 : Uh-huh.

2 I guess the officer hit the
3 door open and the guy started running down Canfield,
4 that's the name of street Canfield Road. And
5 apparently the officer was shooting him from the
6 rear.

7 Um.

8 And, I guess he, is his
9 name Mike, Michael, Mike?

10 Yeah.

11 I guess he was turned
12 around going back toward the officer, that's when
13 the officer unloaded on him. And when he fell to
14 his knees, he just collapsed in the middle of the
15 road.

16 Okay. Now there are some
17 reports, since you saw it firsthand, this is good,
18 there are some reports which you are saying openly
19 and hopefully you can help us out with that. There
20 are some reports saying that the guy had his hands
21 up when he was shot, is that true?

22 Well, I don't know, I
23 didn't see that because I was behind a wall.

24 : Yeah.

25 Yeah, right. But finally

1 the guy, he was walking back towards the officer,
2 maybe he did have his hands up, I don't know.

3 : Uh-huh. So somebody told
4 you that he was walking back towards the officer?

5 That's what the crowd was
6 saying. He had his hands up.

7 Uh-huh.

8 But I think I seen the
9 guy running down the street, the officer was
10 shooting from the back, okay.

11 : Uh-huh.

12 By the time I looked up,
13 the guy --

14 Hello oh, damn it. Who
15 dropped off, was it me? How did I drop off? Tell
16 to hold on. I kicked off my own damn show.
17 Now I know what y'all feel like. I got kicked off
18 my own show somehow.

19 Hey, brother, you still there?

20 Yes, sir.

21 : I got kicked off my own
22 shit. We didn't get a chance to hear the part where
23 you said that's what the crowd was saying that he
24 had his hands up, what happened?

25 Yeah, that's what the

1 crowd was saying he had his hand up. And I didn't
2 see the guy with his hands up, I did see him running
3 up the street towards the officer, maybe he did have
4 his hands up, I don't recall.

5 Uh-huh.

6 You know what I'm saying?

7 Let me ask you, you said
8 that he had his head inside of the car with the
9 officer like they were scuffling, so that part that
10 the officer said is actually true?

11 Yes, sir. That's when I
12 heard the first shot, the first shot came from the
13 officer in the car.

14 : That's what the officer
15 wrote. I was calling bullshit, the officer was
16 claiming that the dude was trying to grab his gun
17 and the shot went off in the car.

18 That's right.

19 : So you're saying that's
20 true?

21 The guy, half his upper
22 body was inside the windshield. I said what the
23 hell. And by that time, I guess the officer had
24 kicked his door open and the guy took off running
25 down the street and I think the officer was shooting

1 him as he was running down the street, okay.

2 Uh-huh.

3 By that time, the brother
4 was headed toward, I'm ducking, you know, I didn't
5 want to get done.

6 : Okay.

7 And I seen the guy turned
8 around, I don't know if he had his hands up or not,
9 I don't know, but that's when the officer unloaded,
10 you know.

11 : If you had to say from
12 your own opinion what you seen, do you think it was
13 a justified homicide?

14 Oh, from what I seen, by
15 the guy laying in the car up there, yeah. Yes,
16 there was a big scuffle right there, yes. The guy
17 was halfway inside the police car when I heard the
18 shot. You know what I'm saying?

19 Do you believe, you're
20 saying like the cop unloaded on him where you are
21 coming from, the cop unloaded on him when he stopped
22 and turned back around?

23 Like I said, he was
24 running towards my way, okay, down the main street.

25 : Uh-huh.

1 shooting at this guy, apparently he's not a
2 marksman. So he could literally miss this dude and
3 hit a kid that's walking around.

4 That's right, yeah, yes,
5 sir.

6 : I assume you saw it. You
7 got a good look out for him, you put out an APB for
8 him and you just try to bring him in.

9 That's right.

10 I don't know because we're
11 in crazy positions, and ladies and gentlemen we're
12 talking to a young man who was right there on the
13 scene, lives right there, he seen it
14 firsthand.

15 I'm not that young.

16 I ain't either, we young
17 until we dead, I'm going to keep calling us young,
18 man.

19 That's right, okay.

20 : What is this state of the
21 atmosphere, what is going on right now, what is
22 going on.

23 You really want to know
24 what's going on right now? During your break, there
25 was gunshots outside on the streets here, literally.

1 They had, kind of like beer cans popping, it was a
2 damn freak show. It was a show, shit like that.

3 : How do you think the
4 blacks are handling it. What do you think they
5 should be doing, as opposed to what they are doing?

6 Well, I think what they
7 should be doing is trying to come together in a more
8 positive way because I mean, you got pregnant women
9 out here, you've got kids, (inaudible). Kids out
10 here watching this, you know.

11 Yeah.

12 Infants just walking
13 around just watching stuff. It was a sad situation.

14 : I feel bad right now
15 because I don't know what to say next. I want to
16 measure my next comments. The first thing I said, I
17 own up to it, first thing I said was the cops need
18 to start feeling what the citizens are feeling. And
19 I still feel that way because cops have literally
20 gone too far how they are handling their citizens,
21 but I also looked at the scene. I looked at how
22 many hair hats was out there, (inaudible) we talk
23 about that, doesn't it bother you a little bit that
24 it was way more women, looks like 70 to 80 percent
25 women.

1 Yes.

2 : Women and kids.

3 Half of them was

4 pregnant.

5 : Oh, my goodness.

6 With baby strollers out
7 there. There was all young guys and women, no older
8 crowd at all. I heard you mention about the guy's
9 mother.

10 : Uh-huh.

11 The father was out there
12 also, but they was not, there was no companionship
13 with each other, they was separate doing their own
14 thing.

15 : Yeah, that's crazy.

16 There was no consoling or
17 nothing.

18 You saw the step dad
19 standing there with a sign saying, they shot my son
20 dead in the street. I thought that was the father,
21 they was like no, that's the step dad. You saw the
22 step dad with the mom, but you never saw the dad
23 with the mom. If you said he was out there, that's
24 crazy, they never even interviewed him.

25 That's right. As a

1 matter of fact (inaudible) this guy was walking
2 around with pants below his butt. Maybe (inaudible)
3 You know, his pants was sagging off his butt, no
4 shirt, it was sickening.

5 : Oh, gee, that's what's
6 really bothering me and do me a favor, send
7 me an email when I come out there, I want to talk to
8 you face-to-face if that's cool.

9 No problem, brother.
10 Send me an email at

11
12 Let me write this, just
13 one moment, .

14
15 that's views with an S. Send me an email, I want to
16 get up with you so I can meet with you and talk to
17 you face-to-face if that's okay.

18 I have something to show
19 you.

20 : Perfect, if you can.

21 I haven't shown anybody.

22 : If you can, send that to
23 me, that would be beautiful, I would be able to use
24 that and we can get that out there.

25 or just.

1 :
2 . Send it to
3 me. Let's get the thing going. I'm going to talk
4 to you when I get there, I cannot wait, thank
5 you, brother.

6 You keep up the good
7 work, you are doing a good job.

8 Let's see if we can do
9 this thing together. Guys, we got more people
10 calling in from St. Louis.

11 had firsthand account,
12 account has me thinking, but before I even spoke to
13 after reading more, it had me thinking. The
14 biggest thing I'm tired of hearing.

15 (End of the audio recording.)

16 MS. ALIZADEH: So we stopped playing of
17 the video, I believe that was the end of the phone
18 conversation with a person named who claims
19 to live in Canfield Apartment Complex.

20 So, um, at this time we're done listening
21 to the video. We can use the same disc for this
22 witness because it's and just keep this on the
23 same disc. I know you all need to go at 2:30. We
24 are going to be as quick as possible, but again, I
25 don't want to cut off anybody, I don't want to cut

1 anybody short and if need be, we'll bring him back
2 next week, okay.

3

4 of lawful age, having been first duly sworn to
5 testify the truth, the whole truth, and
6 nothing but the truth in the case aforesaid,
7 deposes and says in reply to oral
8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Sir, could you state your name and spell
12 it for the court reporter?

13 A

14 Q Is your given name?

15 A Yes.

16 Q You said right?

17 A

18 Q

19 A

20 Q all right. And how
21 old are you?

22 A

23 Q And do you live in the Canfield Green
24 Apartment Complex?

25 A Yes.

1 **Q** And were you living there back in August
2 of this year?

3 **A** Yes.

4 **Q** And did you witness some or parts of the
5 shooting of Michael Brown?

6 **A** Yes.

7 **Q** Now, I showed you, there's a laser pointer
8 right there and can you look on this map, this is
9 Grand Jury Exhibit Number 25. Do you recognize this
10 as being buildings and roads that surround or make
11 up the Canfield Green Apartment Complex?

12 **A** Yes.

13 **Q** Okay. Will you use the laser pointer and
14 show the grand jurors what building you live in?

15 **A** Right there, (indicating)

16 **Q** Okay. And then is your unit on the front,
17 or on the north side of the build or on the south
18 side of the building?

19 **A** It is right there. (indicating)

20 **Q** And you have indicated over here it is
21 more toward, if this is east and this is west, is it
22 on the east side of the building?

23 **A** Actually right between.

24 **Q** Okay. So the way these apartments, one
25 unit here, now there is three floors we know that,

1 correct?

2 **A** Yes, yes.

3 **Q** There is one unit here and one unit here?

4 **A** Yes.

5 **Q** And then what floor do you live on?

6 **A** Bottom floor.

7 **Q** So from the bottom floor do you have
8 windows that look out?

9 **A** Yes.

10 **Q** And so from what I understand about the
11 apartments on the bottom floor, when you exit your
12 apartment, you have to actually walk up some steps
13 to get to the ground level, is that fair to say?

14 **A** Yes.

15 **Q** When you exit your apartment, if you are
16 standing up, can you see, can you see the street or
17 you have to go up those steps to see the street?

18 **A** I can see the streets.

19 **Q** And how about your apartment, is it one or
20 two bedroom apartment?

21 **A** One bedroom.

22 **Q** And so are there windows on the front of
23 the building?

24 **A** Yes.

25 **Q** And do you have a sliding glass door as

1 well?

2 **A** Yes.

3 **Q** And so those, is there a bedroom window
4 that faces Canfield as well?

5 **A** Yes.

6 **Q** So when you look out the sliding glass
7 door and your bedroom window from inside your
8 apartment, can you see the street?

9 **A** Yes.

10 **Q** Um, can you tell me like if you were
11 standing right outside your apartment building, and
12 there's like, I'm going to call it like a concrete
13 well that the staircase goes down, right?

14 **A** Right.

15 **Q** So there's a concrete wall that comes up
16 and then is ground level at some point?

17 **A** Yes.

18 **Q** About how high is that wall?

19 **A** Uh, about two feet, two, three feet.

20 **Q** Okay. So you can clearly see over it when
21 you are standing in that concrete well area?

22 **A** Yes.

23 **Q** All right. And so let's start with the
24 morning of August 9th of this year. Was there
25 anything special that you remember happening in the

1 morning? Was that a special day or anything
2 eventful happen that morning?

3 **A** It was quiet day until the incident.

4 **Q** Okay. Do you live alone?

5 **A** Yes.

6 **Q** All right. Was anybody in your apartment
7 with you when this happened?

8 **A** No.

9 **Q** And so now something happened around the
10 noon hour that drew your attention to outside; is
11 that right?

12 **A** Yes.

13 **Q** And were you inside your apartment or
14 outside your apartment when you heard something?

15 **A** I was inside my apartment.

16 **Q** And what did you hear?

17 **A** I heard a gunshot.

18 **Q** And prior to your hearing the gunshot, had
19 you looked out your windows to see anything going
20 on?

21 **A** No.

22 **Q** So anything that happened before you heard
23 a gunshot you didn't witness?

24 **A** No.

25 **Q** And so when you look out your, did you

1 look out your window or go out of your apartment?

2 **A** I looked out the patio.

3 **Q** So did you stay inside your apartment?

4 **A** Yes.

5 **Q** And so what window did you look out?

6 **A** The patio.

7 **Q** The patio window. Is that sliding glass
8 door?

9 **A** Sliding glass door.

10 **Q** Now, those apartments have vertical blinds
11 on the sliding glass doors, were your blinds open or
12 closed?

13 **A** It was open.

14 **Q** And so when you say open, I know the
15 blinds can open and close this way and they also
16 can, you can turn the louvers so that they are open.
17 Were your blinds across the window, but open or were
18 they totally?

19 **A** It was across the windows but open.

20 **Q** Okay. So you could see through the
21 louvers of the blinds?

22 **A** Yes.

23 **Q** So when you heard this gunshot, did you
24 immediately recognize it as a gunshot or did you
25 think it was like fireworks or car backfiring?

1 **A** No, I knew it was a gunshot.

2 **Q** Had you heard gunshots before?

3 **A** Yes.

4 **Q** Okay. So when you looked out of your
5 window, your slider glass window, what did you see?

6 **A** I saw a police car up the street and I saw
7 a guy tussling with an officer inside the car.

8 **Q** Okay. Now, because we can't, the grand
9 jurors can see what you're doing but the record
10 doesn't show it. You just grabbed like the front
11 collar area of your shirt and tugged it a couple of
12 times?

13 **A** Yes.

14 **Q** So did you see somebody doing that,
15 tugging on somebody's shirt?

16 **A** I seen a guy, now I know his name is Mike
17 Brown.

18 **Q** Okay.

19 **A** Officer was tussling with shirt inside the
20 car.

21 **Q** So now can you use the laser pointer and
22 show me where the police vehicle was?

23 **A** Um, approximately right there.

24 **Q** Okay. So right at about where the E of
25 Canfield is?

1 **A** Yes.

2 **Q** Where it says printed Canfield Drive?

3 **A** Yes.

4 **Q** And was this a truck or an SUV or patrol
5 car?

6 **A** It was SUV.

7 **Q** Was it marked Ferguson car?

8 **A** Yes.

9 **Q** And which direction was it facing?

10 **A** It was facing towards West Florissant.

11 **Q** Was it in the middle of street, was it on
12 one side or the other?

13 **A** It was in the middle of the street.

14 **Q** Okay. And did you see any cars around it?

15 **A** No.

16 **Q** Did you see any police officers around the
17 vehicle?

18 **A** No.

19 **Q** Could you see inside the vehicle?

20 **A** No.

21 **Q** So you couldn't at this point see a police
22 officer?

23 **A** No.

24 **Q** Now, you said the person you saw at the
25 vehicle you now know is Mike Brown or was Mike

1 Brown?

2 **A** Yes.

3 **Q** Did you know Mike Brown before this?

4 **A** No.

5 **Q** Had you seen him in the complex?

6 **A** No.

7 **Q** How about Dorian Johnson, do you know a
8 Dorian Johnson?

9 **A** No.

10 **Q** Did you see any other pedestrians or
11 people that were around the police car?

12 **A** No.

13 **Q** On foot?

14 **A** No.

15 **Q** And so now you said you saw Mike Brown at
16 the police vehicle, from your vantage point, are you
17 looking at the driver's side of the vehicle?

18 **A** Yes.

19 **Q** And so was Mike Brown at that side or was
20 he on the other side of the car?

21 **A** He was at that side.

22 **Q** When you are looking, when you are talking
23 about the side of the police vehicle and there's,
24 I'm going to say there's the front on the driver's
25 side, there's the fender area, and then there's the

1 driver door area and then there's a rear passenger
2 door area and then there's the rear of the truck?

3 **A** Yes.

4 **Q** So where was Mike Brown standing alongside
5 that vehicle?

6 **A** Along the front door of the vehicle.

7 **Q** Was his back to you at the time?

8 **A** Yes.

9 **Q** And so you said you saw some tussling or
10 something at the car going on?

11 **A** Yes.

12 **Q** Could you see Mike Brown's hands?

13 **A** Yes.

14 **Q** And what were his hands doing?

15 **A** His hands were against a car.

16 **Q** Okay.

17 **A** Police car.

18 **Q** And you said you saw the officer's hands?

19 **A** I saw the officer's hands grabbing Mike
20 Brown's shirt.

21 **Q** Okay. Was Mike Brown standing on his feet
22 or was he leaning or slumped against the car or
23 anything?

24 **A** He was leaning towards the car.

25 **Q** Was any part of his body inside the

1 vehicle?

2 **A** I couldn't see it.

3 **Q** Okay. And now earlier today you met with
4 Detective and Special Agent no
5 , that was , the FBI agent?

6 **A** Yes.

7 **Q** They told you that they had a radio, or a
8 POD cast recording that they thought might be your
9 voice on the recording; is that right?

10 **A** Yes.

11 **Q** Did they play part of that for you?

12 **A** Yes.

13 **Q** Did you recognize, was that your voice?

14 **A** Yes.

15 **Q** And that was you who called in?

16 **A** Yes.

17 **Q** And that's the ?

18 **A** Yes.

19 **Q** He has a name for the show, but that's the
20 host of the POD cast?

21 **A** Yes.

22 **Q** And so do you recall when you called in
23 you told the host of the show that Mike Brown's head
24 was inside the car?

25 **A** I just recall it today, I didn't realize

1 it at the time.

2 Q Okay.

3 A When I saw the video.

4 Q How many days after the shooting did you
5 call the ?

6 A Maybe one or two days after, maybe.

7 Q Okay. And when you talked to him, you
8 told him about what you had seen that day; is that
9 right?

10 A Yes.

11 Q And so did you listen to your entire tape
12 today or did you just listen to a part of it?

13 A The entire tape.

14 Q Okay. Do you recall today hearing your
15 voice telling that Mike Brown had his head
16 inside the vehicle and he was actually like in the
17 windshield?

18 A Yes.

19 Q Okay. Today do you recall something
20 differently or is it that wasn't true?

21 A Actually, it wasn't true.

22 Q Okay. So what you told on that show
23 was not true?

24 A Yes.

25 Q And why did you say that if it wasn't

1 true?

2 **A** I do not know.

3 **Q** Okay. So you're saying today Mike Brown
4 was standing outside the vehicle and no part of his
5 body was inside the vehicle?

6 **A** His upper half was leaning in towards the
7 door, the windshield, the window.

8 **Q** And you said he had both hands up against,
9 I guess along the frame of the window, would that be
10 fair to say?

11 **A** Yes.

12 **Q** Did you see anything in his hand?

13 **A** No.

14 **Q** Did you see anybody next to him at the
15 vehicle?

16 **A** No.

17 **Q** And so now this is after the gunshot has
18 already happened, correct?

19 **A** Yes.

20 **Q** Did you hear more than one gunshot while
21 Mike Brown was next to the vehicle or just the one?

22 **A** I believe it was just one.

23 **Q** And then from the time you heard the
24 gunshot until you looked out, was there any like,
25 did it take you a few seconds to get to the window

1 or were you close enough that it was just a matter
2 of turning and looking out the window?

3 **A** It was just a matter of turning and
4 looking.

5 **Q** Okay. So within seconds after hearing the
6 gunshot, you looked out and that's what you saw,
7 Mike Brown at the window?

8 **A** Yes.

9 **Q** Now, you said that his back was to you?

10 **A** Yes.

11 **Q** So how could you see that the officer had
12 ahold of the front of his shirt in the manner that
13 you kind of demonstrated for us, how could Mike
14 Brown's back was to you, how is it that you are
15 seeing that?

16 **A** Because when Mike Brown pushed off the
17 car, the shirt, the officer had shirt like this and
18 I seen a tugging. (indicating)

19 **Q** Okay. All right. And so when Mike Brown
20 pushed back off the car, did the officer lose his
21 grip or let go of the shirt or stop holding the
22 shirt at some point?

23 **A** Yes.

24 **Q** And what did Mike Brown do?

25 **A** He took off running down the street.

1 **Q** In which direction?

2 **A** Towards the other end, opposite direction
3 of the car.

4 **Q** Okay. So eastbound on Canfield?

5 **A** Yes.

6 **Q** And did he stay in the street as he was
7 running or did he go onto sidewalk?

8 **A** He stayed in the middle of the street.

9 **Q** Was he running like sprinting or was he
10 just jogging or can you describe how quickly he
11 might have been going?

12 **A** He was sprinting.

13 **Q** Did you notice at that point if you saw
14 that he was injured, did he have blood on him or
15 anything that you could see that might show you that
16 he's injured?

17 **A** No.

18 **Q** So then what happens after Mike Brown
19 starts to run west onto Canfield, east on Canfield?

20 **A** Well, Mike Brown took off running, the
21 officer came after him, was chasing him.

22 **Q** Did the officer get out of the car?

23 **A** Yes.

24 **Q** Okay. How soon after Mike Brown ran away
25 from the car was it instantaneous or was there a few

1 second pause?

2 **A** It was instantaneous.

3 **Q** So when he got out of the car, is that the
4 first time you really could see the officer?

5 **A** Yes.

6 **Q** So how would you describe him?

7 **A** Caucasian.

8 **Q** Okay.

9 **A** That's about it.

10 **Q** Fat, skinny?

11 **A** No, I couldn't tell you.

12 **Q** Old, young?

13 **A** Young by, he wasn't old.

14 **Q** Did he have on a uniform?

15 **A** Yes, he did.

16 **Q** Shorts sleeves or long sleeves?

17 **A** Short sleeves.

18 **Q** Was he wearing a police hat?

19 **A** No.

20 **Q** When he got out of the car, did you see a
21 gun?

22 **A** On the side, yes.

23 **Q** On the side of his body?

24 **A** Yes.

25 **Q** Was it in his holster?

1 **A** Yes.

2 **Q** Was his hand on the gun?

3 **A** I don't know.

4 **Q** Now, is that the first time you see the
5 gun or did you see the gun when he was inside the
6 car at all?

7 **A** That was the first time I seen the gun.

8 **Q** Okay. And so as Mike Brown is running
9 away and the officer gets out of the car and he has
10 his gun in his holster, is it in right on his right
11 hip or his left hip?

12 **A** Approximately the right, right side, I'm
13 not for sure.

14 **Q** So if he gets out of the driver's seat of
15 his car, and his left side would be toward you then,
16 correct. If he's driving the car and it is going to
17 be facing this way, so his left hip is towards you,
18 right? And if he gets out and if he turns toward
19 the back of his car to go after Mike Brown, then his
20 right hip is towards you?

21 **A** Okay.

22 **Q** So you're saying it was in his right hip?

23 **A** Yes.

24 **Q** And then what did the officer do?

25 **A** Chased after Mike Brown.

1 **Q** Okay. So he ran?

2 **A** He ran behind him, yes, chasing him.

3 **Q** And what happened as he was chasing Mike
4 Brown?

5 **A** That I don't know. There was concrete
6 barrier there, I couldn't see what happened after he
7 caught up with him, I didn't see that.

8 **Q** Do you remember on the
9 show saying the officer shot Mike Brown as Mike
10 Brown was running away?

11 **A** I remember saying it now, yes, that's what
12 I thought.

13 **Q** But today you didn't see that?

14 **A** No, I didn't.

15 **Q** And why did you say that on the show?

16 **A** That's what I thought the officer was
17 shooting. It happened so fast, I thought he was
18 shooting at him.

19 **Q** This all happened very fast?

20 **A** Yes.

21 **Q** Matter of how many, like --

22 **A** Seconds.

23 **Q** Second?

24 **A** Yes.

25 **Q** Less than a minute then?

1 **A** Yes.

2 **Q** So when the officer starts running after
3 Michael, you said there is a point in time where a
4 concrete barrier blocks your view?

5 **A** Yes.

6 **Q** And is this the barrier that is actually
7 like where the staircase is?

8 **A** Yes.

9 **Q** Okay. So they're running in this
10 direction, correct?

11 **A** Yes.

12 **Q** Did you ever see, did you see Mike Brown
13 stop running?

14 **A** No, I didn't.

15 **Q** Okay. Did you see him being shot by the
16 officer?

17 **A** No, I didn't.

18 **Q** Did you see him turn around?

19 **A** No, I didn't.

20 **Q** Did you see him come at the officer?

21 **A** No.

22 **Q** Did you see him put his hands in the air
23 or hands down or hands at his sides or in front of
24 his body at all?

25 **A** No, I didn't.

1 **Q** And so at some point is Mike Brown running
2 east on Canfield, you lose sight of him and then you
3 don't actually see the shooting?

4 **A** Right.

5 **Q** Now, and again, on the show which was a
6 couple of days after this you said that you saw him
7 shooting at Mike Brown as he ran and that you saw
8 Mike Brown stop and turn around and then come back
9 toward the officer?

10 **A** Yes.

11 **Q** Today you are saying you didn't see that?

12 **A** Right, I assumed that he did.

13 **Q** So when you said that on the show, that
14 was just your assumption?

15 **A** Yes.

16 **Q** Why did you assume that, do you still
17 assume that today?

18 **A** Because when Mike Brown is running he's
19 running down the street and when I seen the body out
20 there, he was turned the other direction towards the
21 cop, towards the officer. So I assume that he was
22 probably running towards him.

23 **Q** Okay.

24 **A** The reason the body was turned, facing
25 him.

1 **Q** So you are basing that assumption just on
2 the way the body was positioned in the street?

3 **A** Yes, when he was laying down.

4 **Q** And is he on his stomach or on his back or
5 side?

6 **A** He was on his stomach, I believe.

7 **Q** So could you see how he was laying in the
8 street from where you were, did you have to come up
9 and go out onto the street?

10 **A** I came up and came out to the sidewalk and
11 saw the body out there.

12 **Q** Did you, the entire incident that you
13 witnessed, did you witness it from inside your
14 apartment?

15 **A** Yes, the incident, yes, I did.

16 **Q** And do you recall telling on the
17 show that you were outside on your patio and that
18 one point when gunfire happened, you kind of ducked
19 because you didn't want to get shot?

20 **A** Yes.

21 **Q** Okay. So is it today now you believe you
22 were inside your apartment?

23 **A** I was inside my apartment.

24 **Q** Okay. So do you know why you would have
25 told you were sitting on your patio when this

1 happened?

2 **A** No, I don't know why I told him that.

3 **Q** All right. And so did you see the officer
4 as he was running after Mike Brown, did you ever see
5 him fire his weapon?

6 **A** No, I did not.

7 **Q** Now, from what I understand, a lot of what
8 you told you say is based on things that
9 people said or you heard afterwards; is that right?

10 **A** That was my assumption what I told .

11 **Q** That's not based on what people in the
12 complex were saying?

13 **A** I haven't talked to them.

14 **Q** You went up after the shooting?

15 **A** After the shooting I came up, yes.

16 **Q** There were lots of people that started
17 gathering?

18 **A** That's when people started coming out of
19 their apartments.

20 **Q** People were screaming and yelling and
21 talking about, amongst themselves about what maybe
22 had happened?

23 **A** Yes.

24 **Q** You didn't hear what people were saying
25 then that he had his hand up?

1 **A** Yes, I heard a lot out there, yes.

2 **Q** And you said something about in your
3 statement to that you don't know if he had his
4 hands up or not because you didn't see that?

5 **A** I didn't see it. That's what the people
6 said.

7 **Q** Did you ever hear the officer, were your
8 windows open or closed?

9 **A** It was open.

10 **Q** Did you ever hear the officer saying
11 anything?

12 **A** No, I didn't.

13 **Q** Did you ever hear Mike Brown saying
14 anything?

15 **A** No.

16 **Q** If they had said something in a loud
17 voice, would you have heard it?

18 **A** I believe so.

19 **Q** Now, you have glasses on, sir, do you need
20 those to see distance or close?

21 **A** Distance.

22 **Q** Did you have your glasses on that day?

23 **A** Yes.

24 **Q** And with your glasses on, can you see
25 distance fine?

1 **A** Yes.

2 **Q** How about your hearing, do you need
3 anything to, have you ever been told that you have
4 loss of hearing?

5 **A** No.

6 **Q** Your hearing is fine?

7 **A** Yes.

8 **Q** And so today you're saying that you saw
9 the officer have ahold of Mike Brown's shirt. Did
10 you ever see the vehicle moving like rocking or
11 moving?

12 **A** No.

13 **Q** Like somebody, like there was something
14 moving the vehicle back and forth?

15 **A** No.

16 **Q** Did you ever see any other cars that were
17 lined up in the street, either behind the police
18 vehicle or in front of the police vehicle?

19 **A** No.

20 **Q** So when Mike Brown ran, you didn't see him
21 run past a couple of cars?

22 **A** No, there was no cars out there when I
23 seen him running.

24 **Q** So you had made a statement on that show
25 when asked you, based upon what you saw that

1 day, do you think the officer was justified in
2 shooting Mike Brown? And you said, yes, I think he
3 was. Do you remember saying that?

4 **A** Yes.

5 **Q** Why do you think that today, is that what
6 you still think?

7 **A** Yes.

8 **Q** Okay. Why would you say that if you
9 really didn't see what the final moments were?

10 **A** Because there was a struggle at the car.
11 I thought maybe he was resisting arrest. I don't
12 really know what happened.

13 **Q** You never saw anything in Mike Brown's
14 hands, right?

15 **A** No, I didn't.

16 **Q** So you never saw him with a weapon?

17 **A** No.

18 **Q** When the officer got out of the vehicle
19 and started chasing Mike Brown, did it look to you
20 like he was injured?

21 **A** Mike Brown or the officer?

22 **Q** The officer, I'm sorry.

23 **A** The officer.

24 **Q** You never saw any blood on him?

25 **A** No, I did not.

1 **Q** You didn't see his face that he might have
2 been hit in the face or anything?

3 **A** No, I couldn't tell.

4 **Q** Approximately how many gunshots total.
5 There is one at the car and then about how many more
6 gunshots do you hear?

7 **A** Approximately six, maybe.

8 **Q** Did you ever see the officer up by Mike
9 Brown?

10 **A** I seen one officer standing around the
11 body.

12 **Q** Was it the same officer who did the
13 shooting?

14 **A** I don't know, I couldn't tell.

15 **Q** And then did you ever see the officer's
16 car move or be moved after the shooting?

17 **A** No.

18 **Q** Did you ever see after you went up and you
19 could see Mike Brown's body laying in the street,
20 and we know that it took quite some time before they
21 removed the body, did you ever see them move the
22 body in any way like reposition it or move it
23 somewhere else?

24 **A** No.

25 **Q** How long did you stay out on Canfield

1 after the shooting?

2 **A** For hours.

3 **Q** You heard people talking about what they
4 saw?

5 **A** Yes.

6 **Q** Do you know a lot of your neighbors in the
7 Canfield Green Apartments?

8 **A** No, I do not.

9 **Q** Do you know the names of anybody who, at
10 least that day or any time afterwards you believe
11 saw this and talked about what they saw?

12 **A** No, I don't.

13 **Q** Now, you also recorded some of this on
14 your cell phone, correct?

15 **A** Yes, I did.

16 **Q** And you gave your phone to Detective
17 for him to go make a copy of it, right?

18 **A** Yes.

19 **Q** And you looked at the video images after
20 you did it, correct?

21 **A** Yes.

22 **Q** And actually the video is of the
23 aftermath, you didn't capture the shooting on your
24 video, is that fair to say?

25 **A** Yes.

1 **Q** And now, shortly after this happened, a
2 bunch of police came and then a bunch more police
3 came and the place became just kind of chaotic,
4 would that be fair to say?

5 **A** Yes.

6 **Q** And then for several days after that and
7 the next Saturday there were FBI agents and police
8 knocking on doors doing what they call an area
9 canvas. Have you ever heard that term a canvas?

10 **A** Yes, I heard of it.

11 **Q** And actually, some police knocked on your
12 door and asked you if you saw anything that day, do
13 you remember that?

14 **A** Yes.

15 **Q** And you told them no, you didn't see it?

16 **A** Yes.

17 **Q** So that was a lie?

18 **A** Yes.

19 **Q** Why didn't you tell the police you saw
20 part of what happened?

21 **A** Fear, I didn't want to get involved.

22 **Q** And, in fact, you never came forward to
23 the police, it was only after the police contacted
24 you because they had heard this show and they
25 thought for whatever reason that that might be you

1 on the show; is that right?

2 **A** Yes.

3 **Q** I subpoenaed you to be here today is that
4 right?

5 **A** Yes.

6 **Q** Is what you said today truthful?

7 **A** Today, yes.

8 **Q** But you lied when you talked to on
9 the POD cast?

10 **A** Yes. It wasn't totally a lie.

11 MS. ALIZADEH: Sheila, do you have any
12 questions?

13 MS. WHIRLEY: We run out of time. Let the
14 grand jurors, you guys have any questions?

15 Have you met with
16 yet? I know he talked on the POD cast?

17 **A** . Have I met him? No.

18 On the POD cast, we're
19 talking about how to handle it coming to St. Louis?

20 **A** I never met him.

21 : Meeting him, have you
22 been threatened or anything by what you saw?

23 **A** No.

24 MS. ALIZADEH: Have you talked with
25 anybody besides these grand jurors and and now

1 Detective and the FBI agent about what you
2 saw Michael Brown this FBI agent about what you saw.

3 **A** No.

4 MS. WHIRLEY: Why did you call into
5 with this story, you said it wasn't true, what made
6 you call him to say these things?

7 **A** Well, at the time I was mad and upset. I
8 wanted to talk to someone and he was there I could
9 talk to.

10 MS. WHIRLEY: What were you mad and upset
11 about?

12 **A** The incident happened outside my
13 apartment.

14 MS. WHIRLEY: When you say mad, what were
15 you mad about?

16 **A** I wasn't mad, basically upset, you know,
17 just wanted to talk to someone.

18 MS. WHIRLEY: Who were you upset at, I'm
19 just trying to understand.

20 **A** The situation, you know, body outside my
21 apartment and, you know, the incident with the, you
22 know, folks gathering around my apartment drinking
23 and smoking and carrying on, I just wanted to vent.

24 MS. WHIRLEY: All right. Were you mad at
25 the fact that Mike Brown was shot and dead in the

1 street or were you mad you thought Mike Brown did
2 something or either one of those?

3 **A** Basically because, you know, the situation
4 that was outside my apartment, folks gathering
5 around. Like I said, drinking and smoking, you
6 know, it was like a carnival out there.

7 MS. WHIRLEY: I see, okay.

8 . With
9 everything that was going on at that time up there,
10 and the proximity of the police officers in the
11 area, did you not think to maybe call the police and
12 tell them to get the people away from your door or
13 what?

14 **A** The police was out there.

15 I understand that, I
16 understand that, but just help me understand you
17 said you were upset because people were out around
18 your apartment and they were drinking and smoking,
19 and whatever?

20 **A** Yes.

21 : Wouldn't it have been
22 easier to, I'm just asking this for me to call 911,
23 send some police up here, these people around my
24 place, yada, yada, yada.

25 **A** I don't think they would come back.

Page 199

1 You don't think so?

2 **A** No.

3 : Okay. That's fair enough.

4 MS. ALIZADEH: Anyone else?

5 . I know you
6 said earlier they were outside your door drinking
7 and smoking, it was like a carnival you said. Was
8 it were they angry or was it a little bit
9 celebratory, can you tell me the atmosphere of the
10 people? Were you upset because you felt like it
11 wasn't taken seriously, how do you explain your
12 mindset?

13 **A** Well, to be honest with you, I think it
14 was ridiculous. There's a right and wrong to do
15 things, I feel they was going about it the wrong
16 way, you know. It was just ridiculous. All of this
17 stuff could have been avoided.

18 MS. ALIZADEH: Anyone else have a
19 question?

20 (End of the testimony of
21)

1

2 State of Missouri

3 SS.

4 County of St. Louis

5 I, , a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury Volume XX

12

13 11/6/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Grand Jury, Volume XXI

Date: November 13, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 10, 2014

VOLUME XXI

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 10th day of November, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	INDEX	
2		PAGE
3		
4	EXAMINATION	
5		
6	QUESTIONS BY MS. ALIZADEH	8
7		
8	QUESTIONS BY MS. ALIZADEH	83
9		
10	QUESTIONS BY MS. ALIZADEH	182
11		
12	EXHIBITS	
13	Grand Jury Exhibit 85 (map)	6
14	Grand Jury Exhibit 90 (inventory)	18
15	Grand Jury Exhibit 87 (FCC)	28
16	Grand Jury Exhibit 88 (list)	34
17	Grand Jury Exhibit 86 (CD)	98
18	Grand Jury Exhibit 91 (disc)	167
19	Grand Jury Exhibit 92 (disc)	171
20		
21		
22		
23		
24		
25		

1 GRAND JURY HEARING VOLUME XXI

2 MS. ALIZADEH: Good morning. It is
3 Monday, November 10th. It is about 9:30 in the
4 morning. This is Kathi Alizadeh, Sheila Whirley is
5 here and all 12 grand jurors are here, as well as
6 , the court reporter.

7 We started this morning with a
8 conversation that was not on the record, but someone
9 from the prosecutor's office has talked to the grand
10 jurors about their concerns for security, safety and
11 giving you some tips on how to be secure and safe
12 from here on out.

13 I will stress again it is my 100,
14 110 percent sure that your identities will never be
15 released by this office or by the courts. I'm aware
16 that some of you are concerned that, you know, your
17 identities might be discovered by people in the
18 media or others, you know. We're doing our best
19 that you are safe and secure after your service here
20 no matter what your decision. And so that took up a
21 little bit of time this morning.

22 So we are getting started this morning. I
23 have Sergeant first, he's with the Ferguson
24 Police Department, and he is in charge of their
25 communications.

1 I will tell you that last week we had
2 quite a bit of conversation, not conversation,
3 testimony and evidence regarding radio
4 communications, and regarding the county RIOT A
5 channel.

6 I will tell you that after our last
7 meeting, I think we met last Thursday was when we
8 were last here, I have discovered that channel three
9 is not the RIOT A channel in Ferguson.

10 So working under that assumption that it
11 was, and there was some talk about having a map and
12 so forth.

13 You remember who was here
14 and testified, he's with county communications. He
15 did a map for me that has the location of all of the
16 county's voting receivers, you remember those ones
17 that pick up the RIOT A channel.

18 There's also on the map where the Ferguson
19 receiver is in relation to where the officer was, so
20 I will hand out these maps.

21 (Grand Jury Exhibit Number 85
22 marked for identification.)

23 MS. ALIZADEH: I've marked my copy as
24 Grand Jury Number 85. Mine is not in color.

25 There's a legend on this map that says

1 that incident. Okay. So he describes on the map
2 incident and that would be what happened on
3 Canfield. The location of where the incident
4 occurred, okay.

5 And if you will look on the map, there's
6 actually a little police car and that's on the map,
7 that's him marking where the incident occurred on
8 Canfield.

9 So in this legend it says, incident to
10 Ferguson received, the main receiver at Ferguson
11 Police Department is 1.57 miles from the place of
12 the incident to the receiver.

13 So I'll pass those around. But my
14 understanding now is that the RIOT A channel might
15 not be relevant to our, to what you guys are looking
16 at. Maybe it was informative, but we are going to
17 have Sergeant talk about the Ferguson
18 communications and how that works and what exactly,
19 what channel is what and so forth, okay. So I will
20 go get him and get started.

21

22

23

24

25

1

2 of lawful age, having been first duly sworn to

3 testify the truth, the whole truth, and

4 nothing but the truth in the case aforesaid,

5 deposes and says in reply to oral

6 interrogatories, propounded as follows, to-wit:

7

EXAMINATION

8 BY MS. ALIZADEH:

9 **Q** Could you state your name and spell it for
10 the court reporter?

11 **A** Sergeant

12

13 **Q** And Sergeant , where do you work?

14 **A** Ferguson Police Department.

15 **Q** How long have you been a police officer?

16 **A** With Ferguson, 27 years.

17 **Q** And prior to that?

18 **A** Three years with Bel-ridge.

19 **Q** All right. So 30 year police veteran?

20 **A** Yes.

21 **Q** And how long have you been a sergeant in
22 Ferguson?

23 **A** Nine years.

24 **Q** And what are -- you're currently a
25 sergeant as well?

1 **A** Yes.

2 **Q** What are your duties and responsibility as
3 a sergeant in the City of Ferguson?

4 **A** I'm the supervisor for communications.

5 **Q** And so do you then, you're not a
6 supervisor of a squad of police officers?

7 **A** No, ma'am. The only time I do that is
8 when a supervisor goes on vacation and I will be a
9 substitute until they get back.

10 **Q** So when you're talking about being in
11 charge of communications, that would be 911 calls?

12 **A** Yes, ma'am.

13 **Q** So Ferguson receives and dispatches their
14 own 911 calls, correct?

15 **A** Yes, ma'am.

16 **Q** That doesn't go through St. Louis County
17 911?

18 **A** No, ma'am.

19 **Q** Regarding radio traffic that gets called
20 in from the officer's radios, you are in charge of
21 that as well?

22 **A** Yes, ma'am.

23 **Q** And so we've heard a bit of testimony
24 about radio traffic and how that works, but you,
25 Ferguson dispatches for themselves; is that right?

1 **A** Yes, ma'am.

2 **Q** So you in the Ferguson Police Department
3 have an area where it's a communication center?

4 **A** Yes.

5 **Q** And the dispatchers work there?

6 **A** Yes, ma'am.

7 **Q** How many dispatchers are employed by the
8 City of Ferguson?

9 **A** We have currently 14. Six of which are
10 full-time dispatchers, the rest are part-time.

11 **Q** So how many dispatchers work a shift?

12 **A** I try to get at least two in there,
13 sometimes there's three.

14 **Q** Does each dispatcher have their own
15 console?

16 **A** Yes, ma'am.

17 **Q** And so when calls are coming in, can
18 either dispatcher, if there is two working, can
19 either dispatcher answer the call?

20 **A** Yes, ma'am.

21 **Q** And can each dispatcher hear what the
22 officers were saying?

23 **A** Yes, ma'am.

24 **Q** And can each dispatcher hear each other?

25 **A** Yes.

1 **Q** So one dispatcher can hear the other
2 dispatcher?

3 **A** Yes, uh-huh.

4 **Q** Are they in the same room physically?

5 **A** Yes, ma'am.

6 **Q** And so you and I had a conversation, was
7 it last week that you came in to talk to me, I can't
8 remember now?

9 **A** No, ma'am, this is the first time I've
10 been in here.

11 **Q** Okay. We talked on the phone?

12 **A** Talked on the phone.

13 **Q** See, I knew I talked to you sometime. But
14 we talked on the phone about the channels that
15 Ferguson has, correct?

16 **A** Yes, ma'am.

17 **Q** So now you brought radio with you today,
18 and this is a portable radio?

19 **A** Correct.

20 **Q** And so when an officer is on duty in a
21 police vehicle, we have a mobile radio which is
22 mounted in the car, correct?

23 **A** Yes.

24 **Q** And then he has a portable road?

25 **A** Yes.

1 **Q** And you are wearing your own portable
2 radio, correct?

3 **A** Yes, ma'am.

4 **Q** And so do all the radios in Ferguson, the
5 portables, are they all the same, do they all look
6 the same?

7 **A** Yes, ma'am.

8 **Q** So the radio that you bought with you
9 today, whose radio is that?

10 **A** That's Darren Wilson's.

11 **Q** Is each officer assigned his own portable
12 radio?

13 **A** Yes, they are.

14 **Q** So do they generally then take it home
15 with them at the end of their shift?

16 **A** They can take it home, they can do what
17 they want with it. It is theirs.

18 **Q** So it doesn't go to another officer?

19 **A** No, ma'am.

20 **Q** And then, obviously, well, not obvious,
21 well, let's talk about the cars. So the radio
22 itself is mounted in a police car, that doesn't get
23 removed, correct?

24 **A** Yes, ma'am.

25 **Q** That's the mobile?

1 **A** Yes.

2 **Q** And so does each officer have his own car
3 to take home?

4 **A** No, ma'am. The only ones that have their
5 own cars are resident officers that live in town
6 that have their own car. The only thing they don't
7 have in those resident cars are computers.
8 Everything else is set up the same.

9 **Q** So we've seen pictures and heard testimony
10 about Officer Wilson's car, that it was a Chevy
11 Tahoe?

12 **A** Yes, ma'am.

13 **Q** Are all the Ferguson police vehicles like
14 that?

15 **A** No, ma'am. We have one Chevy detective
16 car, it's an Impala. And then we also have Crown
17 Vics that are weeding out of the system.

18 **Q** So the Tahoes are newer?

19 **A** Yes, they are.

20 **Q** And so Officer Wilson's car had a mobile
21 radio and then it also had a computer in it; is that
22 right?

23 **A** Yes, it is.

24 **Q** And you said that the resident officer,
25 people who live in the city limits get to take a car

1 home?

2 **A** Yes, ma'am.

3 **Q** But they don't have computers?

4 **A** No.

5 **Q** Was Darren Wilson a resident officer?

6 **A** No, ma'am.

7 **Q** So when you are done with your shift as an
8 officer, if you're not a resident officer, you take
9 your car back to the station and then get your
10 personal car and go home?

11 **A** Yes, ma'am.

12 **Q** And then is that vehicle put back in
13 service like on the next shift?

14 **A** Yes, it is.

15 **Q** Okay. Um, so each car has a number; is
16 that right?

17 **A** Yes, ma'am.

18 **Q** And so when a radio in a car calls out,
19 can the dispatcher tell by the signal which car it
20 is?

21 **A** No, ma'am. The only time you can tell
22 which vehicle it is if the alert tone is sounded,
23 that's the emergency alert tone. It will come up
24 with what they call an alias on the screen and that
25 will tell which vehicle it is so that dispatcher is

1 aware.

2 **Q** And so we already heard some testimony
3 about the alert tone, and that's the orange button
4 that's on the mobile, the portable; is that right?

5 **A** Yes, ma'am, it is this button.

6 **Q** There's an orange alert button also on the
7 mobile radio inside the car, correct?

8 **A** Yes, there is.

9 **Q** And so if an officer activates that alert
10 button, can the dispatcher tell what radio it is by
11 his car 108?

12 **A** Yes, ma'am.

13 **Q** And, obviously, each officer has their own
14 radio, they would know whose radio it is?

15 **A** Yes.

16 **Q** If it is a portable?

17 **A** Yes. It comes up on a screen with their
18 name and also the radio number.

19 **Q** Okay. And then you also told me that it
20 would say M, for mobile or P, is there P for
21 portable?

22 **A** That's on the new system for the cars. If
23 the cars, the alias will come up with the last
24 letter M is for mobile. When we switch over to the
25 new radio system, that will still be with a P for

1 portable, but we do not have that yet.

2 Q We heard some talk about the County
3 installing or putting in place this new 800
4 megahertz radio communication system; is that right?

5 A Yes, ma'am.

6 Q But you are not apart of that yet?

7 A Not yet.

8 Q So the radio system that you are using
9 today, is that the same radio system that was in
10 place on August 9th?

11 A Yes, ma'am.

12 Q So everything that we're talking about so
13 far was the way it was on August 9th?

14 A Yes, ma'am.

15 Q And so if an officer hits that alert tone,
16 we have already heard what happens then, but the
17 dispatcher is able to tell at least whether it is a
18 mobile radio or a portable radio?

19 A Yes, ma'am.

20 Q And then the dispatcher would know by the
21 radio number whose portable it was?

22 A Yes.

23 Q And they also know if it is a mobile
24 radio, what car it's in?

25 A Right.

1 **Q** All right. And so the radio that you
2 brought with you, you said is Darren Wilson's radio,
3 correct?

4 **A** Yes, ma'am.

5 **Q** And you took the back off of it to show me
6 something earlier today?

7 **A** Yes, it is the radio. Each radio comes
8 with a number, either their DSN is on there or their
9 name is the put on the radio itself. And it
10 coincides with the inventory list that is made up
11 when the radio is passed out.

12 **Q** And so you just took the back off of that
13 portable radio and what's written on the inside of
14 it?

15 **A** D. Wilson, radio 99.

16 **Q** And so is 99 the radio number or is that
17 his DSN?

18 **A** That is the radio number.

19 **Q** Okay. And so if ever, I mean, all the
20 radios look alike. If ever two radios would get
21 mixed up, you would be able to open that up, anybody
22 could open it up and see whose it is?

23 **A** Yes, ma'am. We can also look at the
24 serial number also on there and determine whose it
25 is.

1 (Grand jury Exhibit Number 90
2 marked for identification.)

3 Q (By Ms. Alizadeh) I'm going to hand you
4 what I marked as Grand Jury Exhibit 90. You brought
5 with you today some paperwork about the
6 communication system and who is assigned to what
7 radio and so forth; is that right?

8 A Yes, ma'am.

9 Q I am going to show you Grand Jury Exhibit
10 Number 90. It says portable radio inventory. Did
11 you print that off and bring it with you this
12 morning?

13 A Yes, I did.

14 Q What does this show?

15 A This is telling me who has the radio,
16 model number of the radio, the number of the radio
17 and also the serial number of the radio.

18 It also tells me if it has a mike
19 attached to it.

20 Q Okay.

21 A Whose the patrol detectives, or the jail,
22 who has the radio.

23 Q Okay. So now in the column that says
24 assignment vehicle, personnel, spare, cash, et
25 cetera, it has officer's DSN as opposed to their

1 names, correct?

2 **A** Yes.

3 **Q** What is Officer Wilson's DSN?

4 **A** 609.

5 **Q** So on this record then we can see that DSN
6 609 has radio HT750 and then in the corner it says
7 99, who wrote that?

8 **A** I wrote that.

9 **Q** Did you write that prior to coming today?

10 **A** No, a lot of these when we were doing
11 inventories, either the officer was off that day or
12 they were on vacation. And I, as you can see there,
13 is like unknown what their numbers are.

14 So when they come back on duty, then
15 I can get with them and find out what their number
16 is and I will write it in.

17 **Q** Okay. I'm going to pass copies of this
18 around to everybody.

19 And so not only can you tell that
20 that's Officer Wilson's radio by looking in the
21 back, but also you can double check with the
22 inventory that you have to make sure that the serial
23 number on that radio is the same as the radio
24 assigned to him, correct?

25 **A** Yes, ma'am.

1 **Q** Okay. And so again, when a radio, when
2 somebody on a portable radio calls in to dispatch,
3 is there anything on a screen that tells that
4 dispatcher who it is?

5 **A** No, ma'am.

6 **Q** And so how is it that officers then will
7 typically identify themselves when they are calling
8 in?

9 **A** They have sectors. And that's determined
10 when they come in in the morning and they are doing
11 the roll call, the supervisor will give them a
12 sector. That sector number, which will be like
13 maybe F22, F23, that's their sector number, that's
14 their call sign for dispatch.

15 **Q** Is that permanently their sector number or
16 does it change on a regular basis?

17 **A** It changes on a regular basis. They do
18 what they call a rotation of sector.

19 **Q** Okay. So is a sector a geographic area?

20 **A** Yes, it is.

21 **Q** How many sectors are there in Ferguson?

22 **A** There's four.

23 **Q** So at any given time, how many officers
24 are on assignment in a sector?

25 **A** One officer will take care of their

1 sector. And then usually if the squad has a full
2 amount of officers, they will have what they call
3 cover cars. Those cover cars will assist the
4 sectors on any calls.

5 So if you have a sector car, say F25
6 goes out on a call, a sick case and he's tied up on
7 that sick case, dispatch will know that. She will
8 send a cover car to take another call in his sector.

9 Q So each sector has one officer that is
10 assigned to it for that shift?

11 A Yes, ma'am.

12 Q And then how many cover cars are out on
13 any given shift?

14 A It can range from maybe one to three, and
15 I've even seen four, depending on how many people
16 are working that day.

17 Q So the cover car is kind of roaming around
18 the city and can go anywhere whereas the sector car
19 is going to stay in their own sector?

20 A Yes, ma'am.

21 Q Unless they have to leave their sector for
22 whatever reason?

23 A Right.

24 Q And then on any given shift, there's a
25 supervisor on duty, correct?

1 **A** Yes, there is.

2 **Q** How many supervisors?

3 **A** There is usually two lieutenants and a
4 sergeant.

5 **Q** Okay. So the sergeant would be directly
6 in charge of the officers that are riding around in
7 their sector and the cover cars?

8 **A** Yes, ma'am.

9 **Q** And then is that sergeant generally also
10 in uniform in a patrol car patrolling the city?

11 **A** Yes, ma'am.

12 **Q** And then what's the lieutenant doing?

13 **A** He's usually in the station doing
14 paperwork, doing the reports. When he usually gets
15 called, caught up with the paperwork he'll come out
16 on patrol also to assist.

17 **Q** So on any given shift there's just one
18 shift working, so there would be one sergeant and
19 four sector cars and maybe one to three cover cars?

20 **A** Yes, ma'am.

21 : . When an
22 officer, when a sector car is out on duty and he
23 takes a call.

24 **A** Uh-huh.

25 Does the cover car, do he

1 calls in and let you know, I'm in position to take
2 this matter, this issue, blah, blah, blah. Does the
3 cover car gets called in to let him know, okay, I
4 need the cover car to service the area or how it
5 works?

6 **A** I know what you are saying.

7 : Okay.

8 **A** Usually it works like this. If I call a
9 car to a sector and that car is out on a sick case,
10 the cover car automatically hears that they kind of
11 move over to that area.

12 : Okay.

13 **A** They are not actually told to cover it,
14 but just in experience, they will move to that area
15 knowing that something could break out in there so
16 they have coverage. So it is mainly the officer, it
17 takes the experience of the officer to hear that and
18 he'll move over into that area.

19 : The cover car should be
20 able to hear?

21 **A** Oh, yeah.

22 : Okay. I lost my thought.

23 **A** Sometimes you'll hear a supervisor get on
24 the radio and say Frank 28 centralized. That means
25 they want him to move in closer to his area to cover

1 it.

2 Okay. You answered it,
3 okay, thanks.

4 Q (By Ms. Alizadeh) So when an officer is on
5 duty and patrolling, is he by himself in his
6 vehicle?

7 A Yes, ma'am.

8 Q And currently you have two officers
9 patrolling together; is that right?

10 A Yes.

11 Q And that's because of the unrest that has
12 happened since August 9th?

13 A Yes, ma'am.

14 Q Prior to August 9th you would have one man
15 per car?

16 A Yes, ma'am.

17 Q And so if the officers are out on patrol,
18 you had people already testify that in the mobile
19 car you can have like one channel tuned in and you
20 can have a different channel tuned in on your
21 portable. Are the officers to be monitoring the
22 dispatch channel at all times?

23 A They do. You've got to remember the
24 mobile units have what they call a scan portion in
25 it and dispatch is put in on a priority button. So

1 even if you are on scan and say RIOT A comes up on
2 your radio and they're listening to the RIOT
3 channel. As soon as dispatch hits their key in
4 dispatch, it will cut them off and put them in
5 priority. So they're constantly monitoring that
6 dispatch channel.

7 Q So the dispatcher at the station, she's on
8 a transmitter, he or she is on a transmitter. Do
9 you know how many watts that transmitter is?

10 A No, I don't.

11 Q Can anybody in the city typically hear the
12 transmission from the dispatcher?

13 A They can. Sometimes you do miss calls.

14 Q And so, you know, we talked earlier about
15 this say, for example, an officer is going to go on
16 a sick call, we've talked about, that would be
17 something that is like short of breath or there has
18 been somebody faint or something, so the officer is
19 going to go to a residence and they're going to walk
20 up to the house. So they leave their mobile car,
21 the mobile radio in their car and now they're on
22 their walkie-talkie or their portable, right?

23 A Yes, ma'am.

24 Q And so you've told me that it is not
25 unusual, or even it might be typical that the

1 officer once he makes contact or goes into the
2 residence, might even turn down the volume on his
3 radio and why is that?

4 **A** That's to, when an officer goes into a
5 sick case, we have a lot of elderly folks, they are
6 hard to hear. An officer will walk up and just turn
7 the radio down a portion just so they can hear. You
8 can hear it through the mike, you don't hear it
9 through the receiver itself, you hear it through the
10 mike so it is pretty close. Even when it's down you
11 can hear it.

12 They want to have all of their
13 attention on that person or patient and not listen
14 to a bunch of garble.

15 **Q** Okay. So is it also possible that if
16 you're on your portable radio and say you go into a
17 building or whatever, that your radio might not
18 actually receive a call because of you being inside
19 a building?

20 **A** Right. We have a lot of problems in what
21 we call one sector where Wal-Mart and Sam's.
22 Because of the metal building, our walkies won't get
23 out. A lot of time they can hear at dispatch, but
24 officers can't call out.

25 **Q** And if an officer is on the dispatch

1 channel and calls out, if that call is not heard by
2 dispatch, how does the officer know that?

3 **A** Say it again?

4 **Q** If the officer calls out on the dispatch
5 channel.

6 **A** Okay.

7 **Q** And let's say that the dispatch doesn't
8 get that call, they don't hear it or they can't make
9 it out?

10 **A** Uh-huh.

11 **Q** How does the officer, how might you know
12 that?

13 **A** Dispatch would constantly try to get in
14 contact with the officer. All dispatchers have
15 their cell phone numbers for officers. They have a
16 paper in front of them. It is in a book. If they
17 can't get ahold of an officer, a lot of time, say
18 they pick up shoplifter at Wal-Mart, they will
19 attempt to call that officer several times. And if
20 they can't get him, they realize they are in a metal
21 building. So they'll right away get either on their
22 cell phone or they will call Wal-Mart store to get
23 ahold of them.

24 **Q** So if an officer actually calls, makes a
25 call on his mike.

1 **A** Okay.

2 **Q** And that doesn't get received, there's no
3 tone or anything that tells him it wasn't received,
4 correct?

5 **A** No, no.

6 **Q** And so are there times then when the
7 officer, so when an officer makes a call into
8 dispatch and he may or may not use his call signal
9 for that day, correct?

10 **A** Right.

11 **Q** And so he may call in Frank 21 and then
12 dispatch will say Frank 21 repeat, to let him know I
13 heard you?

14 **A** Right.

15 (Grand jury Exhibit Number 87
16 marked for identification.)

17 **Q** (By Ms. Alizadeh) Okay. And I'm going to
18 hand you what is marked as Grand Jury Exhibit Number
19 87. This is another document that you brought with
20 me today, or brought with you. This is entitled
21 Federal Communication Commission Public Safety and
22 Homeland Security Bureau Radio Station
23 Authorization.

24 Does this document indicate what your
25 callers are or whatever?

1 **A** Yes, ma'am. This is framed and put in our
2 dispatch and hanging on the wall. This is our
3 actual license to use the radio.

4 **Q** Okay.

5 **A** And there's a call sign at the top, it's
6 KAG843. That's what dispatchers use that number to
7 tell other departments that they're clear on
8 different calls.

9 **Q** I am going to pass that out as well to
10 everyone.

11 And then I'm also going to show you
12 Grand Jury Exhibit Number 89. You brought that with
13 you today too, right?

14 **A** Yes, ma'am.

15 **Q** So this is something that looks like you
16 printed off on your computer; is that right?

17 **A** Yes, ma'am.

18 **Q** Is this a Word document or something?

19 **A** Yes, it is actually an email.

20 **Q** An email?

21 **A** Uh-huh.

22 **Q** So now what is this that you are showing
23 me?

24 **A** Last, it is probably around April we
25 started getting from St. Louis County our new radio

1 systems came in for the mobiles and we are supposed
2 to set up some time for all of our vehicles to be
3 taken to Wireless USA, which is in Maryland Heights
4 to get new radios put in.

5 This here is an appointment list, so
6 to speak, telling me what cars need to go, what time
7 and date they need to arrive there to get the car
8 radio put in.

9 Q Do you know back in August what car Darren
10 Wilson was in? Let me ask you this, would he always
11 be in the same car every time he was on shift or
12 does he just get a different car every time?

13 A They usually stay in the same car unless
14 it is out for service or something is wrong with the
15 vehicle.

16 Q Okay. How about vehicle 108?

17 A Yes, ma'am.

18 Q Does that document show whether or not
19 that vehicle had a new mobile radio put in?

20 A Yes, ma'am.

21 Q When did that happen?

22 A May the 28th.

23 Q Okay. So as of May of this year, car 108
24 had a new mobile radio put in it?

25 A Yes, ma'am.

1 **Q** What about the walkie-talkies, were those
2 replaced as well?

3 **A** No, ma'am, they're still the same ones.

4 **Q** Okay. And we've already heard testimony
5 that the walkie-talkies are 5 watts and the mobile
6 radio are 10-watt, is that still true?

7 **A** Yes, ma'am.

8 **Q** Okay. And in your experience as an
9 officer patrolling the streets of Ferguson, is it
10 unusual for an officer to transmit a call from his
11 portable radio that dispatch does not get?

12 **A** No.

13 **Q** And why would that be?

14 **A** It could be a lot of circumstances. It
15 could be the terrain, it could be any number of
16 things where the officer is at if he's in a
17 building, depending on if he's in concrete, if he's
18 in a basement.

19 **Q** Are there particular areas of the city
20 where transmissions are poor?

21 **A** Yes, ma'am.

22 **Q** And have you heard the phrase, dead zone?

23 **A** Yes, ma'am.

24 **Q** Is that an area where it might have poor
25 transmission?

1 **A** Yes.

2 **Q** Do you know where the deadzones are in the
3 City of Ferguson?

4 **A** Yes, ma'am.

5 **Q** What about the area of Canfield Green
6 Apartment Complex, is that a dead zone?

7 **A** That could be considered a dead zone.

8 **Q** Okay. So is it sometimes difficult to get
9 transmissions from a portable from that dead zone
10 area?

11 **A** Yes.

12 **Q** And you and I and one of your dispatchers
13 actually sat and listened to a lot of calls this
14 morning; is that right?

15 **A** Yes, ma'am.

16 **Q** And we're going to hear those calls, but
17 are there times when a call might just be static?

18 **A** Yes.

19 **Q** And that might be somebody calling in for
20 some reason, the signal strength does not allow him
21 to be heard?

22 **A** Right.

23 **Q** And are there times when there are calls
24 when you can kind of hear garbled talking?

25 **A** Uh-huh.

1 **Q** Would that also be, again, possibly their
2 signal is weak or there might be some building in
3 between that transmitter and the receiver?

4 **A** That could be a number of things. That
5 could be either the signal is weak, could be that
6 somebody is walking on them, meaning somebody is
7 trying to call in at the same time they're talking.

8 **Q** Okay. And when that happens, is it the
9 stronger signal that walks on top of the other call?

10 **A** Yes, it is.

11 **Q** It doesn't matter who keys their mike up
12 first?

13 **A** No.

14 **Q** If somebody keys their mike up and starts
15 talking and the stronger signal keeps their mike up,
16 the person who is weaker will cut out?

17 **A** Correct. Usually that happens when an
18 officer's in a vehicle with a higher range of power
19 and it will cut the walkie.

20 **Q** Okay. And so the walkies or the portables
21 being the weaker signal, you would find that that
22 would be something that would occur most often with
23 a portable?

24 **A** Yes.

25 **Q** Now, we talked about in our phone

1 conversation last week, we talked about the channels
2 that Ferguson has, correct?

3 **A** Yes, ma'am.

4 **Q** Now, on your radios we already have heard
5 that there are 16 selectors or positions that you
6 can have, 16 channels. How many channels does
7 Ferguson use?

8 **A** We use two, or ten.

9 **Q** Ten channels?

10 **A** Ten channels.

11 **Q** Are those one through ten or do you skip a
12 number?

13 **A** It is one through ten.

14 **Q** And so did I ask you or did you provide
15 for me a list of what channel is what today?

16 **A** Yes, ma'am.

17 (Grand Jury Exhibit Number 88
18 marked for identification.)

19 **Q** (By Ms. Alizadeh) I'm going to show you
20 Grand Jury Exhibit Number 88. Is that what you gave
21 me today that list what channels are what?

22 **A** Yes, it is.

23 **Q** And now, so I'm going to pass this out as
24 well.

25 So on that list it shows that channel

1 one is the dispatch channel?

2 **A** Yes, ma'am.

3 **Q** And then channel two is?

4 **A** We used to have Cool Valley on our
5 channel, they're not with us any more, but it's our
6 backup channel they call it.

7 **Q** Okay. And then channel three is what?

8 **A** North County Fire Department.

9 **Q** Okay.

10 **A** Fire district actually.

11 **Q** And so channel three the North County Fire
12 District back on August 9th?

13 **A** Yes, it was.

14 **Q** And then channel four is what?

15 **A** That's used to be the old Public Works
16 slot. They went ahead and put Hazelwood and
17 surrounding municipalities on there as a receive
18 only so we can hear what's going on.

19 **Q** And then number five?

20 **A** Number five is your RIOT A channel.

21 **Q** So that's the county's RIOT A channel?

22 **A** Yes, ma'am.

23 **Q** And then number six?

24 **A** Number six is mutual aid.

25 **Q** We've heard mutual aid, what is that

1 channel for?

2 **A** Mutual aid is used like for airplane
3 crashes, disasters, it is a whole bunch of people
4 getting on there.

5 **Q** Okay. And then channel eight is what?

6 **A** Point-to-point.

7 **Q** And that is you've got here, UMCL, what
8 does that mean?

9 **A** That's UMCL and another surrounding area
10 we can hear also.

11 **Q** So that's a point-to-point channel?

12 **A** No, ma'am, that's just another channel
13 where we hear other municipalities.

14 **Q** Number nine?

15 **A** Berkeley.

16 **Q** And ten?

17 **A** Is North County Muni.

18 **Q** Okay. Now on some of these channels such
19 as number three, number four, number nine, I'm
20 sorry, I skipped, number seven, number eight, number
21 nine and ten, you have here REC, only. What does
22 that mean?

23 **A** Those are receive only. You can only hear
24 the people, you cannot talk or transmit back to
25 them.

1 **Q** All right. And so is channel three a
2 receive only channel?

3 **A** Yes, ma'am.

4 **Q** So an officer whose walkie-talkie is on
5 channel three, he can hear somebody transmitting on
6 that channel, but he can't transmit on that channel?

7 **A** No, ma'am.

8 **Q** How about dispatch, if dispatch is on
9 channel three, can they transmit on that channel?

10 **A** Yes, they can.

11 **Q** Can they also hear what is being received
12 on that channel?

13 **A** Yes, ma'am.

14 **Q** And then so we also talked earlier today
15 about when an officer's radio is on channel three,
16 and you demonstrated for me if an officer has his
17 radio tuned to a receive only channel, does he get a
18 tone on that radio?

19 **A** Yes, he does.

20 **Q** And what's the purpose of that?

21 **A** Telling that person that you need to get
22 on a transmission station, you're on a receive only.

23 **Q** So does that tone play when you switch to
24 that channel or does it only play if you key up the
25 mike?

1 **A** The only time it plays a tone if you
2 switch to the channel as if that's just a dead
3 channel completely. If it isn't, you can switch it
4 to that channel, but as soon as you key up on it, it
5 will make the same tone.

6 **Q** So like you don't have channel 12 in
7 Ferguson, correct?

8 **A** No, ma'am.

9 **Q** So if you switch the radio to channel 12,
10 you're going to hear a tone?

11 **A** As soon as you switch to it.

12 **Q** That tone comes out of the mike?

13 **A** It actually comes out of both the receive
14 and the mike.

15 **Q** So if it is not a dead channel, so it is
16 like channel three, a receive only channel, you have
17 to actually key up the mike to hear that tone?

18 **A** You actually don't know until you key up.
19 It is quiet until you try to transmit and then it
20 will make a loud tone.

21 **Q** You did that for me in my office, correct?

22 **A** Yes, ma'am.

23 **Q** We experimented, there is a volume button
24 on your radio, correct?

25 **A** Yes, ma'am.

1 **Q** And the volume button, obviously, turns
2 the volume down on the radio, correct?

3 **A** Yes.

4 **Q** Does it turn that tone down as well?

5 **A** It turns it down, but you can still hear
6 it, still audible.

7 **Q** Y'all want to hear him play that tone on
8 the radio.

9 (All grand jurors indicate yes.)

10 **A** You get the chirp turning the radio on.

11 **Q** Okay.

12 **A** This is channel three, it is dead, it is
13 silent. (indicating) That's what the officer would
14 hear, that's telling him, hey, get on a different
15 channel, you are a receive only. A dead channel
16 would be as soon as you hit that dead channel, it
17 tones.

18 **Q** Okay. Put it on a dead channel for me,
19 now turn the volume all the way down. Okay. So you
20 still hear a tone, but it is a lot quieter?

21 **A** Right.

22 **Q** It does come out of mike that is next to
23 your ear?

24 **A** Yes.

25 **Q** And it comes out of the actual portable

1 radio too?

2 **A** Yes.

3 **Q** And if you are on a receive only channel,
4 it would only happen once you key up the mike?

5 **A** Right.

6 **Q** All right. So let's see. I think I've
7 passed everything out that I brought with except
8 there is something I didn't know that it has the
9 receipts, you brought some receipts. They don't
10 need to --

11 **A** I think you have those.

12 **Q** I have those, yeah. Okay. So Sergeant
13 , I'm saying CAD is capital C-A-D?

14 **A** Yes, ma'am.

15 **Q** What does CAD stand for?

16 **A** That's Computed Aided Dispatch.

17 **Q** What is CAD, what is the CAD system?

18 **A** That's when we have calls, we have a ITI
19 system it is called. And what they do, the call
20 will come out, dispatchers use that for the
21 reporting. The officer can write in there what they
22 did. There is a report that doesn't need to be
23 taken, an official report, they can put, it is like
24 a little entry in there for notes. What he did when
25 he was on the call, that way that's always in there.

1 **Q** So this is via computer?

2 **A** Yes, it is.

3 **Q** Doesn't come across your radio?

4 **A** No, ma'am.

5 **Q** And so the dispatcher when she takes a
6 call and she hears an officer call in and say
7 something.

8 **A** Uh-huh.

9 **Q** And then she would have to separately
10 enter in a call on the computer in the CAD system?

11 **A** Yes.

12 **Q** So she puts some kind of notes related to
13 this call?

14 **A** Yes.

15 **Q** And then that information, that CAD
16 information, does that show up in the officer's
17 computers in their cars?

18 **A** Yes, it does.

19 **Q** And then the officers can also enter
20 things in the CAD system, correct?

21 **A** Yes, they can.

22 **Q** And if the officer does, does the
23 dispatcher see that on her computer as well?

24 **A** Yes.

25 **Q** And can each car see what the other cars

1 are entering?

2 **A** Yes. The only thing they can't do is
3 correct something.

4 **Q** They can't change somebody else's entry?

5 **A** No, ma'am.

6 **Q** How about dispatch, can she change it?

7 **A** No, ma'am. Only a supervisor can do that.

8 **Q** Now, let's talk about internal clock. We
9 talked about this you and I. So when a call is
10 received by an officer into dispatch, there's a
11 clock in dispatch that the dispatchers use, correct?

12 **A** Yes, ma'am.

13 **Q** And it is physically a digital clock that
14 sits there, correct?

15 **A** Yes.

16 **Q** And is that clock the accurate time?

17 **A** Yes, ma'am.

18 **Q** I don't even know what the accurate, there
19 is some kind atomic, I was going to say nuclear.
20 Some type atomic clock in some mountain state some
21 place, so that clock is the exact time, correct?

22 **A** Yes, ma'am.

23 **Q** So sometimes when the dispatcher
24 responding, or involved in a call she will actually
25 call out the time 11:36?

1 **A** Yes, ma'am.

2 **Q** She's getting that from her clock?

3 **A** Yes.

4 **Q** Now, when a dispatch call comes in and
5 might be answered by the dispatcher, does the
6 computer give that call a date and time?

7 **A** Yes.

8 **Q** And is that the same time that might be on
9 the call clock that the dispatcher is looking at?

10 **A** Yes, it is.

11 **Q** Is it ever off, have you had occasions to
12 see that those two times are not the same?

13 **A** Sometimes they do get unsynchronized. The
14 main problem we have is the 911 system, it is not
15 synchronized.

16 **Q** So let's talk about the 911 system. I
17 think you already said Ferguson does their own 911
18 calls, correct?

19 **A** Yes, uh-huh.

20 **Q** So the dispatcher handles those as well?

21 **A** Yes, they do.

22 **Q** Those are separate from the radio traffic,
23 but they still come from the dispatcher?

24 **A** Yes.

25 **Q** Those calls also have a date and time

1 assigned by the computer?

2 **A** Yes.

3 **Q** And so you're saying that you had problems
4 with that internal clock for the 911 calls?

5 **A** Yes.

6 **Q** And how many minutes have they been off in
7 the past?

8 **A** I've seen it as much as 21 minutes off.

9 **Q** Okay. So if you are, would it be fair to
10 say then that if you're going to look back at your
11 911 calls and the record of the calls, the time
12 that's listed for those calls on the computer are
13 not necessarily accurate?

14 **A** Right.

15 **Q** Okay. And you also said that it might be
16 that the actual dispatch call radio traffic, that
17 might be not in sync with the actual clock that the
18 dispatcher is looking at?

19 **A** Exactly.

20 **Q** And are all radio traffic calls recorded?

21 **A** Yes, ma'am.

22 **Q** And how long -- do you keep those
23 recordings in Ferguson?

24 **A** Yes, ma'am.

25 **Q** And how long does Ferguson keep those

1 recorded calls?

2 **A** 90 days.

3 **Q** Is it automatic?

4 **A** Yes, it automatically covers itself.

5 **Q** What about the 911 calls, does Ferguson
6 record those?

7 **A** Yes, ma'am.

8 **Q** Are those also dumped after 90 days?

9 **A** Yes, ma'am.

10 **Q** If you need to retrieve a call, though,
11 prior to it being dumped after 90 days, can you burn
12 those calls on a disc?

13 **A** Prior, yes.

14 **Q** Prior to them being dumped?

15 **A** Yes, ma'am.

16 **Q** And once they're dumped, their gone
17 forever?

18 **A** Yes, ma'am.

19 **Q** So now you and I and your dispatcher
20 listened to some calls this morning?

21 **A** Yes, ma'am.

22 **Q** You guys were here extra early at
23 6:30 this morning and we were listening to calls?

24 **A** Yes, ma'am.

25 **Q** And with the help of the two of you, you

1 were helping me understand what was being said and
2 what was going on in these calls, correct?

3 **A** Yes, ma'am.

4 **Q** Now, you testified that each officer has a
5 call number assigned to him?

6 **A** Yes, ma'am.

7 **Q** And depending on the day or the shift that
8 call number could be different?

9 **A** Right.

10 **Q** But does the dispatcher have a roster for
11 that day with the call number?

12 **A** Yes, supervisor brings one up to her.

13 **Q** Every day?

14 **A** Yes, ma'am, every shift.

15 **Q** So Frank 24 on Monday might be ,
16 but, well, actually Frank 24 is the supervisor,
17 isn't it?

18 **A** No.

19 **Q** No.

20 **A** Frank 24, on what day?

21 **Q** You're right, I was thinking of is
22 23.

23 **A** Yes, that's the only number that will stay
24 the same.

25 **Q** The supervisor number always stays the

1 same, but the officers call number can change from
2 day-to-day?

3 **A** Yes, ma'am.

4 **Q** So did you and your dispatcher and I
5 listen to these calls that we were listening to
6 today, did we figure out what numbers were what
7 officers?

8 **A** Yes.

9 **Q** You recognize the voices of a lot of these
10 officers, is that fair to say?

11 **A** Yes, ma'am.

12 **Q** And your dispatcher, she listens to these
13 same officers every day, did she indicate that she
14 recognizes people's voices?

15 **A** Yes.

16 **Q** So take notes because I don't have this
17 written down, I don't have this down. So on
18 August 9th for the calls that we were listening to
19 today, Frank 21 was Darren Wilson, correct?

20 **A** Yes, ma'am.

21 **Q** And Frank 22, was it ?

22 **A** .

23 **Q** And Frank 23 was Sergeant ?

24 **A** Yes.

25 **Q** Frank 24 was Officer ?

1 **A** .

2 **Q** Frank 25, what is first name?

3 **A** .

4 **Q** Officer and that's

5

6 Officer 26, Frank 26 that day was

7 your canine officer?

8 **A** Yes, that's Officer

9 **Q** .

10 **A** Two s.

11 **Q** ?

12 **A** Yes, ma'am.

13 **Q** . What's his first name?

14 **A** That's .

15 **Q** ?

16 **A** Uh-huh.

17 **Q** And Officer Frank 41 that day?

18 **A** That's Officer .

19 **Q** What's his first name?

20 **A** .

21 **Q** And then on that, again, supervisor

22 Lieutenant is heard on some of these calls,

23 correct?

24 **A** Yes, he is. First name

25 **Q** And does he use a Frank number on these

1 calls or did he use his DSN?

2 **A** He uses his DSN on this call.

3 **Q** Just to make this even more confusing,
4 each officer has a DSN, correct?

5 **A** Department serial number.

6 **Q** That is their number always?

7 **A** Yes, ma'am.

8 **Q** And then you are assigned to a car that
9 has a car number, correct?

10 **A** Yes, ma'am.

11 **Q** And that may change?

12 **A** Yes.

13 **Q** But it generally stays the same?

14 **A** Stays the same.

15 **Q** And then the officer has a call signal
16 Frank 21 and Frank 24. And each officer for the
17 shift has a different call center, correct?

18 **A** Yes, ma'am.

19 **Q** But that may change the next day?

20 **A** Yes.

21 **Q** And then each officer has his own
22 walkie-talkie?

23 **A** Yes, ma'am.

24 **Q** That he takes with him and may take home,
25 correct?

1 **A** Yes.

2 **Q** Okay. Are we thoroughly confused?

3 MS. WHIRLEY: We have a question.

4 : I didn't get that last
5 one, I got Frank 41 was , who was the last
6 one?

7 MS. ALIZADEH: Lieutenant .
8 and you said ?

9 **A** It is .

10 : And he just uses a DSN?

11 **A** Yes, on that call that night. He was off
12 that day. He is a resident officer.

13 **Q** (By Ms. Alizadeh) I'm setting this up
14 because we are going to hear some calls and I've got
15 a transcript and the officers are identified by
16 their number like 21, 22, 24, okay.

17 So you and I and your dispatcher sat
18 down and we went over these calls this morning and I
19 actually made some changes on the transcript as you
20 would be telling me oh, that's so and so.

21 **A** Right.

22 **Q** So sometimes when the officer calls in
23 they don't identify themselves by their signal or
24 their call number, correct?

25 **A** No, ma'am.

1 **Q** And sometimes when the officers call, they
2 can talk to each other, correct?

3 **A** Yes, ma'am.

4 **Q** And sometimes they use their first names?

5 **A** Yes.

6 **Q** , , we hear on the transmissions,
7 correct?

8 **A** Right.

9 **Q** Okay. Now, we're going to play the call
10 with the dispatcher. So her voice is heard on this
11 as well and she can identify people as well, but for
12 the purposes of understanding how the communication
13 system in Ferguson works or any of the testimony
14 from this witness, does anybody have any questions
15 or additional questions?

16 MS. WHIRLEY: I do.

17 MS. ALIZADEH: Sheila, sorry, go ahead.

18 MS. WHIRLEY: What sector is Canfield
19 Green Apartment?

20 **A** That's four sector.

21 MS. WHIRLEY: That's four sector?

22 **A** Four sector.

23 MS. WHIRLEY: How many people are assigned
24 to that sector on August 9th?

25 **A** That's just one officer.

1 MS. WHIRLEY: Just Officer Wilson?

2 A No, ma'am. It was Officer .

3 MS. WHIRLEY: Okay. Was Wilson the cover
4 car?

5 A No, ma'am. He was 21. He's actually one
6 sector, that's up by the highway.

7 MS. WHIRLEY: All right. So I guess I
8 don't understand, he was patrolling that sector, but
9 that was not his sector.

10 A He was assisting on a call.

11 MS. WHIRLEY: Okay. That's why he was
12 there at that location?

13 A Yes, ma'am.

14 MS. WHIRLEY: His radio was operable that
15 day?

16 A Yes, ma'am.

17 MS. WHIRLEY: And I know the dispatcher
18 has got to do the calls with us. So you may or may
19 not know the answer to this question, but I'd like
20 to know the amount of time from when Wilson called
21 out in Canfield, you remember that call?

22 A Yes, ma'am.

23 MS. WHIRLEY: He says I've got two
24 subjects, or something to that effect?

25 A Uh-huh.

1 MS. WHIRLEY: The time between then and
2 when his assistance arrived, would you know that or
3 we need to listen to the dispatcher?

4 A You could probably hear that on the tape.

5 MS. WHIRLEY: You don't know that
6 timeframe?

7 A No, ma'am. It was pretty instantaneous
8 though.

9 MS. WHIRLEY: When he first called, he had
10 two on Canfield, his assistance came from quickly.

11 A If I remember right, I'll be out with two,
12 send me another car.

13 MS. WHIRLEY: Right.

14 A And Frank 25 is the one who responded to
15 you. Could hear him with his engine and the car
16 going to the scene, he gets there pretty quick.

17 MS. WHIRLEY: Okay. We don't know the
18 time, we might be able to figure out?

19 A You can probably figure it out.

20 MS. WHIRLEY: Okay. Now that emergency
21 alert tone, that orange button, are officers trained
22 on that or taught, is that ever discussed with the
23 officers as to when it is appropriate to use that?

24 A Yes, that's one of the first things they
25 are taught on is that alert tone because that's

1 their lifeline.

2 We do also do radio checks every
3 Sunday on the midnight shift for alert tone test to
4 make sure that the alert tone is still working.

5 We also do that with cars too, so
6 that's all done on a Sunday evening when they're
7 somewhat quiet.

8 Each officer that's working will have
9 to hit their alert tone so we know that walkie is
10 working then. If it isn't, we know to take it out
11 and get them another walkie and get it repaired.

12 MS. WHIRLEY: So they do that on a weekly
13 basis?

14 **A** Yes, ma'am, it's every Sunday night on the
15 midnight shift.

16 MS. WHIRLEY: So that's a pretty important
17 part on knowing how to communicate for your life?

18 **A** Yes, it is.

19 . It
20 doesn't matter what radio frequency that you are on
21 if you hit that alert button?

22 **A** It could be on any channel and you hit
23 that alert tone and it takes it over. It basically
24 takes the radio from you so to speak.

25 Okay.

1 MS. WHIRLEY: When they hit that alert
2 button, the dispatcher immediately knows who is
3 hitting it and what to do?

4 A Yes, ma'am. There's a screen up in front
5 of each dispatcher. It's a radio screen and up in
6 the corner it will tell whose walkie it is by name
7 and the walkie number.

8 MS. WHIRLEY: When that button is hit,
9 what is the dispatcher, what is she supposed to do
10 or he?

11 A They ask right away, everything else quits
12 all the traffic dies down. She gets on there and
13 asks, you know, who the walkie is, are you okay.
14 Everything 10-4 and then he's supposed to respond
15 back.

16 MS. WHIRLEY: And if he doesn't?

17 A If he doesn't, then they start doing a
18 roll call finding out where everybody is at.

19 MS. WHIRLEY: So it is a huge deal?

20 A Yes.

21 MS. WHIRLEY: All right. Why would
22 officers be on the RIOT channel.

23 A On the RIOT channel?

24 MS. WHIRLEY: Yeah.

25 A That's for say to cover another St. Louis

1 County maybe has something big going on, so they'll
2 get on that channel.

3 MS. WHIRLEY: Just to hear what's going on
4 because they are not responding to the calls
5 generally?

6 A No, huh-uh. But that's put into a scan
7 mode so the officer doesn't actually physically
8 switch to that channel. It is automatically
9 scanning that channel. So if there's a transmission
10 on that channel it will come up. But if dispatch
11 wants to get ahold of them, it will supersede that
12 channel and take over.

13 So it is on a priority button.

14 MS. WHIRLEY: Okay. So if you are
15 scanning the County's RIOT channel, that's not going
16 to interfere with your dispatcher communicating with
17 you or you communicating with your dispatcher?

18 A Not at all.

19 MS. WHIRLEY: Does Ferguson have its own
20 RIOT channel?

21 A No, ma'am.

22 MS. WHIRLEY: Okay. Any problems, you may
23 have answered this, I'm not certain. Any problems
24 with the walkies, the walkie-talkies call and
25 receiving calls at Canfield Green? You mention kind

1 of dead zone, or could be. I wasn't sure what that
2 meant.

3 **A** Some walkies have a problem with it. You
4 have got to remember Canfield used to be a golf
5 course, a lot of hills and a lot of terrain,
6 different terrain in there.

7 If you're standing a certain way,
8 that walkie will not get out. Then if you just move
9 2 feet over, you have got transmission. It is just
10 a weird, the way the terrain is.

11 MS. WHIRLEY: Okay. Do you have your
12 officers complaining who work in Canfield Green,
13 hey, I'm not getting my calls or I can't send you my
14 location.

15 **A** Yes. We have a few. It mainly happens in
16 one sector, not in four sector.

17 MS. WHIRLEY: And the sector that you're
18 talking about is sector four?

19 **A** Yes, ma'am.

20 MS. WHIRLEY: Does that mainly happen in a
21 sector?

22 **A** It happens occasionally, not as often as
23 in one.

24 MS. WHIRLEY: Okay.

25 **A** If the repeater is not working right or if

1 we have what they call a Dellwood repeater, it is
2 right there by the Dellwood Civic Center. It is on
3 a separate tower. If that isn't working correctly,
4 you will have problems getting out in one sector.
5 We go all the way to Old Halls Ferry and 270. If
6 you're on a walkie-talkie on an accident, you won't
7 hear that officer. Now the other officer assisting
8 him can, he can relay the message.

9 MS. WHIRLEY: On channel three, which is
10 what I think Darren Wilson may have been on; is that
11 correct or do you know?

12 A I don't know.

13 MS. WHIRLEY: You said on your channel
14 three, the dispatch can hear and receive, right?

15 A Yes.

16 MS. WHIRLEY: On channel three. Can they
17 transmit too.

18 A Yes, I'm sure. Yeah. That's a North
19 County fire channel. So they'll need to be able to
20 transmit with our fire department.

21 MS. WHIRLEY: Okay.

22 A When our fire department goes 10-8 from a
23 call, a fire call, they'll transmit on that.

24 MS. WHIRLEY: So that channel was
25 monitored all the time?

1 **A** Yes, ma'am.

2 MS. WHIRLEY: Is it recorded also?

3 **A** Yes, ma'am.

4 MS. WHIRLEY: So if an officer is on
5 channel three and asks for assistance and puts out
6 shots fired, it should be recorded somewhere?

7 **A** You're not going to hear it, it is receive
8 only.

9 MS. WHIRLEY: It is receive only from that
10 officer?

11 **A** From the channel. The officer will not be
12 able to transmit.

13 MS. WHIRLEY: I'm sorry, you did explain
14 that. When you hit that channel we're going to hear
15 --

16 **A** You are going hear that tone.

17 MS. WHIRLEY: The purpose of the tone is
18 what?

19 **A** To move to a different channel that is
20 transmittable. It is a safety feature. It is in
21 the walkie-talkies actually.

22 MS. ALIZADEH: Just real quick.

23 Sergeant, I had told you that there was a
24 call perhaps from Ferguson that did not recorded by
25 dispatch, correct?

1 **A** Yes, ma'am.

2 MS. ALIZADEH: And did you then pull all
3 the other channels to see if there was other --

4 **A** My curiosity got the best of me and I went
5 back before the tape started to get erased.

6 MS. WHIRLEY: We are coming up on the 90
7 days, correct?

8 **A** It is 90 days now. It is going to start
9 erasing stuff. As we speak right now it is erasing
10 stuff.

11 **Q** (By Ms. Alizadeh) Okay. So prior to today
12 was it this weekend you did that?

13 **A** I did that last week.

14 **Q** So you looked at, or you pulled the calls
15 from these other channels; is that right?

16 **A** Yes, ma'am.

17 **Q** And you listened to them?

18 **A** Yes, ma'am.

19 **Q** Do you hear Darren Wilson making a call on
20 any of those other channels?

21 **A** No, ma'am.

22 MS. ALIZADEH: I have those. I don't know
23 if it would be kind of pointless to play it. He's
24 listened to them and he doesn't hear Officer Wilson
25 on any of those channels. All right. Go ahead,

1 questions?

2 : . You had
3 mentioned that dispatch has the cell phone numbers
4 of all the officers. Can you talk a little more
5 about what that expectation is or if there is
6 protocol with regard to different officers and stuff
7 on these?

8 **A** For the officers using their cell phones?

9 Uh-huh.

10 **A** They use them quite a bit.

11 Okay. Is it expected that
12 they have them with them?

13 **A** No.

14 It is not at all?

15 **A** Huh-uh.

16 : Okay. Thank you.

17 You talked about
18 the dead zone potentially in Canfield there. If
19 someone is on the receive only channel like channel
20 three, they would get that tone, would you get that
21 tone in a dead channel?

22 **A** On a dead channel?

23 I'm sorry, on a dead zone.

24 You were in a dead zone, you were on like that
25 channel 3, would you get the tone?

1 **A** No, you would just get static.

2 It doesn't even know and
3 so forth. Would that be the same thing with the
4 alert button in an accident situation?

5 **A** If I hit the alert button right now, they
6 would actually hear.

7 : So it is a repeating
8 process, right, until it finally hits a beacon or
9 whatever?

10 **A** Exactly.

11 : Is that operating on a
12 different frequency? I'm trying to figure out how
13 the alert button gets out, but the general
14 transmission does not, we know it does?

15 **A** It doesn't. The workings of that --
16 MS. ALIZADEH: That would probably be a
17 question that could answer. If you want
18 me to find out and bring him back or whatever.

19 You say the alert button
20 would get through?

21 **A** Oh, yeah.

22 Okay.

23 Just one question.

24 . You mentioned that Darren Wilson was
25 assisting on this sick call, I think was, was it 24;

1 is that correct.

2 **A** No, he wasn't assisting on a call.

3 MS. ALIZADEH: The dispatcher we're going
4 to hear the call. She's going to interpret for us
5 who is going on. What does 10-8 mean, all this
6 lingo that's said during these calls. She's going
7 to be able to kind of translate that for us on what
8 calls who was going on and who was assisting and so
9 forth.

10 MS. WHIRLEY: Maybe what you are talking
11 about, we had asked what is he assigned to sector
12 four and you said he was not?

13 **A** No.

14 MS. WHIRLEY: So we're just trying to
15 figure out what he was doing in that general
16 location?

17 **A** Right.

18 MS. WHIRLEY: So can you tell us?

19 **A** He was on a prior call at a disturbance at
20 one of our other apartment complexes and when he
21 went 10-8 from there, he went onto a sick case at
22 another apartment complex. He was in that general
23 area anyway, four sector.

24 MS. ALIZADEH: And so it's not prohibitive
25 for a sector car to leave their sector?

1 **A** No, ma'am.

2 **Q** (By Ms. Alizadeh) And you talk about the
3 facts that sector has to go on call or leave their
4 sectors that one of the roaming cars or cover cars
5 might move into that area just to make sure there's
6 coverage?

7 **A** Uh-huh.

8 **Q** Okay. And also we hear on these
9 transmissions, at one point there's Country Club
10 Hills, or what was the other one?

11 **A** Country Club Hills.

12 **Q** Country Club Hills officer who chimes and
13 he's responding to a call in Ferguson, correct?

14 **A** Yes, yes.

15 **Q** So other municipalities that are listening
16 to this radio traffic, they can also come into your
17 jurisdiction and respond to an emergency or
18 something?

19 **A** You got to remember we dispatch for two
20 other municipalities, they are on our frequency and
21 they monitor everything that we're doing.

22 **Q** Okay. And so we hear on those calls
23 someone that's Victor 2?

24 **A** Yes.

25 **Q** Is that a Country Club Hills officer?

1 **A** Yes, it is.

2 **Q** Are all of the Ferguson officers Frank?

3 **A** Yes.

4 **Q** And that Frank 21, Frank whatever, and
5 that means Ferguson, correct?

6 **A** Country Club Hills and Calverton Park.

7 **Q** Are all the Country Club Hills officer
8 Victor something?

9 **A** Yes.

10 **Q** So when someone calls out and they say
11 their name and their caller, that identifies what
12 municipality they're with and who they are that day?

13 **A** Yes.

14 **Q** And then the dispatcher and you also told
15 me that usually will even recognize their voices?

16 **A** Yes. We do have one other municipality
17 which became a police department, which is Flordell
18 Hills.

19 : . Piggyback
20 off of . Just for clarification, you said
21 Frank 24 officer, he was in the sector, right?

22 **A** Yes.

23 Officer Wilson was his
24 assistance, is that how?

25 **A** No. He's in -- Wilson was in a separate

1 sector which is one sector.

2 Oh, one, okay. One
3 sector?

4 **A** Yeah.

5 So the area he was?

6 **A** Four sector.

7 **Q** (By Ms. Alizadeh) And just to kind of lay
8 out what happens on these radio calls. First of all
9 the calls begin, the recordings begin in the middle
10 of a shift, correct?

11 **A** Yes.

12 **Q** So there is other calls that we are not
13 playing where officers were out on other calls. So
14 when we start on the call, initially there is talk
15 about a caller who says that a man with a gun, or a
16 man has threatened her and he's left. He lives in
17 the apartment complex and she thinks he might have
18 left to go get a gun?

19 **A** Right.

20 **Q** And this a subject maybe going to get a
21 gun, would it be typical for more than one car to
22 respond to that?

23 **A** Yes. Officers hear that, they don't have
24 to hear anything from the supervisor, that's all
25 automatic for them. As long as they tell the

1 dispatcher, Frank 21, I'll be assisting or Frank 21
2 I will be en route. When they hear gun, you pretty
3 much get the calvary coming into the area. There
4 are several.

5 **Q** We hear on those calls that the traffic
6 amongst themselves and one guy says, I'm going to go
7 behind the building and they're looking for somebody
8 and they are communicating with themselves?

9 **A** Yes.

10 **Q** Each other?

11 **A** Yes.

12 **Q** So there is actually three officers that
13 go to that apartment call, correct?

14 **A** Yes.

15 **Q** Only one of them it was his sector?

16 **A** Right.

17 **Q** So other cars go there to assist?

18 **A** That officer whose sector that is, he was
19 out on a sick case. The three officers are
20 responding to that call are actually assisting that
21 officer because he's out on another call.

22 **Q** And this is something that experienced
23 officers just kind of learn to do, is that fair to
24 say?

25 **A** I think I just confused her.

1 No, you didn't.

2 Q (By Ms. Alizadeh) They hear this traffic,
3 they know who's busy, they know what's going on and
4 something else, they know street numbers, they know
5 street names, they know problem places, correct?

6 A They know everything. Those officers,
7 they could tell by the officer's tone of his voice
8 that I need to get their quick, that's how the
9 officers are tight.

10 Q And you and your dispatcher even told me
11 today when we were listening to these calls that she
12 could hear that there was a problem in Officer
13 voice?

14 A Yes.

15 Q And that is even before the dispatchers
16 knew what was on?

17 A Right.

18 Q They knew there was a big problem?

19 A Yes.

20 Q And so that's how these officers, they
21 communicate by voice, they get to know each other,
22 they work together, and they work together?

23 A Uh-huh.

24 Q Is that right?

25 A Yes, ma'am.

1 MS. ALIZADEH: Any other questions.

2 . About the
3 dead zone, how long have you been an officer in that
4 area?

5 A I've been in Ferguson 27 years.

6 : Are these deadzones more
7 like word of mouth or is there any kind of
8 documentation?

9 A It is documented by complaints from
10 officers and stuff.

11 MS. ALIZADEH: Let me ask you when we were
12 listening to the calls, in fact, isn't there a call
13 where you hear static and then suddenly could hear
14 the officer talking?

15 A Yes.

16 MS. ALIZADEH: You describe when your
17 dispatcher said, I can tell he's on his portable and
18 he's walking.

19 A Right.

20 MS. ALIZADEH: And he walks from one place
21 to another and suddenly you can hear him speaking?

22 A Right.

23 : . You said
24 that, I want to clarify to make sure I've got this
25 correct here. You said that Officer Darren Wilson,

1 he was on a disturbance call at another complex?

2 **A** Yes, ma'am.

3 Do you know which complex?

4 **A** Parkridge Apartments.

5 Parkridge Apartments. And
6 then he went to a different complex to assist on a
7 sick call.

8 **A** No, he was actually the primary on that
9 sick call, he was the only officer. When I say
10 assist, when I say that, he assists in the sector
11 car, so he doesn't have to jump off of that call to
12 go run all the way over here. So when I say assist,
13 he is just assisting the sector car. So he doesn't
14 have to go 10-8 for the call.

15 **Q** (By Ms. Alizadeh) And 10-8 means?

16 **A** Clear a call, I'm off the call.

17 **Q** I'm done, I'm back in service, I can take
18 another call?

19 **A** Exactly.

20 : Now, when this happened,
21 when this incident occurred, between him and Michael
22 Brown, was he on his way to that sick call or he had
23 completed it?

24 **A** He completed that call and was on his way
25 out of the complex.

1 : And was on his way out of
2 the complex.

3 Q (By Ms. Alizadeh) When we listen to these
4 calls today and you hear that the dispatcher is
5 calling out about a stealing in progress and she
6 gives an address.

7 A Yes, ma'am.

8 Q Just the number, she doesn't give a street
9 even?

10 A No.

11 Q Is that because the officer's just know
12 what that means that's the Ferguson Market?

13 A Well they know that, well, basically they
14 know exactly where that number is.

15 Q She doesn't say there's a stealing in
16 progress at the Ferguson Market on West Florissant?

17 A Right.

18 Q There's a call, there's a stealing in
19 progress and you hear the dispatcher call out what
20 the nature of the call is, what was stolen, a
21 description of the suspect?

22 A Yes.

23 Q And in their clothing, correct?

24 A Yes.

25 Q Two officers responded to that call,

1 correct?

2 **A** Yes.

3 **Q** And who were those two officers?

4 **A** The first officer was who is Frank
5 25.

6 **Q** Who was the other person responding?

7 **A** That was , Frank 22.

8 **Q** And then do you hear Darren Wilson call in
9 and ask if they need him to respond to that call as
10 well?

11 **A** Exactly. He was coming off the sick case
12 call with the baby and asked if they needed
13 assistance. If he could help out or whatever.

14 **Q** So he's calling those two officers or
15 calling dispatch, who is he calling?

16 **A** If I remember right, he called dispatch.

17 **Q** And he says, do you need --

18 **A** Do you need another car, you need me to
19 assist or you need any help.

20 **Q** That's on the Ferguson deal, the Ferguson
21 Market?

22 **A** Yes.

23 **Q** Okay. And then he doesn't actually go to
24 the Ferguson Market, he doesn't get there?

25 **A** No, he doesn't get there.

1 in a dead zone you are going to.

2 : You are getting the tone
3 from the dead channel, you aren't in the frequency
4 of anything?

5 **A** It doesn't have anything on it, right.

6 And I'm trying to
7 clarify. You said the dispatcher overrides the
8 scans of the RIOT channel. If somebody is listening
9 to the RIOT channel and the dispatcher from Ferguson
10 comes on, all officers are needed at such and such,
11 they will override, the officers will hear that?

12 **A** They will go point-to-point, they won't go
13 to the RIOT channel. Dispatchers will go to
14 point-to-point.

15 : And the officers will
16 hear that?

17 **A** Yes.

18 : Point-to-point is hear
19 only?

20 **A** That's hear only, it is not a receiver.

21 And I just had another
22 question about you said that Officer Wilson had a
23 newer model mobile device in his car?

24 **A** Yes, ma'am.

25 : But he didn't have a

1 newer model portable walkie.

2 **A** No, ma'am, they're still the old walkies.

3 Does that have any
4 bearing on what's being heard, what's being
5 transmitted?

6 **A** No.

7 Seems like we have a lot
8 of variables here. We have a newer mobile device,
9 an old portable device, we have an area that's known
10 to be a dead zone. We have different channel
11 frequency. I'm just trying to find out --

12 **A** The newer radios, and I'm sure
13 went through this, but the newer radios are going to
14 be more microwaveable. So you are going to hear
15 more from them, but they are still on the old
16 system.

17 Okay.

18 **A** And that's because we're still on the old
19 system with our walkies and our dispatch center. As
20 soon as that 800 megahertz gets updated and ready to
21 go. We'll have new walkies, which are coming pretty
22 soon. We will have a new dispatcher center and new
23 radios and everything will tie in together.

24 Right now we are using a newer radio
25 with our old system, which works just as good.

1 MS. ALIZADEH: If there are problems with
2 the old system, the new radios aren't going to solve
3 those problems?

4 A No.

5 Until you get the new
6 system?

7 A Right. The new system we shouldn't have
8 dead zones, we shouldn't have problems.

9 : This is a real important
10 question for me to understand. You said that you
11 checked all the channels to see if a call was made
12 from Darren Wilson on his portable to any other
13 channel and you couldn't find one?

14 A When I say that, we have certain channels
15 on our recording device. We have what they call
16 trunk systems. 911 we have five trunks.

17 What it is, say you are dialing 911
18 into me, then all of the sudden she dials 911 that
19 will go to trunk two and then all of the sudden he
20 dials 911, that's going to go to the next trunk
21 system three. So we have a bunch of systems in
22 there going because we constantly get 911 calls.

23 So what I did was, I go back and
24 check all the trunks on the 911 system and I also
25 check point-to-point, I check the fire station, the

1 North County Fire.

2 We have backup, our police backup. I
3 will use the police backup because it is a clearer
4 and more. I mean, you can hear everything in there.
5 When you're on the backup system, you can actually,
6 somebody wants a tape or something, I will just go
7 straight to that. I won't just use the main channel
8 because you don't get the static, you don't get the
9 cars, people talking behind them. It will be a
10 clearer sound.

11 And then also we have our phone
12 numbers. You know, we come in with 522-3100, then
13 it keeps going. They have all the detectives'
14 numbers in there and everything else.

15 So the list of everything I'm looking
16 at is probably about this long. (indicating)

17 So with your experience
18 and the information that you were able to tell, it
19 does not appear as though he tried to make a all
20 from his portable?

21 MS. ALIZADEH: I'm going to clarify this
22 because there are calls that are heard, but you
23 can't tell what is being said?

24 **A** Right.

25 MS. ALIZADEH: Or there is static.

1 **A** There's static.

2 : The only way to tell that
3 it is coming from this radio is if it is the
4 emergency button?

5 **A** Right.

6 : Okay. Thank you.

7 I
8 just have some clarification. You said that Frank
9 22 and Frank 25 were dispatched on the way to the
10 Ferguson Market incident; is that correct?

11 **A** When the call came out of Ferguson Market,
12 Frank 25 was actually the primary on that call.

13 : Okay.

14 **A** You got to realize that apartment complex
15 is only a block away, not even a block. So they're
16 leaving that area and he is right there. All he has
17 to do is come out of an entrance and go right into
18 Ferguson Market.

19 : Okay. And then if I'm not
20 mistaken, you said that, you said that Officer
21 Darren Wilson, he called into dispatch to see if the
22 officer needed any assistance, is that my
23 understanding?

24 **A** If he was needed in the area or whatever.
25 I guess to help look for the subjects or something.

1 : Do you know what their
2 response was to Officer Wilson?

3 **A** I think the dispatcher said, I don't
4 remember what the dispatcher said now.

5 MS. ALIZADEH: I don't remember either.
6 We will hear the calls and the dispatcher.

7 : It didn't come from the
8 officer, the dispatcher is the one that is directing
9 Officer Wilson?

10 **A** I think he's asking dispatch.

11 Okay.

12 MS. ALIZADEH: Any other questions?

13 MS. WHIRLEY: Just one last thing for me.
14 So when Officer Wilson called out that he had two on
15 wherever and to send a car, that transmission
16 obviously was received?

17 **A** Yes, it was.

18 MS. WHIRLEY: That reporting?

19 **A** Yes.

20 : So that means, I'm sorry,
21 Juror Number 9. He was on the right channel to
22 receive that call?

23 **A** Yes, ma'am.

24 For the other cars to hear
25 them?

1 **A** He had to be on channel one because that
2 was on channel one dispatch, but he was in his
3 vehicle, so he's in a mobile unit not on his
4 walkie-talkie.

5 : Okay.

6 MS. WHIRLEY: Could you tell he was on
7 mobile or walkie-talkie when he was in his car?

8 **A** You can hear by the static in the radios.
9 One is more clearer than the other because of the
10 wattage.

11 MS. ALIZADEH: Anyone else? Okay.

12 (End of the testimony of)

13 MS. ALIZADEH: For clarification purposes,
14 this disc would normally, the beginning of the
15 testimony of our next witness, however, during the
16 break, the grand jurors indicated that they had,
17 they wanted to clarify something that Sergeant
18 had testified about previously so.

19 Sergeant is here and, Sergeant, you
20 are still under oath, you understand that?

21 **A** Yes, ma'am.

22 MS. ALIZADEH: So go ahead and ask what
23 questions you have that you wanted to clarify.

24 . If Darren
25 Wilson is on a receive only channel, say number

1 three. And he's in a dead zone, will he get a tone
2 or static, I guess is what comes up?

3 **A** If he's on, if he's on like say three,
4 even if he was in a dead zone, he would get a tone.

5 He would still get a tone?

6 **A** Yes. Even if you're in like Wal-Mart and
7 a building with concrete or metal they couldn't get
8 out and he's on three accidentally, he would still
9 hear that, that tone, that real loud.

10 Okay.

11 MS. ALIZADEH: Is that it?

12 The first
13 call that Officer Wilson sent out when he asked do
14 they need assistance, that was to the other police
15 officer cars?

16 **A** No, ma'am. He was calling and talking to
17 dispatch.

18 That was with dispatch?

19 **A** Yes, ma'am.

20 : He wasn't on his mobile?

21 **A** No, he was actually on his mobile.

22 On his mobile.

23 **A** You can tell the difference.

24 : In the car?

25 **A** Yes.

Page 82

1 The second call for help,
2 was it mobile or --

3 **A** I didn't hear a call for help.

4 : So you never got any other
5 from Officer Wilson to the dispatcher?

6 MS. ALIZADEH: Do you mean, ma'am, the
7 call where he said I'm out on Canfield with two,
8 whether or not that was mobile or portable, is that
9 what you mean the second call?

10 Yeah, was that.

11 **A** That was mobile.

12 That was mobile too.

13 After those two, nothing else came through?

14 **A** No, ma'am.

15 : Okay.

16 MS. ALIZADEH: Okay, Any other
17 questions?

18 So we won't stop the recording. The
19 witness is ready, we are not going to take a break.
20 Thank you, Sergeant.

21

22

23

24

25

1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 BY MS. ALIZADEH:

9 Q Ma'm, could you state your name and spell
10 it for the court reporer?

11 A

12 Q Now, ma'am, the microphones that are in
13 front of you do not amplify your voice, they're just
14 recording. So you need to keep your voice up loud
15 enough so we can hear you all the way back here,
16 okay?

17 A Okay.

18 Q And because the court reporter is taking
19 down what you are saying and we are recording what's
20 being said, your answers all have to be out loud.
21 You can't shake your head or nod because that
22 wouldn't get picked up on the recording.

23 A Okay.

24 Q All right. Ma'am, what's your occupation?

25 A I am a dispatcher with the City of

1 Ferguson.

2 Q Okay. You might need to talk a little
3 louder?

4 A I'm a dispatcher with the City of
5 Ferguson.

6 Q How long have you been a dispatcher?

7 A I have been a dispatcher since 1991. I've
8 been with the City of Ferguson since May of 1993.

9 Q Of 1990?

10 A Three.

11 Q Three. And we have already heard from
12 another witness that there are four full-time
13 dispatchers?

14 A No, there are six full-time dispatchers.

15 Q Are you full-time or part-time?

16 A I am full-time.

17 Q So I imagine that there are dispatchers
18 that are working every hour of every day in
19 Ferguson, correct?

20 A Yes.

21 Q Do you work in shifts?

22 A Yes, we do.

23 Q How many dispatchers work per shift?

24 A Two.

25 Q And what is the length of the shift?

1 **A** Eight hours.

2 **Q** And does your shift change, like do you
3 have like the afternoon shift for several weeks and
4 then it is the night shift for several weeks or are
5 you on permanent?

6 **A** I'm on a permanent shift. Full-timers are
7 all permanent.

8 **Q** What is your shift?

9 **A** My shift is 7:00 a.m. to 3:00 p.m.

10 **Q** And was that your shift on August 9th of
11 this year?

12 **A** Yes, it was.

13 **Q** Do you recall that day being a Saturday?

14 **A** I'm not sure what day it was of the week.

15 **Q** You were working on the day of the
16 shooting; is that correct?

17 **A** Yes, ma'am.

18 **Q** And so how many days a week do you work?

19 **A** Usually five.

20 **Q** Are those always the same days or do you
21 have different days?

22 **A** I have different days.

23 **Q** Okay. You do recall, though, that you
24 were working on the day of the shooting of Michael
25 Brown?

1 other?

2 **A** Yes, ma'am.

3 **Q** And do each of you have your own separate
4 console?

5 **A** Yes, ma'am.

6 **Q** Now, we've already talked about 911 calls.
7 Do both dispatchers answer 911 calls?

8 **A** Yes, ma'am.

9 **Q** And then do both dispatchers dispatch
10 radio calls?

11 **A** Yes.

12 **Q** And then what about the CAD calls, we have
13 already heard testimony that that is a computer
14 information system. Do you input information into
15 the CAD system?

16 **A** Yes.

17 **Q** Okay. So you are doing a lot of different
18 things?

19 **A** Yes.

20 **Q** And we've also heard testimony that on a
21 given day the officers that are patrolling the City
22 of Ferguson are assigned a call signal, like a call
23 name like Frank 21, Frank 22, so forth?

24 **A** Yes, ma'am.

25 **Q** And that might change from day-to-day?

1 **A** Yes.

2 **Q** So at the beginning of your shift, do you
3 get a roster with the call, is it called a call
4 center?

5 **A** Call sign.

6 **Q** Call sign. Do you get a roster with call
7 signs and whose working that day?

8 **A** Yes, ma'am.

9 **Q** And so when an officer calls out and he's
10 on the dispatch channel and he's in his vehicle in
11 his car, generally can you hear that call?

12 **A** Yes.

13 **Q** Are there times when it is difficult to
14 hear that call?

15 **A** Yes.

16 **Q** Are there times when officers will walk
17 over each other and walk on each other and they're
18 both making calls at the same time?

19 **A** Yes.

20 **Q** And then what about the portable radios,
21 is it sometimes difficult to hear when an officer
22 makes a call on a portable radio?

23 **A** Yes.

24 **Q** And are you aware that the portable radio
25 has 5 watts and that the mobile radio is a 10 watt

1 transmitter?

2 **A** Yes.

3 **Q** And so would it be fair to say that the
4 portable radios have a weaker signal?

5 **A** Yes, ma'am.

6 **Q** Now, for the amount of time that you have
7 been working for Ferguson, do you recognize
8 generally the voices of the different officers that
9 are calling in?

10 **A** The older officers, yes.

11 **Q** And so we've heard these transmissions,
12 you and I listened to them today; is that right?

13 **A** Yes.

14 **Q** You identified a lot of the officers, in
15 fact, all of the ones that we were listening to
16 between yourself and Sergeant , you were able to
17 tell me who was who when they were talking; is that
18 right?

19 **A** Yes.

20 **Q** And then also were you aware that I had a
21 transcript where someone previously has attempted to
22 transcribe what's being said in these calls, did you
23 see me make changes on it?

24 **A** Yes, ma'am.

25 **Q** There would be times where you could tell

1 me what was being said when I couldn't really hear
2 it?

3 **A** Yes.

4 **Q** Now, you and I talked about that, about
5 the ability of a dispatcher with your experience to
6 understand what's being said when someone like me
7 might listen to the call and say, okay, I didn't get
8 that or I can't hear what's being said. Is that
9 something that just comes with years of experience?

10 **A** Yes.

11 **Q** And also, you also talked about, in fact,
12 you talked about certain officers having a certain
13 way of speaking.

14 **A** Yes, some of them do.

15 **Q** And one of the officers you said I can
16 tell that's him, he'll always have a pause in his
17 voice, like stops mid sentence and then completes a
18 sentence?

19 **A** Right.

20 **Q** And you also said there is one officer who
21 has got kind of a southern twang to his voice?

22 **A** Yes.

23 **Q** And did you also describe for me that you
24 can also tell by the tone of the officer's voice
25 whether or not he's, he may be excited or there's a

1 problem?

2 **A** Right.

3 **Q** Now, when the officers are out on patrol,
4 are they supposed to notify you where they are and
5 what they are up to at all times?

6 **A** Yes.

7 **Q** So if an officer is on a call, when he
8 finishes that call, does he call in and tell you
9 he's done with the call?

10 **A** Yes.

11 **Q** And how does he do that?

12 **A** He radios in using his call sign and let's
13 us know that he's 10-8.

14 **Q** 10-8?

15 **A** Yes.

16 **Q** So that's 10-8?

17 **A** Yes, ma'am.

18 **Q** That means I've completed that call and
19 I'm back in service, I'm ready for another call?

20 **A** Yes.

21 **Q** So are there other things like bathroom
22 breaks, I'm going on dinner break where they might
23 use different codes?

24 **A** Yes.

25 **Q** Okay. And at certain points in the

1 transcript the officer will hear, will actually call
2 in and then the dispatcher might repeat what the
3 officer says; is that right?

4 **A** Yes.

5 **Q** Why do you do that?

6 **A** To insure that all of the other officers
7 hear what the transmission just was because
8 sometimes the radio don't transmit and also to
9 insure to that officer that I'm clear on what he
10 said.

11 **Q** Okay. And so if somebody calls in to
12 dispatch and says something generally if everything
13 is working properly and everything is good to go,
14 the other officers are on the dispatch channel can
15 hear that call, correct?

16 **A** Yes.

17 **Q** But are there times that they can't hear
18 that call?

19 **A** Yes.

20 **Q** But you can?

21 **A** Yes.

22 **Q** So sometimes you will repeat that call so
23 that then the officers can hear what you be
24 repeating the call?

25 **A** Yes.

1 **Q** Do you know how many watts the transmitter
2 is for dispatch?

3 **A** That I do not know.

4 **Q** Is your transmitter stronger than the
5 mobile and portable transmitters?

6 **A** Yes, ma'am.

7 **Q** So generally speaking, the officers are
8 always going to be, usually going to be able to hear
9 dispatch, correct?

10 **A** Yes.

11 **Q** And we've also heard a lot of stuff about
12 dead zones and that would be where officers might
13 not be able to transmit or receive calls, correct?

14 **A** Correct.

15 **Q** Are there times when you can hear that
16 there's an officer keying up a mike, in other words,
17 he's pressing the button on his mike, but you don't
18 hear speaking?

19 **A** Yes.

20 **Q** And can you tell that that's a call?

21 **A** You can tell, but a lot of times you can't
22 hear what they're saying.

23 **Q** Okay. And then when an officer calls in,
24 if he doesn't give his call signal, or his call
25 sign, and let's say I know you said you recognize

1 you know these guys' voices, is there anything on
2 your monitor that tells you who is calling in?

3 **A** No.

4 **Q** So you only know by his voice or if he
5 gives his call sign?

6 **A** That is correct.

7 **Q** You also, we talked today, can you tell
8 the difference when an officer is calling in on a
9 portable versus his mobile?

10 **A** Yes.

11 **Q** And what's the difference, how do you tell
12 the difference?

13 **A** The portable is not as strong and is
14 clearer. A lot of times when they're on their
15 portable you can hear static in the background
16 whereas on the car radio, it is usually very crisp
17 and clear.

18 **Q** Okay. Now, we're going to play the
19 transmissions and pass around the transcript. And I
20 will tell you that the change, the handwriting
21 that's on the transcript is mine. And I did that
22 because it was, I first met with her this morning at
23 6:30 is when you got here and that's the first time
24 I had a chance to sit down and actually go through
25 these transmissions with her. So I apologize, and

1 you would tell me sometimes when it would say on the
2 transcript UI, which I assumes mean unintelligible,
3 you are able to tell me what's being said sometimes?

4 **A** Right.

5 **Q** You saw me making changes, and sometimes
6 with the officer it doesn't say who the officer was.
7 You are able to tell me, well, that's 24 or that's
8 25 or whatever?

9 **A** Yes.

10 **Q** And we talked about today on that day who
11 was 21, who was 22 and so forth, correct?

12 **A** Yes.

13 **Q** Okay. All right. Before we start playing
14 the radio calls, is there anybody has a question
15 about her job, or anything that she's testified to
16 so far?

17 MS. WHIRLEY: I actually do, not much, but
18 hi, I'm over here. You mentioned that sometimes you
19 could only hear static when an officer is trying to
20 call in, I guess that's a dead zone or something?

21 **A** Could be. Usually when you hear static,
22 it is because they're in a building or maybe there's
23 a building between them or some type of large
24 structure between them and the radio waves don't get
25 through that as easily as they would if they were

1 out in the open.

2 MS. WHIRLEY: I think I heard you say that
3 you cannot tell who's trying to call in on your
4 monitors when you hear that static; is that correct?

5 A That's correct, you cannot.

6 MS. WHIRLEY: Is there anything in place
7 to try to figure out, you know, who the officer is
8 or what to do in case an officer might be needing
9 help.

10 A We have panic buttons that are installed
11 in all of their walkies and also on the car radio.

12 MS. WHIRLEY: Is that that orange alert
13 button we have heard about?

14 A Yes, ma'am. If they push that, my radio
15 console lights up and makes a lot of noise and each
16 console does that, so we each have to shut them
17 down. One of them did not shut them all down and
18 that shows the officer's name, it shows whether he's
19 on his portable or shows whether he's on his mobile
20 in his car.

21 MS. WHIRLEY: That's only if he hits that
22 red button?

23 A Correct.

24 MS. WHIRLEY: If an officer is trying to
25 communicate, but he's in a dead zone in a building

1 and you just hear static, there is nothing you can
2 do to try to figure out who that officer is or they
3 need help?

4 **A** Other than asking him to repeat, no,
5 ma'am.

6 MS. WHIRLEY: Okay. And you said you also
7 can detect a problem in the officer's voice, I think
8 you said that, right?

9 **A** Yes.

10 MS. WHIRLEY: What do you do if you detect
11 a problem, like something is going on and the
12 officer is not asking for help, you detect
13 something, what do you do?

14 **A** I usually when there's a change in their
15 voice, I usually send them help regardless, I send
16 assist units.

17 MS. WHIRLEY: You ask them do you need
18 additional help?

19 **A** Right.

20 MS. WHIRLEY: You kind of communicate that
21 you are a little concerned?

22 **A** Correct.

23 MS. WHIRLEY: Okay, all right. That's
24 all.

25 I have one question, this

1 is How often do the officers use that alert
2 button, have you been known to happen a lot or?

3 **A** It doesn't happen that often. I would
4 even say once a month. It doesn't happen that
5 often, but it does happen especially it is more an
6 accident than not, but they'll hit it.

7 (Grand Jury Exhibit Number 86
8 marked for identification.)

9 MS. ALIZADEH: Okay. I'm going to play a
10 disc that is marked Grand Jury Exhibit Number 86,
11 Vanna will now turn the letters.

12 So the transept is being passed out. What
13 I've written in there I wrote in after meeting with
14 her. She will describe these calls as they go
15 along.

16 Now, Sheila, it might be helpful if we can
17 do that, can you do that.

18 MS. WHIRLEY: You want it to be shown up
19 here?

20 MS. ALIZADEH: Actually, the time and date
21 is on the screen, okay.

22 Ma'am, we talked about earlier today about
23 the difference between the clock that you're looking
24 at that is actually sitting on your console versus
25 the internal clock for the radio calls versus the

1 911 calls. Those might not be in sync, would that
2 be fair to say?

3 **A** Correct.

4 **Q** (By Ms. Alizadeh) So the clock that
5 records these calls as they are being made might not
6 be the actual time of the call, would that be fair
7 to say?

8 **A** Yes, there could be a discrepancy.

9 **Q** Okay. But would it be also be fair to say
10 that if there's a call that say 11:53 and 15 seconds
11 and then the next call is at 11:54 and 15 seconds,
12 that there would be a minute between those two
13 calls, correct?

14 **A** That's correct.

15 **Q** So we can tell how much lag time in
16 between calls by looking at the time, but that
17 doesn't necessarily reflect what the actual time is?

18 **A** Correct.

19 **Q** Okay. Just for clarification sake, these
20 calls on this disc start at 323, that's the track
21 for the call and the actual time and date for this
22 first call is August 9th, 2014 at 11:46 and 4
23 seconds in the a.m.

24 Ma'am, is it fair to say there are
25 calls that came before this first call we are going

1 to hear?

2 **A** That's correct.

3 **Q** You were working that day?

4 **A** That is correct.

5 **Q** And you hear your voice being played on
6 the recording sometimes, correct?

7 **A** Yes.

8 **Q** And you recognize as the other
9 dispatcher that was there that day?

10 **A** Yes.

11 **Q** Were there any other dispatchers besides
12 the two of you?

13 **A** No.

14 **Q** Okay. So what I'm going to do is play
15 each track and then I will have the dispatcher tell
16 us if there's a need to translate what this means,
17 she will put some context to that.

18 (Playing of the recording.)

19 **Q** That's your voice?

20 **A** Yes.

21 **Q** You are the dispatcher for that call?

22 **A** Yes.

23 **Q** Who was the officer on that call?

24 **A** .

25 **Q** And he's Frank 22 that day?

1 **A** Yes.

2 **Q** And so we hear him start out by saying
3 Frank 22, so he's identifying himself?

4 **A** Yes.

5 **Q** And you repeat 22, what's that tell him
6 when you repeat 22?

7 **A** That tells him that I understand that he
8 is calling and that also tells him to go ahead with
9 his traffic.

10 **Q** And then he transmits something about an
11 address?

12 **A** Correct.

13 **Q** And so this relates to a previous call; is
14 that right?

15 **A** Yes.

16 **Q** Do you recall what that call was?

17 **A** I do not, but it is not uncommon for them
18 to make corrections on addresses.

19 **Q** Okay. So then the dispatcher, you say
20 units 10-8 from Louisa, what does that mean?

21 **A** That means he is finished with his
22 assignment and he is available for another
23 assignment.

24 **Q** So I'm going to play this call again. In
25 the transcript it says make the address Louisa,

1 units are, then it is unintelligible. You tell me
2 if you can hear what he's saying?

3 **A** Okay.

4 (Playing of the recording.)

5 **A** I understand that he's ready for the other
6 assignment, but the end of that transmission I'm not
7 quite sure what he's saying.

8 **Q** Okay. So then the next call, I'm just
9 going to play these in order. If there's a need for
10 you to ask me what time the call is, I don't know if
11 you can actually see it for yourself up there. If
12 you can't, then I can read it out to you.

13 (Playing of the recording.)

14 MS. ALIZADEH: So that's voice.

15 **A** Yes.

16 **Q** (By Ms. Alizadeh) What is she doing?

17 **A** She's calling units for an assignment.

18 **Q** So Frank 28 is who that day?

19 **A** I'm not sure who Frank 28 was, I don't
20 remember.

21 **Q** We went through who they were by you
22 listening to their voices, correct?

23 **A** Right.

24 **Q** And Frank 21?

25 **A** Frank 21 was Officer Wilson.

1 **Q** Okay. So is calling to those two
2 officers?

3 **A** Yes.

4 **Q** All right. But she doesn't, at this
5 point, we don't know the nature of why she's calling
6 them?

7 **A** Correct.

8 **Q** (Playing the recording).

9 **Q** All right. So in that call that's Darren
10 Wilson that says that 28 is on station assignment?

11 **A** Uh-huh.

12 **Q** What does that mean?

13 **A** That means he is unavailable for any calls
14 and that he's at the station currently working on a
15 call.

16 **Q** So Darren Wilson is saying that I'm
17 available, but 28 is not?

18 **A** Correct.

19 **Q** And so then gives him the information
20 that the caller had called in about?

21 **A** Correct.

22 **Q** And then at the end, Darren Wilson 21, I'm
23 clear, what does that mean?

24 **A** That means he's clear on the assignment,
25 he's going to accept the assignment and take it.

1 **Q** I'm clear means I understand it and I'm
2 taking it?

3 **A** Yes.

4 **Q** Doesn't mean I'm going out of service or
5 anything?

6 **A** No.

7 **Q** Okay. And then Officer 22 says 22, I'm
8 clear?

9 **A** Correct.

10 **Q** And so 22 was not originally called by
11 ?

12 **A** Correct.

13 **Q** He heard the call?

14 **A** Yes.

15 **Q** And so he says I'm going too?

16 **A** Yes, because when she put that out, she
17 put that out for a unit and one to assist.

18 **Q** Okay. And is that because of the nature
19 of the call that it could be domestic with a gun?

20 **A** Correct.

21 (Playing of the recording.)

22 **Q** So 22 who I think we talked about is
23 , do you recognize his voice?

24 **A** Yes.

25 **Q** So he says 22 you clear, I'm en route. Is

1 that saying that?

2 **A** Yes.

3 **Q** And what does that mean?

4 **A** He, in our CAD system when we enter a
5 call, they can see everything that we enter into the
6 computer. And sometimes there is a time delay when
7 we're entering information into the call before we
8 physically put the unit on that call. He may not
9 have seen himself assigned to that call. So he was
10 just inquiring that and I were clear, he was
11 responding also.

12 **Q** Okay. So says I'm going to
13 assist her, I'm going to this call as well?

14 **A** Yes.

15 **Q** Do you know what sector this call was in?

16 **A** Yes.

17 **Q** What sector is that?

18 **A** Four.

19 **Q** Okay. And that would be Canfield Green
20 Apartments, is this sector four, correct?

21 **A** Yes.

22 **Q** But Sharondale is not in Canfield; is that
23 right?

24 **A** No, but it is also in four.

25 **Q** Okay. And so we've got Officer Wilson and

1 Officer are indicating their responding to
2 this call?

3 **A** Yes.

4 **Q** The next clip.

5 (Playing of recording.)

6 **Q** So now this is another officer saying he
7 is responding to that call as well?

8 **A** Yes.

9 **Q** You recognize his voice?

10 **A** Yes.

11 **Q** Who is that?

12 **A** That's going to be .

13 **Q** Okay. So now we've got three officers
14 going to this same call in sector four?

15 **A** Yes.

16 **Q** And that leaves the sectors that they were
17 patrolling without any patrol?

18 **A** Temporarily, yes, but a lot of times the
19 supervisors will keep watch while they're
20 responding.

21 **Q** And will the cover cars also move into
22 those sectors to make sure there's coverage?

23 **A** Yes.

24 **Q** Do they do that automatically or do they
25 have to call out that they're covering a sector?

1 **A** That's an automatic thing.

2 **Q** Okay. So now the next track.

3 (Playing the recording.)

4 **Q** So is that Frank 22 calling and saying I'm
5 Frank 22, I'm 23 to the area?

6 **A** Yes, he's saying he's in the area.

7 **Q** What does 23 mean?

8 **A** That he's arrived on the scene.

9 **Q** So it is not Frank 23?

10 **A** No, it is Frank.

11 **Q** Frank 22 I've arrived at the scene?

12 **A** Yes.

13 **Q** Okay. And the dispatcher acknowledges
14 that she heard that by saying in the area?

15 **A** Yes.

16 **Q** Okay.

17 (Playing of the recording.)

18 **Q** Okay. So whose 25?

19 **A** Officer .

20 **Q** All right. So when he says 25 is out,
21 what does that mean?

22 **A** He means he's on the scene as well.

23 **Q** He doesn't say 25 is 23?

24 **A** No, some of them use different.

25 **Q** Okay. But you understand as a dispatcher

1 he means I'm at the scene?

2 **A** Yes.

3 **Q** And then responds to him saying you're
4 at the scene and what's 11:34 mean?

5 **A** That's the current time.

6 **Q** So she's looked at the clock and she says
7 what time it is on her clock?

8 **A** Yes.

9 **Q** So she has Frank 25, Officer Gibbons has
10 arrived at the scene at 11:34?

11 **A** Yes.

12 MS. ALIZADEH: So the next track?

13 : . When
14 we're talking about the clock discrepancies.

15 **A** Yes.

16 Like track 323 was at
17 11:46:04 and this is 11:34, there is like 12 minutes
18 difference.

19 MS. ALIZADEH: Now, you are looking at,
20 when you say track 323, which is the first call I
21 played, the time I gave you, the time and date is
22 what is on the call, not the clock she's looking at.

23 Right, that's what I'm
24 saying, we're talking about the clock difference we
25 are referring to earlier.

1 MS. ALIZADEH: There might be a difference
2 in a clock.

3 : Right, right.

4 MS. ALIZADEH: Actually, she says it's
5 11:34 and that's 329. And this says it is
6 August 9th, 2014 at 115321.

7 : Okay. Up there, good.

8 MS. ALIZADEH: So the clock they're
9 looking at and calling out is the actual time,
10 correct?

11 A Yes.

12 MS. ALIZADEH: So the times that are
13 listed on here aren't the actual times, however, the
14 time discrepancies I think would be accurate. So
15 the 20 minutes from one call and then the next
16 minute the call is 20 minutes later, I think that
17 that would be accurate.

18 : Okay.

19 Q (By Ms. Alizadeh) Now, I'm playing 330.

20 (Playing of the recording.)

21 Q Okay. Now, we've heard a lot of static at
22 the beginning of that call. Can you tell if that
23 officer is on his portable or on the mobile?

24 A Yes, he's on his portable.

25 Q Do you recognize who that is?

1 **A** You know it sounds like Officer Wilson,
2 but it's hard to say. I would have to be closer in
3 order to hear it.

4 **Q** And so at the beginning when we are
5 hearing static is that because somebody is keying up
6 their mike or what was that static from?

7 **A** That is because their on their mobile, I'm
8 sorry, their portable and they're out walking on
9 feet and as he's walking, he's moving in between the
10 buildings. So the signal, instead of trying to bend
11 around a building is straight and we can read it a
12 lot better because there's not a building in the
13 way. It is hard for me to explain that type.

14 **Q** So would this be an example of a time when
15 an officer is transmitting something and you can
16 tell something is being transmitted, but you can't
17 hear it and then as he continues to walk, you can
18 hear what is being said?

19 **A** Yes.

20 **Q** Okay. Because of the static you are not
21 able to tell which officer that was?

22 **A** I'm not sure which one.

23 **Q** Okay. And the next track is 331.

24 (Playing of the recording.)

25 **Q** So now those are two different officers

1 and they are talking to each other on their
2 portables, yes?

3 **A** Yes.

4 **Q** Okay. Can you recognize their voices?

5 **A** The second officer is Officer . The
6 first I'm not sure is possibly Officer Wilson.

7 **Q** Okay. So this is them, they're going on
8 that call about a guy who was going to go get a gun
9 and shoot somebody?

10 **A** Correct.

11 **Q** And they're talking to each other, looking
12 for a subject?

13 **A** Correct.

14 **Q** So track 332.

15 (Playing of the recording.)

16 **Q** So Frank 21?

17 **A** That is Darren.

18 **Q** That's Officer Wilson he says 23, that
19 means he's arrived?

20 **A** He's arrived, yes.

21 **Q** He's just now at 11:36 got to that scene
22 on Sharondale?

23 **A** Correct.

24 **Q** And track 333.

25 (Playing the recording.)

1 **Q** All right. So it starts out with Frank
2 27, do you recognize his voice?

3 **A** Yes.

4 **Q** Who is that?

5 **A** That's

6 **Q** And so he says something, something
7 difficult to understand, but the dispatcher says
8 Frank 27, 10-81, what does that mean 10-81?

9 **A** That means he's with a prisoner.

10 **Q** He's with a prisoner?

11 **A** Yes.

12 **Q** So at 11:37 he has a prisoner?

13 **A** Yes.

14 **Q** And then you hear Officer Wilson say ,
15 where are you guys at?

16 **A** Yes.

17 **Q** Who is he referring to, who is ?

18 **A** would be , Frank 22.

19 **Q** So he's not talking to Frank 27?

20 **A** No.

21 **Q** He's actually calling out for ?

22 **A** Yes.

23 **Q** And then do you hear 's voice
24 respond that he's talking to the caller?

25 **A** Yes.

1 **Q** All right. And then when Officer Wilson
2 says clear, what does that mean?

3 **A** That means he understood Matt, he knows
4 where he is and he's going to go there.

5 **Q** And you guys, if you don't understand
6 something just chime in, all right.

7 So track 334.

8 (Playing of the recording.)

9 **Q** The first speaker was who?

10 **A** The first one was .

11 **Q** Second one?

12 **A** Darren.

13 **Q** And so they're talking to each other?

14 **A** Yes.

15 **Q** Still on the scene at Sharondale?

16 **A** Yes.

17 **Q** And track 335.

18 (Playing of the recording.)

19 **Q** And, again, that's Officer Wilson talking
20 to ?

21 **A** Yes.

22 **Q** Okay. And just for clarity sake, there
23 are actually talking by using their walkie-talkies?

24 **A** Correct.

25 **Q** Their walkie-talkies aren't picking the

1 two of them standing next to each other talking?

2 **A** Correct.

3 **Q** Okay. Track 336.

4 (Playing the recording.)

5 **Q** All right. Do you recognize that voice?

6 **A** Yes.

7 **Q** Who is that?

8 **A** That's Sergeant .

9 **Q** Okay. What is the purpose of him saying
10 Ferguson 23?

11 **A** He is calling out to dispatch.

12 **Q** So he wants somebody to answer him?

13 **A** Correct.

14 **Q** All right. And then the next track, 337.

15 (Playing the recording.)

16 **Q** He calls again?

17 **A** Yes.

18 **Q** So nobody answered him?

19 **A** The first time, yes.

20 **Q** And then on track 338.

21 (Playing the record.)

22 **Q** So what does that call tell you, what's
23 Sergeant doing?

24 **A** He was on a separate call before all the
25 transmission started. I don't remember all of the

1 call. I know it was in reference to an elderly
2 female, he's requesting an ambulance come check her
3 out. Code one nonemergency, no light, no siren.

4 Q He's at another residence, not related to
5 this apartment situation?

6 A Correct.

7 Q Where there was somebody with possibly a
8 gun?

9 A Correct.

10 Q Okay. And track 339.

11 (Playing the recording.)

12 Q Do you recognize whose voice that is?

13 A I do, but Frank 23 is written in there
14 that is not who that is, that's , Frank
15 25.

16 Q So I wrote that wrong?

17 A Right.

18 Q Okay. Good to know. So that is

19 ?

20 A Yes.

21 Q We don't know who he's talking to or do
22 we?

23 A I would assume he's talking to the other
24 officers on the scene of Sharondale because the
25 three of them were there together.

1 **Q** So we have ?

2 **A** .

3 **Q** And Officer Wilson and now ?

4 **A** Yes.

5 **Q** And track 340.

6 (Playing of the recording.)

7 **Q** So the first speaker there, who is the
8 first speaker?

9 **A** Darren.

10 **Q** I have indicated 21, you told me that was
11 his voice, correct?

12 **A** Correct.

13 **Q** And he's talking to who?

14 **A**

15 **Q** And so, again, they're communicating.
16 They are still looking for a subject in Sharondale?

17 **A** Yes.

18 **Q** Track 341.

19 (Playing of the recording.)

20 **Q** And then track 342 is the same, dispatcher
21 also calling out for Frank 21; is that right?

22 **A** Yes.

23 **Q** And who is Frank 23?

24 **A** Sergeant .

25 **Q** And he's always Frank 23, correct?

1 **A** Yes, he's a supervisor.

2 **Q** So the dispatcher's calling him and he's
3 not answering?

4 **A** Correct.

5 **Q** Track 343.

6 (Playing the record.)

7 **Q** Okay. So who was that officer that called
8 in at the beginning?

9 **A** .

10 **Q** And what was his, on that day, do you
11 remember?

12 **A** His call sign is Frank 24.

13 **Q** Okay. And so he says, and so he says he's
14 calling in for 23?

15 **A** Yes.

16 **Q** So he hears the dispatcher is calling for
17 23, and 23 is not responding, so he came on in the
18 end saying I'm here?

19 **A** Correct.

20 **Q** So then the dispatcher says there is two
21 calls pending, does that mean unanswered so far,
22 correct?

23 **A** Yes.

24 **Q** So 344, track 344.

25 (Playing the recording.)

1 **Q** You recognize that as Darren Wilson?

2 **A** Yes.

3 **Q** What is he saying?

4 **A** He's saying he's just about finished with
5 this assignment, he's going to go back in service so
6 he'll be available to take the sick case on Glenark.

7 **Q** So 10-8 means I'm back in service?

8 **A** Correct.

9 **Q** Okay. And call 345.

10 (Playing the recording.)

11 **Q** Do you recognize who that is?

12 **A** Yes.

13 **Q** Who is that?

14 **A** That's Officer Wilson.

15 **Q** And he's talking to ?

16 **A** Yes.

17 **Q** Do you know what he means by that, stay
18 right where you're at they're gone?

19 **A** I believe probably if he would have not
20 moved or not appeared there, maybe they would have
21 found the suspects, maybe the suspects saw him and
22 left and maybe that's what that is referring.

23 **Q** So this is related to the call on
24 Sharondale?

25 **A** That is correct.

1 MS. WHIRLEY: Do you know what you just
2 told us, do you know that to be a fact or you just
3 speculating?

4 A No, I'm speculating only.

5 MS. WHIRLEY: Okay.

6 Q (By Ms. Alizadeh) Track 346.

7 (Playing the recording.)

8 Q So whose voice is that?

9 A Officer Wilson.

10 Q What is he saying?

11 A He's saying put him in service he's going
12 to go ahead and take the Glenark call.

13 Q The Glenark call was the baby with
14 difficulty breathing?

15 A Yes.

16 Q And is Glenark, where is that in Ferguson?

17 A It is also in sector four. It is a little
18 bit further, I'm terrible with directions, I believe
19 north of where the apartment complex in Canfield is
20 located.

21 Q Okay. So if that day Officer Wilson was
22 assigned to sector one, why is he answering a call
23 in sector four?

24 A The officer that is actually assigned to
25 sector four was on another assignment on Kirk

1 dealing with another sick case. And he was already
2 in that area, so he went ahead and took the call.
3 Sometimes they'll take calls out of sector when one
4 is tied up.

5 Q And it is one of your jobs to know where
6 these officers are at all times?

7 A That is correct.

8 Q Um, 347, track 347.

9 (Playing the recording.)

10 Q Who's the officer?

11 A Officer Wilson.

12 Q They're just getting the address correct,
13 correct?

14 A Yes.

15 Q Track 348.

16 (Playing the recording.)

17 Q Who is Frank 25?

18 A Officer

19 Q What is he saying in that call?

20 A He's saying he's wrapped up this
21 assignment, he's available for another, however,
22 he's going to respond back to his area or sector
23 that he covers because there's parking violations
24 that are open in that area.

25 Q Was that the other pending call that the

1 dispatcher mentioned?

2 **A** Yes, it was.

3 **Q** So we have him taking that call and then
4 Officer Wilson is taking the baby short of breath
5 call?

6 **A** Yes.

7 **Q** Track 349.

8 (Playing the recording.)

9 **Q** So 9101 West Florissant, do you know
10 what's there?

11 **A** That is, no, I don't, Ferguson Liquor I
12 believe is the name of it.

13 **Q** Is it also called Ferguson Market?

14 **A** Yes.

15 **Q** So the officer that responded to that call
16 said all clear, I'm right here, who is that?

17 **A** That was officer .

18 **Q** So what is he saying in response to that
19 call?

20 **A** He was at that location currently because
21 he was leaving from Sharondale to go to the other
22 assignment. So he stopped and was going to handle
23 that call.

24 **Q** He's saying I'm right close by. I'll take
25 this stealing in progress?

1 **A** Yes.

2 (Playing the recording.)

3 Is that the Victoria

4 Plaza?

5 **A** Yes, ma'am.

6 **Q** (By Ms. Alizadeh) So I'll play again, I'm
7 going to play track 350.

8 (Playing the recording.)

9 **Q** And again, that's Officer ?

10 **A** Yes.

11 (Playing the recording.)

12 **Q** And track number 352.

13 (Playing the recording.)

14 **Q** Track 353.

15 (Playing the recording.)

16 **Q** And that was all officer talking
17 to the dispatcher?

18 **A** Yes.

19 **Q** And that was not you, that was

20 **A** No, that was me.

21 **Q** That was you?

22 **A** Uh-huh.

23 **Q** Track 354.

24 (Playing the recording.)

25 **Q** Okay. I'm going to play that again.

1 (Playing the recording.)

2 Q Do you recognize whose voice that is?

3 A I do not.

4 Q And you recognize, can you hear what
5 they're saying?

6 A Yes.

7 Q What did they?

8 A They're saying Mickey D's.

9 Q So this is an officer transmitting this;
10 is that right?

11 A Correct.

12 Q People with scanners that are out there,
13 they can't transmit on police radios?

14 A No, ma'am.

15 Q Do you know what he means by Mickey D's or
16 what do you assume he means?

17 A He means McDonald's, which was right next
18 door to the Ferguson Market. Possibly was inferring
19 that the subject may have gone into the McDonald's.

20 Q Okay. Track 355.

21 (Playing the recording.)

22 Q Whose voice is that?

23 A That is .

24 Q Track 356.

25 (Playing the recording.)

1 **Q** Whose voice is that?

2 **A** That is Officer .

3 **Q** Track 357.

4 (Playing the recording.)

5 **Q** Whose voice is that?

6 **A** That is .

7 **Q** So he's saying I understand that we have
8 no further description on this person, right?

9 **A** Correct.

10 **Q** And is this still regarding the stealing
11 from the Ferguson market?

12 **A** That is correct.

13 **Q** Track 358.

14 (Playing the recording.)

15 **Q** So the first voice, whose voice is that?

16 **A** Officer .

17 **Q** And he's giving out a description of one
18 of the suspects that's involved in this stealing at
19 the Ferguson Market?

20 **A** That's correct.

21 **Q** Who's the second officer's voice?

22 **A** Officer .

23 **Q** When he says clear, what does that mean?

24 **A** That means he was clear on the description
25 and he was going to look in the area for that

1 description on that subject.

2 **Q** And other officers who are on the dispatch
3 channel, they may or may not have heard Officer
4 and Officer talking to each other,
5 correct?

6 **A** That's correct.

7 **Q** Track 359.

8 (Playing the recording.)

9 **Q** Do you know who that is?

10 **A** Yes.

11 **Q** Who is that?

12 **A** Officer .

13 **Q** What is he saying, 27, I'm at the station,
14 open the garage?

15 **A** We also have all the controls to the
16 building doors in dispatch on our radio console. He
17 was with a prisoner so I opened the garage door for
18 him to bring the prisoner in.

19 **Q** Is this the same officer who called in
20 earlier who said he gave a code for having a
21 prisoner?

22 **A** Yes.

23 **Q** So now he's arrived at the station with a
24 prisoner?

25 **A** Yes.

1 **Q** And so unrelated to the stealing in
2 progress at the Ferguson Market?

3 **A** Yes, that is correct.

4 **Q** 360.

5 (Playing the recording)

6 **Q** Who is that?

7 **A** That is Officer

8 **Q** I'm sorry. It wasn't quite over Officer

9

10 **A** Yes.

11 **Q** Track 361.

12 (Playing the recording.)

13 **Q** So who is 22?

14 **A** 22 is .

15 **Q** What is he saying when he says clear me
16 with the report from Sharondale, I'm with 25?

17 **A** He was currently still in the area looking
18 for the man with the gun that came out on Sharondale
19 and he was clearing from that call and he was going
20 to continue to canvas the area for the subjects that
21 left the Ferguson Market.

22 **Q** When he says I'm with 25, is that Officer
23 ?

24 **A** Yes.

25 **Q** Is he physically with him, is that what

1 that means, or is he just going to be on the call?

2 **A** He's going to be on the call, he's in that
3 area.

4 **Q** And then the dispatcher says 22 that's
5 clear, you just saying I understand?

6 **A** Yes.

7 **Q** 362.

8 (Playing the recording.)

9 **Q** All right. So do you recognize this
10 officer?

11 **A** Yes.

12 **Q** Who is that?

13 **A** That is Major from the City of
14 Country Club Hills.

15 **Q** You dispatch for their department as well?

16 **A** Yes.

17 **Q** He's Victor two?

18 **A** Yes.

19 **Q** So this is not related to the Ferguson
20 Market or any of the calls that the Ferguson
21 officers have been working on?

22 **A** Correct.

23 **Q** Track 363.

24 (Playing the recording.)

25 **Q** And that's ?

1 **A** Uh-huh.

2 **Q** What is she indicating?

3 **A** She's repeating his location so that other
4 officers can hear it and insuring him that she knew
5 where he was.

6 **Q** Okay. So again this is relaying
7 information so that other officers who might not
8 have heard Victor two call in about this?

9 **A** Correct.

10 **Q** 363, 64, sorry, track 364.

11 (Playing the recording.)

12 **Q** So Frank 21, that's Dareen Wilson?

13 **A** Yes.

14 **Q** What is he saying?

15 **A** He's saying that he is, finished up the
16 call he was on and he's available for other traffic
17 or other calls if needed.

18 **Q** That's the sick baby or the baby short of
19 breath on Glenark that he has had responded to?

20 **A** Yes.

21 **Q** Is he's done with that?

22 **A** Correct.

23 **Q** He's available for another call?

24 **A** Correct.

25 (Playing the recording.)

1 **Q** And you recognize that voice?

2 **A** Yes.

3 **Q** Who is that?

4 **A** That's Major

5 **Q** Victor 2?

6 **A** Yes.

7 **Q** So this is, again, regarding traffic, a
8 plate he's running, not regarding these Ferguson
9 calls?

10 **A** Correct.

11 **Q** Now 366.

12 (Playing the recording.)

13 **Q** Who's voice is that?

14 **A** That's Darren Wilson.

15 **Q** And what's he saying?

16 **A** He's inquiring if they need him to respond
17 for any assistance.

18 **Q** Who is he calling out to?

19 **A** He's calling out to Officer and
20 .

21 **Q** And those are the two officers who had
22 gone to the Ferguson Market in response to the
23 stealing in progress; is that right?

24 **A** Yes.

25 **Q** So he's asking them if they need his help?

1 **A** Yes.

2 **Q** 367.

3 (Playing the recording.)

4 **Q** All right. You recognize the first voice?

5 **A** Yes.

6 **Q** Who is that?

7 **A** The first voice was Officer .

8 **Q** So he's, he says they disappeared into the
9 woodwork or into --

10 **A** Possibly the wood line.

11 **Q** Could be the name Windward, it could be a
12 lot of different things, correct?

13 **A** Correct.

14 **Q** And then the next officer is who?

15 **A** Darren Wilson.

16 **Q** What is he saying?

17 **A** He can't hear them because it is hard for
18 them to hear on the portable when they're out moving
19 around and he's in his car and he can't hear the
20 portable.

21 **Q** So he's asking you to relay what Officer
22 just said?

23 **A** Correct.

24 **Q** And then is that you then who says, he
25 thinks that they disappeared?

1 **A** That was actually

2 **Q** , okay. And then Wilson says clear,
3 meaning I understand.

4 **A** Right. He was clearing that he understood
5 us though.

6 **Q** So this is an example where if he knows
7 that call was made but he couldn't hear it or
8 understand it, and he is asking to repeat it.

9 This is 368.

10 (Playing the recording).

11 **Q** So Frank 22 is calling, that's officer
12 ?

13 **A** Yes.

14 **Q** Calling dispatch?

15 **A** Uh-huh.

16 **Q** So what's he saying?

17 **A** He's saying that he is finished with the
18 assignment over there assisting with the Ferguson
19 Market and he's going to take the parking violations
20 at Victorian Plaza.

21 **Q** Okay. So is the dispatcher ?

22 **A** Yes.

23 **Q** So she says 10-4, that means she
24 understands it, correct?

25 **A** Correct, uh-huh.

1 **Q** Also when you get a moment I have a 21
2 message for you, what does that mean?

3 **A** A telephone number.

4 **Q** Okay. So that's not a message from
5 Officer Wilson since he's Frank 21?

6 **A** No, it was something totally separate.

7 **Q** So a 21 message just means a telephone
8 message?

9 **A** Correct.

10 **Q** And it may or may not be related to work,
11 it might be somebody calling him?

12 **A** Correct, it could be anything.

13 **Q** Anything?

14 **A** Yes.

15 **Q** All right. And then 369.

16 (Playing the recording.)

17 **Q** Who's that?

18 **A** That's Officer Wilson.

19 **Q** What is he telling you?

20 **A** He's telling me that he's out with two
21 subjects on Canfield and he's requesting an
22 additional unit for back up.

23 **Q** Can you tell from the transmission if he's
24 in his car or is he on his portable?

25 **A** He's in his car.

1 **Q** And is there anything about that call that
2 you think is unusual?

3 **A** Um, that he would request a backup
4 immediately would be very unusual. Usually they do
5 not do that.

6 **Q** When an officer says put me on Canfield,
7 what does that mean?

8 **A** Put me on the scene of Canfield, put me at
9 that location.

10 **Q** Because you have to keep track of where
11 they are at all times?

12 **A** Correct.

13 **Q** He's telling you he's on Canfield?

14 **A** Right.

15 **Q** With two, what did that mean?

16 **A** Two subjects, two people.

17 **Q** Okay. Does this tell you what he's doing
18 with them or why he's with two?

19 **A** It did not.

20 **Q** Okay.

21 **A** It only tells me that he stopped two
22 people.

23 **Q** Okay. And he ask for another car, an
24 assist?

25 **A** Yes.

1 I have a question.

2 MS. ALIZADEH: Yes.

3 : You

4 said that him requesting a backup car is out of
5 character for him?

6 **A** That quickly, yes.

7 That quickly?

8 **A** Yes, ma'am.

9 So there have been other
10 instances where he has asked for backup?

11 **A** Yes, ma'am.

12 : Is that my understanding?

13 **A** Yes, ma'am.

14 You said the length of
15 time it took for him was out of character?

16 **A** Yes, ma'am.

17 : Would there be a reason,

18 Do you know of a reason for an officer
19 to ask for backup that quickly?

20 **A** Maybe because he felt that there was
21 something about the way they looked, or the way they
22 were acting or just that there was something
23 suspicious about them.

24 : It could have been that
25 they fit the description of the people at the

1 Ferguson Market?

2 **Q** (By Ms. Alizadeh) So this is all just
3 speculating?

4 **A** Correct. I don't know what the real
5 reason would be.

6 **Q** You take calls from these officers every
7 day?

8 **A** Correct.

9 **Q** So now what does that mean when somebody
10 is doing a pedestrian check or head check?

11 **A** It means that they've stopped someone
12 because they appear to be suspicious and they get
13 out of the car and usually try to speak with them.

14 **Q** Okay. So not a traffic stop?

15 **A** No.

16 **Q** Somebody on foot?

17 **A** Yes.

18 **Q** It could be a number of things, correct?

19 **A** Correct.

20 **Q** They may recognize them and might have
21 warrants out for their arrest?

22 **A** Correct.

23 **Q** But something causes that officer to say,
24 hey, I'm going to make contact with this person and
25 see what's up?

1 **A** Right.

2 **Q** And in this case, he immediately said send
3 me an assist car?

4 **A** Yes.

5 MS. WHIRLEY: Let me ask, do they
6 generally, you mention a pedestrian check, do they
7 generally get out of the car for a pedestrian check?

8 **A** Most of the time, yeah, because they get
9 out of the car and ask them for identification and I
10 run them through the computer to insure they're not
11 wanted.

12 **Q** Knowing whether they are in the car or
13 they are on their portable is generally they're not
14 in their car on their mobile doing checks with
15 pedestrians that are standing at the car?

16 **A** No, ma'am, they get out of the car.

17 MS. WHIRLEY: They get out of the car,
18 okay.

19 You said you know the voices and you can
20 tell when it's distressed, did it appear to you that
21 Officer Wilson was in distress?

22 **A** It appeared to me that there was a
23 possibility of something going on, he was very
24 quick.

25 MS. WHIRLEY: As you mentioned earlier?

1 **A** Yes.

2 MS. WHIRLEY: All right.

3 **A** Okay.

4 **Q** (By Ms. Alizadeh) You have no idea other
5 than the information you testified about, what
6 caused him to make this call?

7 **A** Correct.

8
9 Considering that he only made two calls after he
10 left the sick baby, the first one was talking to
11 officer 25 and 22, and then all of the sudden send
12 me two cars.

13 MS. ALIZADEH: He doesn't say send me two
14 cars.

15 Send me another car?

16 : I actually have
17 a question about that because when he gets to
18 Glenark, you ever notice that you guys, he never
19 says I'm 23 or I'm out when he gets to Glenark? He
20 just kind of says en route, we hear nothing from
21 him.

22 **A** He did call 10-8 from Glenark. He called
23 10-8 from Glenark.

24 MS. WHIRLEY: You talking about when he
25 arrived at Glenark?

1 **A** Yeah --

2 When he arrived, he said
3 he never arrived?

4 **A** He did not, yeah, he did not say they
5 arrived. Sometimes they don't say they arrive on
6 calls.

7 MS. ALIZADEH: If the officer had put any
8 information in the CAD system about that call on
9 Glenark, that's not in these calls?

10 **A** Correct. And they can add information
11 from the car in there. They can also put themselves
12 on the scene and take themself off from the car as
13 well.

14 MS. ALIZADEH: In the CAD system?

15 **A** Correct.

16 **Q** (By Ms. Alizadeh) And other officers can
17 see that?

18 **A** Correct.

19 **Q** And you can see it?

20 **A** Yes.

21 **Q** Okay. But it is not a recorded
22 transmission?

23 **A** No.

24 : . When he did
25 sign off from Glenark, he said 10-8 with a report,

1 what does that mean?

2 **A** They do a CAD narrative in the computer
3 stating that they went to the sick case and
4 ambulance responded and pretty much that's it. We
5 don't really do a whole lot with sick cases.

6 : Okay.

7 **A** It is just to document the case and to say
8 an ambulance did respond.

9 This is him saying I
10 arrived there, I took care of things, I'm out of
11 here.

12 **A** Yes.

13 On a CAD system?

14 **A** Yes.

15 MS. ALIZADEH: Okay.

16 **Q** (By Ms. Alizadeh) Next call is track 370.

17 (Playing the recording.)

18 **Q** Is that ?

19 **A** Yes.

20 **Q** She's calling out to Darren Wilson?

21 **A** Yes.

22 **Q** 371.

23 (Playing the recording.)

24 **Q** So whose 24?

25 **A** That is Officer .

1 **Q** So he's saying he's close by and he's
2 going to go and he's going to be the assist that
3 Darren Wilson requested?

4 **A** Yes.

5 **Q** You heard Darren Wilson say I'm on
6 Canfield and send another car?

7 **A** Yes.

8 **Q** 372.

9 (Playing the recording.)

10 **Q** And whose 25?

11 **A** Officer

12 **Q** Now, you can hear an engine revving in
13 that; is that right?

14 **A** Yes.

15 **Q** But no sirens?

16 **A** Correct.

17 **Q** If they have their siren on when they are
18 in the car and they are calling from their car, can
19 you hear it?

20 **A** Yes.

21 **Q** And so he says I'm going out on Canfield?

22 **A** Correct.

23 **Q** So he's responding as well?

24 **A** Correct.

25 : .

1 that was his sector, that was his area where Officer
2 Wilson was?

3 **A** Yes, ma'am.

4 : So when we say that's
5 their area, are they like canvassing that
6 neighborhood or that's just the area that they are
7 patrolling throughout the whole day?

8 **A** They, that is the area that they are
9 responsible for that particular day. They move
10 around the city. Different day they may be in a
11 different sector. But they can leave that area and
12 go to a different area on an assignment if there's
13 no available officer for that.

14 I know I'm sorry, it is confusing, I
15 wish I could explain it in a better way for you
16 guys.

17 Best way I could explain it would be
18 I will send officers from an adjoining sector if I
19 have no officers available to respond. Meaning
20 sectors that bump each other, that are close, I will
21 put an officer from another sector to go there if
22 someone needs help and there's not an officer
23 available.

24 I was just confused
25 because that was his sector, it seems as though he

1 would have already been in the area, right?

2 **A** Right.

3 : But he's not on none of
4 the calls.

5 **A** He was on Kirk, he was still on Kirk with
6 the elderly patient.

7 Oh, elderly patient, okay,
8 all right.

9 **Q** (By Ms. Alizadeh) Now, Glenark, if you
10 look at that map and that's the call that Darren
11 Wilson was on previous, correct?

12 **A** Uh-huh.

13 **Q** And that is going to be, if east is to the
14 right, that's going to be east of that map, correct?

15 **A** And I'm terrible with directions, but I
16 believe so, yes.

17 **Q** Okay. And so you see that street Canfield
18 that cuts through this?

19 **A** Yes.

20 **Q** If you continue on Canfield it comes out
21 on West Florissant, correct?

22 **A** That is correct.

23 **Q** And Ferguson Market is on West Florissant?

24 **A** Yes.

25 **Q** And in the call when Darren Wilson says,

1 do you guys need help regarding the incident, the
2 stealing up in West Florissant, nobody responds to
3 him and says no, we got it covered, never mind?

4 **A** Correct.

5 **Q** Does he have a say to anybody, hey, I'm
6 going to go to this call at Ferguson Market? Do we
7 know why he was driving down Canfield?

8 **A** Canfield is a complete way for him to go
9 from Glenark to West Florissant in sector one is up
10 near the highway at West Florissant so that would
11 have been a direct route for him to go to his
12 sector.

13 **Q** To return to his sector?

14 **A** Yes, ma'am.

15 **Q** From Glenark he would have to go down
16 Canfield to get to West Florissant to go back to his
17 sector?

18 **A** That would be a quick direct route, yes.

19 **Q** All right.

20 I'm . You
21 call these all sectors, okay?

22 **A** Yes.

23 No one officer, even if
24 they are assigned to that sector, has territorial
25 rights to that sector, do you understand what I'm

1 saying?

2 **A** That is correct.

3 If another officer is
4 responding to that call because the main officer
5 that's assigned there is doing something else, okay,
6 when that officer is cleared that's normally
7 assigned to that sector, he can't come back and then
8 just take over for the officers that are there, you
9 understand what?

10 **A** Generally they do not. Generally the
11 officer that has the report finishes the report, but
12 I do understand what you are saying.

13 : Okay.

14 **Q** (By Ms. Alizadeh) So if Officer Wilson is
15 leaving a call and now he's going back in service
16 and he hasn't been assigned anything, and he's
17 headed back to his sector say, just assuming that.
18 Is he allowed to do something in another sector?

19 **A** Yes.

20 **Q** So it is not like I can't stop these two
21 individuals because this isn't my sector?

22 **A** Right.

23 **Q** (By Ms. Alizadeh) Any other question.

24 373.

25 (Playing the recording.)

1 **Q** Who is 22?

2 **A** Officer .

3 **Q** And we hear him and his engine is revving;
4 is that right?

5 **A** Yes.

6 **Q** And what does that mean, 22 out?

7 **A** That means he's on the scene. I have to
8 interject, you don't hear the siren because I can't
9 hear them if they have their siren on, so that's why
10 you're not hearing the siren in the recordings
11 because that's all you would have.

12 **Q** The officer intentionally might not play
13 their siren when they trying to transmit?

14 **A** Correct.

15 **Q** 347, 374.

16 (Playing the recording.)

17 **Q** You recognize whose voice that is?

18 **A** Officer

19 **Q** And then track 375.

20 (Playing the recording.)

21 **Q** I'm going to play that again, you tell me
22 if you hear anything in this call or is this a call,
23 does this sound like somebody --

24 **A** That is something come from a walkie, a
25 mobile or a handheld.

1 (Playing the recording.)

2 Q You can't make out what's being said?

3 A No.

4 Q And you can't tell whose calling?

5 A No.

6 Q All you can tell is it came from a mobile,
7 the walkie-talkie, which is a portable?

8 A Yes.

9 Q 376.

10 (Playing the recording.)

11 Q That's you?

12 A That's me.

13 Q What are you saying?

14 A I can't understand what was coming from
15 the portable, so I'm checking their status because I
16 know somebody called out, but I can't.

17 Q So whoever made that staticky call, you
18 are calling out and saying 10-4 on Canfield, does
19 that mean are you okay?

20 A Yes, yes.

21 MS. WHIRLEY: Are you, 10-4 is like
22 acknowledgment, correct? What does 10-4 mean?

23 A 10-4 can be acknowledgment, but it also,
24 are you okay, we use it are you okay, is everything
25 good.

1 MS. WHIRLEY: Okay. So when you say 10-4
2 on Canfield.

3 A I'm asking if everything is okay.

4 MS. WHIRLEY: That's not a response that
5 somebody said they were out on Canfield?

6 A No, ma'am, no.

7 Q (By Ms. Alizadeh) Now at this point are
8 you concerned about what's happening and going on?

9 A Yes.

10 Q Why?

11 A Um, because I know 25 was looking for
12 another one, so I know something transpired and I
13 hear static and I'm not, they're not communicating
14 with me. So the years I've been there and I've
15 known a lot of these men since they were small, I
16 say small, to me they're like my children almost.
17 I've known them since they were rookies. I'm
18 concerned about their well being because it is odd
19 for them not to talk to me.

20 Q Okay. The two officers that you hear
21 saying that they're going to Canfield and you can
22 hear their engines revving, does that mean anything
23 to you?

24 A Yes.

25 Q What does that mean?

1 **A** They picked up the same that I did, that
2 he requested an assist car too quickly and there was
3 a problem.

4 **Q** So it sounds like they're speeding or
5 racing to that area?

6 **A** Yes.

7 **Q** 377.

8 (Playing the recording.)

9 **Q** Who is Frank 25?

10 **A** Officer .

11 **Q** Did you tell anything about his voice in
12 that call?

13 **A** Yes, he's very distressed.

14 **Q** And he says send 23 to Coppercreek Court,
15 and that would be Sergeant ?

16 **A** Yes.

17 **Q** For Officer , when he request a
18 supervisor to the scene, what does that tell you?

19 **A** That something occurred.

20 **Q** Something out of the ordinary?

21 **A** Correct.

22 **Q** Something more serious than pedestrian
23 check?

24 **A** Correct.

25 **Q** Or even arresting a subject for a warrant?

1 **A** Correct.

2 **Q** And then you hear Sergeant say, go
3 ahead, and you hear the dispatcher say are you able
4 to respond to Canfield and Coppercreek Court for 25?

5 **A** Correct.

6 **Q** Is that for Officer 25 or does that mean
7 is 25 a code for something?

8 **A** No, for officer 25, for Officer .

9 MS. WHIRLEY: Now, is there anyway to tell
10 at this point at Track 377 whether or not the
11 shooting has already occurred?

12 **A** No, ma'am.

13 MS. WHIRLEY: There's no way to tell that?

14 **A** No.

15 MS. WHIRLEY: Nobody ever said shots
16 fired?

17 **A** No.

18 MS. WHIRLEY: Nobody has ever said send a
19 supervisor because we have an officer in need of
20 assistance?

21 **A** No.

22 MS. WHIRLEY: So the shooting could have
23 already occurred by this time?

24 **A** Yes, ma'am.

25 MS. WHIRLEY: When everybody is acting so

1 upset?

2 **A** Yes.

3 MS. WHIRLEY: Okay.

4 **Q** (By Ms. Alizadeh) Track 378.

5 (Playing the recording.)

6 **Q** So you recognize which officer that is?

7 **A** Yes.

8 **Q** Who is that?

9 **A** Officer .

10 **Q** Does he sound distressed still?

11 **A** Yes.

12 **Q** Now, at this point are you and in
13 communication with each other?

14 **A** Correct.

15 **Q** What was going on between the two of you?

16 **A** Uh, I told something just occurred,
17 both of our years of dispatching we knew it was
18 something very serious. Something that entailed a
19 detective processing the scene.

20 **Q** So now Officer is asking for
21 detectives to respond to the scene?

22 **A** Yes.

23 **Q** And that's something more than a
24 pedestrian check?

25 **A** Correct.

1 Q Something more than we've arrested
2 somebody with warrants?

3 **A** Correct.

4 MS. WHIRLEY: But for the detectives to be
5 coming to process the scene would be an indication
6 that the shooting has likely occurred?

7 **A** Yes, ma'am.

8 . Can you
9 give me the time on the track 374?

10 Q 374, let me get this out of the way here.

11 It is 12:22:18.

12 : And then the time on 378?

13 Q (By Ms. Alizadeh) 378 is 12:23:11?

14 MS. WHIRLEY: Would you give me the time
15 on 369?

16 MS. ALIZADEH: 369 is 12:21:05.

17 Anybody else?

18 Again, keep in mind that does not actually
19 mean what time it was, but gives you a perspective
20 on the time in between these calls.

21 Anybody else.

22 Now we are on call 379, track 379.

23 (Playing the recording.)

24 Q (By Ms. Alizadeh) That's you?

25 **A** Yes.

1 **Q** So Frank 23 is Sergeant ?

2 **A** Yes.

3 **Q** What is this, what are you saying to him
4 in this call?

5 **A** He is still on the call on Kirk with the
6 elderly female and I'm telling him I'm unable to get
7 ahold of anyone at the agency. He has requested and
8 I've also tried United Way and they are not
9 available.

10 **Q** So prior to these recordings that we are
11 listening to, he had called into dispatch and asked
12 you to try to get ahold of somebody with an agency
13 that maybe could assist this woman?

14 **A** Yes.

15 **Q** So this was in response to Sergeant
16 inquiring earlier about the elderly woman?

17 **A** Yes.

18 **Q** Not related to Canfield apartments?

19 **A** Correct, not related.

20 (Playing the recording.)

21 **Q** And so now I wrote 24 there, that's not 24
22 is it?

23 **A** Right, it is 23.

24 **Q** Can you all change that? That was Officer
25 23, Sergeant ; is that right?

1 **A** Yes.

2 **Q** And so he's saying he's finishing up on
3 the call on Kirk?

4 **A** Yes.

5 **Q** He says 24 remains, what does that mean?

6 **A** That means 24 is going to stay there with
7 her.

8 **Q** And that would be ?

9 **A** Yes.

10 **Q** And so then he's wearing clarifications of
11 where he is pond to.

12 . Was
13 Officer the first officer on the scene after
14 Wilson and saw the two guys.

15 **A** I believe so, I believe so.

16 : . So this is
17 telling us, this call is telling us Officer was
18 there, Sergeant was there, as well as
19 who is responsible for secretary four that day?

20 **A** Correct, they were both on Kirk.

21 **Q** (By Ms. Alizadeh) Both on Kirk?

22 **A** Yes, ma'am.

23 **Q** Now, let me ask you this. It is not
24 recorded and maybe you don't remember, but did
25 Officer request a supervisor on that call on

1 Kirk?

2 **A** I believe so.

3 **Q** Is it typical for a supervisor to respond
4 to a call or assist?

5 **A** Usually a supervisor will respond if there
6 is no other unit available, but also a supervisor
7 will respond if an officer is having a difficult
8 time communicating with someone and he is our
9 officer.

10 **Q** Officer is

11 **A** That is correct.

12 **Q** Anybody else? So we're going to call 381.
13 (Playing the recording.)

14 **Q** Now, that was speaking, correct?

15 **A** Yes.

16 **Q** Who is she talking to?

17 **A** She's talking to the officers, letting
18 them know that EMS was en route.

19 **Q** The officers on Canfield?

20 **A** Yes.

21 **Q** What is EMS?

22 **A** Emergency medical.

23 **Q** And so he's indicating medical personnel's
24 responded?

25 **A** Yes.

1 **Q** All right. Did somebody call for that?

2 **A** I believe the officers asked for that. I
3 think they called us on the phone and asked for that
4 but there was also a firetruck that was cutting
5 through Canfield back to West Florissant that was
6 assisting the child with difficulty breathing that
7 automatically stopped. You can hear the fire
8 channel when you are in dispatch, correct?

9 **A** Correct.

10 **Q** Your recollection is that there was a
11 firetruck that had been leaving that Glenark call?

12 **A** Yes.

13 **Q** Was like right there when probably the
14 first responding, I think you told me you thought
15 that was the first emergency vehicle on the scene?

16 **A** Correct.

17 **Q** Besides the --

18 **A** Officers.

19 **Q** -- officers?

20 : I have a question,

21 At this particular point then are we
22 still, I'm kind of confused about this channel, that
23 channel. Are we on the Ferguson channel, or we on
24 the RIOT A channel or what?

25 **A** I can monitor the fire department channel,

1 I have that ability from my console. And I could
2 hear them, the traffic coming out on that channel as
3 well as the traffic coming out on that main channel.
4 The communication will come from both channels, just
5 one is louder than the other. And that's how I can
6 differentiate between which one is which.

7 : Okay.

8 This we are hearing is on
9 the dispatch channel?

10 **A** Correct.

11 MS. ALIZADEH: No one else?

12 **Q** (By Ms. Alizadeh) Track 382.

13 (Playing the recording.)

14 **Q** And that's you?

15 **A** Yes.

16 **Q** That's Officer saying he's arrived at
17 the scene?

18 **A** Yes.

19 **Q** And you call out he's there at 12:05?

20 **A** Yes.

21 **Q** So at the time of this call on the tracks
22 we've gotten on the disc say 12:25:40. 12 p.m.,
23 12:25 p.m. and 40 seconds. You put him out there at
24 12:04?

25 **A** Yes, ma'am.

1 **Q** And then 383.

2 (Playing the recording.)

3 **Q** That's Officer calling out?

4 **A** Yes.

5 **Q** 385.

6 (Playing the recording.)

7 **Q** So who's Officer 27?

8 **A** .

9 **Q** You recognize him?

10 **A** Yes.

11 **Q** He was the officer, he says I'm leaving
12 the station. He had been conveying a prisoner; is
13 that right?

14 **A** Yes.

15 **Q** So he responded saying I'm going to go out
16 to the scene as well?

17 **A** Yes.

18 **Q** 386.

19 (Playing the recording.)

20 **Q** What's that about?

21 **A** We have a channel that we call
22 point-to-point that we can communicate with all
23 agencies in the area, and we call them
24 point-to-point and we get immediate assistance from
25 that other agency. St. Louis County is the closest

1 big jurisdiction that is near us, so we would always
2 call them immediately with something.

3 Q And that's voice?

4 A No.

5 Q Is she on the point-to-point channel?

6 A Yes, ma'am.

7 Q So that's different than the dispatch
8 channel?

9 A That's correct.

10 Q You can hear her calling out on the
11 point-to-point channel?

12 A Yes.

13 Q 387.

14 (Playing the recording.)

15 Q 388.

16 (Playing the recording.)

17 Q 389.

18 (Playing the recording.)

19 Q Is that the major that you already heard
20 from today?

21 A Yes.

22 Q And he's with Country Club Hills?

23 A Yes.

24 (Playing the recording.)

25 Q Can you understand what they're saying in

1 that call?

2 **A** He's inquiring if we need additional units
3 down on Coppercreek. We told him affirmative we do
4 and he advised that he would be en route.

5 **Q** 391.

6 (Playing the recording.)

7 **Q** Is that ?

8 **A** Yes.

9 **Q** Why is she calling out Ferguson?

10 **A** She's answering point-to-point.

11 Unfortunately, our system does not tape the
12 receiving information that we get on point-to-point,
13 it only records outgoing information.

14 **Q** Okay. 392.

15 (Playing the recording.)

16 MS. ALIZADEH: Yes.

17 : Can I listen to track 390
18 again because it says at the very end it is
19 unintelligible, but to me it sounds like he's saying
20 what do you got there.

21 MS. ALIZADEH: Sure, I'll play track 390
22 again.

23 (Playing the recording.)

24 **Q** (By Ms. Alizadeh) 393.

25 (Playing the recording.)

1 **Q** Now was that 24 or 25?

2 **A** 25.

3 **Q** So I wrote that wrong?

4 **A** (Nods head.)

5 **Q** Track 394.

6 (Playing the recording.)

7 MS. ALIZADEH: So FYI people, the rest of
8 these calls are obviously after the incident. I did
9 go through these calls with them for a bit longer.
10 Is there interest in hearing them? Let me ask you
11 this, do you ever hear Officer Wilson call out on
12 the radio again?

13 **A** No.

14 MS. ALIZADEH: Is there anybody who wants
15 to listening to calls or you interested in whether
16 there is a call for something specific? Anyone?

17 We can keep playing the calls. It is a
18 lot of the aftermath and the crowd control and the
19 need for additional units and so forth.

20 : I just have a question.

21 At what point do you understand what
22 happened or what the situation is?

23 **A** I understood that there was a problem. I
24 never fully knew what transpired until my captain
25 actually called me on the phone and said this is

1 what happened. He wanted to make sure we knew.

2 : Okay.

3 **A** We never were told. We just knew there
4 was a serious problem.

5 MS. WHIRLEY: This is Sheila Whirley, did
6 you see Darren Wilson come back to the station after
7 this call?

8 **A** Not directly after the call, no, ma'am.

9 MS. WHIRLEY: When did you see him again?

10 **A** I saw him a couple hours later in the
11 detective room.

12 MS. WHIRLEY: What was he doing?

13 **A** He was in there with a detective waiting
14 for St. Louis County.

15 MS. WHIRLEY: Was he fully dressed at that
16 time?

17 **A** He was in his uniform, yes, ma'am.

18 MS. WHIRLEY: And did you talk to him at
19 all?

20 **A** No.

21 MS. WHIRLEY: Did you know that he was
22 involved in a shooting?

23 **A** At that point, yes, ma'am, I did know.

24 MS. WHIRLEY: Did you say anything to him
25 like I'm sorry to hear about this?

1 **A** No.

2 MS. WHIRLEY: There was no communication
3 between to two of you?

4 **A** No, I actually had just walked past the
5 door.

6 MS. WHIRLEY: Did you observe his
7 demeanor?

8 **A** He was very quiet, seemed very quiet.

9 MS. WHIRLEY: Because you know him?

10 **A** Yes.

11 MS. WHIRLEY: So when you say quiet, was
12 he, you know, tearful or anything.

13 **A** Very solemn.

14 MS. WHIRLEY: Solemn, you would describe
15 it?

16 **A** Solemn.

17 MS. WHIRLEY: According to the transcript
18 that we're looking at, seems like the last time you
19 heard from Frank 21, which was Officer Wilson, is
20 when he said put me on Canfield with two and send
21 another car.

22 **A** Yes, ma'am.

23 MS. WHIRLEY: You never heard anything
24 else from him?

25 **A** No.

1 MS. WHIRLEY: Okay.

2 Q (By Ms. Alizadeh) But there is another
3 call that you actually responded to because you
4 couldn't tell what was being said or who was
5 calling; is that right?

6 A Yes.

7 MS. ALIZADEH: Anyone else?

8 That
9 would be the static call?

10 A Yes.

11 : If that call is on a
12 different channel, would you be able to hear that
13 static as a dispatcher.

14 A When you say different channel, are you
15 talking about a channel on their portable or a
16 channel --

17 Channel on the portable.

18 A No, I do not have the same access to their
19 channels that on my --

20 --

21 MS. ALIZADEH: No, you're

22 : I'm trying to blame
23 everything on . I hear so much it gets
24 in my mind.

25 Track 369, that's when the call, I'm on

1 Canfield, was it 12:21:05, that's not real time, but
2 it is a time, correct?

3 MS. ALIZADEH: Yes. You want me to double
4 check the time?

5 : Well, no, I wrote it
6 down. I know that's what was on the track.

7 And then on 378, that's if we have a
8 detective on duty respond as well. So that's pretty
9 much, we can say that's pretty much after everything
10 is done as far as the shooting that was at 12:23:11,
11 which was like two seconds or is that two minutes.

12 MS. WHIRLEY: Two minutes.

13 : This whole thing pretty
14 much was over in two minutes, that's a fairly short
15 period of time. So, I mean, we are hearing people
16 talk about six minutes and two minutes from the time
17 he got out of the car until --

18 : . You take the
19 time of 377, which is 12:22, assuming when he's
20 asking for the supervisor when he was already at the
21 scene, it is one minute.

22 Two minutes or less.

23 MS. ALIZADEH: I will assume then you
24 don't want me to play the rest of the calls? If
25 need be, you can listen to them. You know, don't

1 necessarily trust the transcript because obviously
2 I've made some mistakes and I didn't actually, we
3 didn't finish the transcript because I was, I knew I
4 was keeping you guys waiting this morning.

5 If there is a need to listen to additional
6 calls, you let me know because I'll probably want
7 her to verify whose talking and what's being said
8 because I can't trust myself, I don't know whose
9 voice is who, okay.

10 MS. WHIRLEY: I have one other question.
11 When we talked about this orange alert button, you
12 talked about it too. If shots were fired or officer
13 discharging his weapon in some way like that, would
14 you expect that alert button to be enabled?

15 **A** If he had a chance to, yes.

16 MS. WHIRLEY: Okay.

17 **A** But that is usually, I mean, their walkie
18 is attached on their hip and it's pulled over. So
19 they have to reach down on their hip to push that
20 button.

21 MS. WHIRLEY: Okay. And then there's an
22 alert button inside the car also?

23 **A** Yes, but it is on the radio itself.

24 MS. WHIRLEY: Is that button bigger,
25 larger than the one --

1 **A** I do not know what the button looks like
2 there.

3 MS. WHIRLEY: Okay, all right, thank you.

4 MS. ALIZADEH: Okay.

5 (End of the testimony of)

6 MS. ALIZADEH: Good afternoon. This is
7 Kathi Alizadeh, today is November 10th, it is
8 1:44 p.m. Sheila Whirley is here, all 12 grand
9 jurors are here, and , the court reporter, is
10 here.

11 We just finished with our lunch break and
12 so we're going to resume for the afternoon and so
13 what we're going to start with right now, last week
14 there was a request for me to try to get some clips
15 of a press conference or press conferences that
16 Chief gave or made after the incident in
17 Ferguson.

18 So I did find online several clips or
19 press conferences. And I'm not 100 percent sure
20 which one you might be referring to, so I know that
21 there was a question of whether or not he talked
22 about whether the officer knew or what he might have
23 known.

24 So I have two, I have two clips where that
25 might be what he's talking about.

1 If you will bear with me, I will go ahead
2 and play those. I will play one clip first and that
3 might be the one you are talking about and you might
4 say oh, good, that's it, we don't need to do the
5 other one. But if not, then we'll play the other
6 one as well.

7 I'm going to put a disc in here and see I
8 have no idea what disc it is. So let me put this
9 disc in here. Then I'll mark it.

10 I'm going to mark this as Grand Jury
11 Exhibit 91.

12 (Grand Jury Exhibit Number 91
13 marked for identification.)

14 MS. ALIZADEH: Because I got these off of
15 the internet, I cannot say for sure when this
16 conference was because it doesn't really have a date
17 on it. We'll just see if this is what you might be
18 interested in.

19 Go ahead and pause the recording.

20 , pause the audio recording and
21 if you will try to dictate statements made at
22 the press conference, not dictate, transcribe.

23 (Playing of the conference recording and I
24 am transcribing.)

25 CHIEF : First of all, thanks for

1 everybody for coming out. Sorry about being late, I
2 know that the timeline hasn't really played out like
3 I expected it would. But as some of you are aware,
4 I've had a lot of Sunshine request, Sunshine Law
5 request for information and documents about a
6 variety of things, some of which is not available to
7 me.

8 But anyway, I'm here to talk about two
9 things. First of all, the name of the officer
10 involved in the shooting and then I've had a lot of
11 Sunshine request for information I'm going to be
12 releasing information about a robbery that occurred
13 on August 9th immediately preceding the altercation
14 and shooting death of Michael Brown.

15 It's important to know that I have made
16 contact with someone who is in contact with
17 Officer Brown's (sic) family making them aware of
18 this information being released.

19 What we are making available today is the
20 dispatch records, the video footage of a robbery, a
21 strong armed robbery, a use of force that occurred
22 at a local convenience mart.

23 I cannot discuss the investigation
24 about the attempted apprehension of the suspect and
25 strong armed robbery, that goes to the County

1 Prosecutor's office. I won't be taking any
2 questions today right now, but I won't be taking any
3 questions here. I want to get this information to
4 you, everybody digest it and then later on sometime
5 in the afternoon we can get together again and then
6 I'll take questions.

7 So I just want to give you a little
8 timeline of what happened. On August 9th from
9 11:48 till noon the officer involved in the shooting
10 was on a sick call on Glenark. There was an
11 ambulance present.

12 At 11:51 there was a 911 call from a
13 convenience store nearby, not this one. At
14 11:52 dispatch gave a description of a robbery
15 suspect over the radio. A different officer arrived
16 at the store where the strong armed robbery
17 occurred.

18 A further description with more
19 detail was given over the radio and said that the
20 officer was walking toward -- the suspect was
21 walking toward QuikTrip.

22 Our officer left the sick call, he
23 encountered the, sorry. At 12:01 p.m., our officer
24 encountered Michael Brown on Canfield Drive. At
25 12:04 a second officer arrived on the scene

1 immediately following the shooting. And 12:05 a
2 supervisor was dispatched to the scene and
3 subsequent officers arrived.

4 There has been some questions about
5 the calling of an ambulance, the ambulance that was
6 at the sick case on Glenark was coming by
7 immediately following the shooting and they did
8 respond to assess Michael Brown.

9 So I'm going to have some police
10 officers going to be handing out packets that have
11 all the information that was requested on the
12 Sunshine request concerning the robbery. We're
13 going to give those packets, first of all, to those
14 agencies that had made the Sunshine request and then
15 anybody else who wants them, I think we have enough
16 to give out. We've got quite a few.

17 Sorry. The officer that was involved
18 in the shooting of Michael Brown was Darren Wilson.
19 He's been a police officer for six years, has had no
20 disciplinary action taken against him.

21 He was treated for injuries which
22 occurred on Saturday. Again, I won't be taking any
23 questions at this time, but the packets will be
24 handed out by my officers. The name is Darren,
25 D-A-R-R-E-N, Wilson, W-I-L-S-O-N. And thank you and

1 I will see you again soon.

2 (End of the recording.)

3 MS. ALIZADEH: I just finished playing
4 Grand Jury Exhibit Number 91. I'm now going to play
5 another disc, which is Grand Jury Exhibit 92.

6 (Grand Jury Exhibit Number 92
7 marked for identification.)

8 (Playing of the recording of the press
9 conference and the following is a transcription:)

10 CHIEF Okay, thank you. All
11 right. So I gave you a whole bunch of, first of
12 all, thank you for coming out here. We wanted to do
13 this in this environment so we can hear each other
14 and get whatever information we have left out.

15 So I gave you a lot of information this
16 morning. I wanted to give you a chance to let you
17 go over it. And if we've had some questions that
18 have been coming into our Twitter and so forth, so
19 I'm going to address some of those.

20 A question about the timing of the release
21 of the tape. So we have had this tape for a while
22 and you know we had to diligently review the
23 information that was in the tape, determine if there
24 was any other reason to keep it, anybody else to be
25 charged in the crime, we had determined that that

1 was not going to be the case.

2 We got a lot of Freedom of Information
3 request for this tape and at some point it was just
4 determined we had to release it. We didn't have
5 good cause or any other reason to not release it.
6 And so decided at the same time it wouldn't be
7 prudent to release that information which, you know,
8 could be a little bit, I don't know.

9 We needed to release that at the same time
10 we would release the name of the officer who was
11 involved in the shooting. So that we could just
12 keep open and give you all the information we had.
13 We pretty much have given you every bit of
14 information that we have now. I don't think there
15 is anything else that we have to give out.

16 Regarding the second suspect who was in
17 the store and the tape, Dorian Johnson, we
18 determined that he did not commit a crime and was
19 not complicit in the crime.

20 And clarifying one of the other questions
21 that came quite a bit was on the role of two
22 officers. Some were thinking it was the same
23 officer that handled the robbery as was involved in
24 the shooting, that is not the case. There were two
25 separate officers.

1 This robbery does not relate to the
2 initial contact between the officer and Mike Brown.
3 Having said that, I will take a few questions.

4 QUESTION: Do you have any information to
5 justify the incident of force, particularly outside
6 department?

7 CHIEF : Okay. I understand that
8 and these are questions that have to go to the
9 investigation and I don't think anything from the
10 investigation is going to be released until it is
11 complete.

12 QUESTION: The officer who fired the shots
13 whether he knew Mr. Brown was involved in this
14 incident, whether he knew that Mr. Brown was
15 involved?

16 CHIEF : I can only go up to a
17 certain point and then it is unreleased information
18 in the investigation. And that certain point is the
19 initial contact between the officer and Mr. Brown
20 was not related to the robbery.

21 QUESTION: (Inaudible) Can you as a
22 matter of protocol describing conditions under which
23 a weapon was discharged?

24 CHIEF : There's a use of force
25 report that we have, but the whole, all the reports

1 are going to be written on this are going to be
2 written by the St. Louis County Police Department.
3 They had total control of the investigation.

4 QUESTION: (Inaudible.)

5 CHIEF : I don't have it in my
6 possession. Everything belongs to the County.

7 QUESTION: (Inaudible.)

8 CHIEF : Um, I have to take a look
9 at it. Just take a look at the tape.

10 QUESTION: (Inaudible.)

11 CHIEF : Okay. All I did was
12 release the videotape to you because I had to. I've
13 been sitting on it. Too many people put in a
14 request for that thing so I had to release that tape
15 to you.

16 QUESTION: (Inaudible.)

17 CHIEF I understand that, but
18 considering if I just release that tape and didn't
19 release the officer's name, there would be similar
20 questions.

21 QUESTION: Michael Brown's family was the
22 media's way the police chief has chosen to
23 disseminate piecemeal information in a manner
24 intended to assassinate the character of Michael
25 Brown. What is your response to that?

1 CHIEF : My response to that is
2 first, my heart goes out to the family. I can't
3 imagine what they're going through. We have given
4 you everything that we have now and everything that
5 we can give you. From our police department you
6 have everything we've gotten. There is nothing else
7 to give you.

8 QUESTION: (Inaudible.)

9 CHIEF : No, I had meetings
10 scheduled with the family yesterday morning,
11 representatives from the family came, the family did
12 not, they haven't had a chance to completely consult
13 with their attorney.

14 QUESTION: We asked you guys questions
15 about the way you handled this case happened this
16 case why you are releasing the information you said
17 was under investigation, you just put more citizens
18 in trouble by releasing that video. Now they have
19 to be protected because their store and their
20 business have been placed in the media. You say you
21 are concerned about safety, but you talking about
22 your officer?

23 CHIEF I'm absolutely concerned
24 about the safety of my community.

25 QUESTION: Can you say whether he worked

1 at another police department in this area before he
2 came here?

3 CHIEF Yes, he was A police
4 officer for six years. Two of those years were with
5 Jennings and four years with us. I can't go into
6 the security of that officer.

7 QUESTION: Can you talk about (inaudible)
8 The officer involved in the shooting was he aware of
9 the robbery call?

10 CHIEF : I don't know. I don't
11 know what came out in his interview. I know his
12 initial contact was not related to the robbery, it
13 was related to blocking the road.

14 QUESTION: So you're telling us that when
15 the officer stopped Michael Brown the first time, he
16 was not aware that Brown was a suspect in a robbery?

17 CHIEF : No, he was just coming off
18 of a sick case, which is why the ambulance was there
19 so quickly, but yeah, okay.

20 QUESTION: You're saying, what are you
21 saying, Chief, did he know that he was aspect in the
22 a case or did he not know?

23 CHIEF : No, he didn't. He was --
24 had nothing to do with the stop.

25 QUESTION: At this point why would he stop

1 Michael Brown?

2 CHIEF Because they were walking
3 down the middle of the street blocking traffic, that
4 was it.

5 QUESTION: Did you find evidence of the
6 stolen merchandise on the body?

7 CHIEF : Yes.

8 QUESTION: Why did you put more citizens
9 in harms way?

10 CHIEF : Are there any other new
11 questions?

12 QUESTION: (Inaudible)

13 CHIEF : I was asked that, I'm
14 going to consult with my city attorney before we do
15 that and make sure that's all part, I just got that
16 question.

17 QUESTION: (Inaudible.)

18 CHIEF : They're doing a good job.
19 They have actually been here with us since the very
20 beginning of this thing and I have every confidence
21 in St. Louis County Police Department is still here.

22 QUESTION: (Inaudible) The governor to
23 bring in the State Highway Patrol do you agree?

24 CHIEF : That's political and I'm
25 not going to get involved in that. What I will say

1 I know the officer in charge and have known him for
2 years and have every confidence in him for
3 information confidence in him.

4 QUESTION: (Inaudible.) Now the state
5 police take over --

6 CHIEF : 28.

7 QUESTION: (Inaudible.)

8 CHIEF : Yes.

9 QUESTION: There some report --

10 CHIEF : The side of his face was
11 swollen. This has already been released by the
12 County Police Department. What I tell you about the
13 incident, the shooting is what's been released by
14 the St. Louis County Police Department. So
15 everything I say to you I can't say anything other
16 than that.

17 QUESTION: Tell us a little bit more about
18 him, what kind of details did he work, kind of how
19 would you describe his demeanor, did you ever have
20 any issues with him, any termination action?

21 CHIEF He had no complaints, he
22 was a gentle, quiet man, he was a safest officer,
23 yes.

24 QUESTION: (Inaudible.)

25 CHIEF : Yes, we do.

1 QUESTION: Could you describe him as best
2 you can?

3 CHIEF : He was a gentleman, a
4 quiet officer, and he has been an excellent officer
5 for the police department.

6 QUESTION: How has he been affected by
7 this?

8 CHIEF It is devastating,
9 absolutely devastating. He never intended for any
10 of this to happen.

11 QUESTION: The officer, if he did not
12 feel, if the murderer and the robbery did not come
13 together, why did the video come out and the robbery
14 is not related?

15 CHIEF : Because the press asked
16 for it.

17 QUESTION: (Inaudible)

18 CHIEF Pardon me? Does anybody
19 remember. I don't remember, but I will find out for
20 you. One more question.

21 QUESTION: (Inaudible.)

22 CHIEF : Try it again?

23 QUESTION: Earlier in the day you said the
24 officer was responding because of a description of a
25 robbery suspect that had gone out and that

1 description matched Michael Brown. Now you are
2 saying he only shot Michael Brown because he was
3 blocking traffic being?

4 CHIEF : No, no, no, I don't think
5 he went there for a robbery call, he was in the area
6 following the robbery because he was on a sick case.

7 QUESTION: If the robbery had nothing to
8 do with the stop, then why did you release the video
9 of the robbery, what's the explanation?

10 CHIEF Because you asked for it,
11 you asked for it. I held onto it for as long as I
12 could. Yes.

13 QUESTION: (Inaudible.)

14 CHIEF : Captain and I just
15 spoke about our communication breakdown and we -- I
16 talked to Chief about this, we talked to the
17 command post out there, but I did not personally
18 call him, I should have done that. I'm still in
19 County being in charge mode.
20 Thank you very much.

21 (End of the playing of the press
22 conference.)

23 MS. ALIZADEH: Is that the interview you
24 were talking about? The only other one I have was
25 really pretty long.

1 : That's it.

2 : The one question the
3 reporter asked about why did he earlier say that the
4 officer didn't know, that was kind of --

5 MS. ALIZADEH: I haven't found a clip
6 where he actually says that.

7 : He does say that though.

8 MS. ALIZADEH: I don't know if he says in
9 the audio or a press conference, I'm not really
10 sure. I wasn't able to find that statement, but he
11 does say something about you earlier said this and
12 then officer Chief responds.

13 If anybody is aware of any other clip. I
14 know that typically we tell jurors not to do any
15 research on the case, but if there is a clip that
16 you all think that you want the rest of the jurors
17 to view, if you can just bring it to my attention, I
18 can give you my email address and you can email me
19 the link or something and I'll make sure I get it
20 copied so we can show it to everybody. But from
21 what I understand, this is the clip you were talking
22 about?

23 Okay. So I just played Grand Jury Exhibit
24 92, which is another recorded audio, video clip of a
25 press conference that was made by Chief and

1 I'm not sure when it was made. So, obviously, after
2 the shooting, but I'm not sure when in time it was
3 made. So at this time I am going to call Chief
4 . I talked to y'all about I thought it would
5 be prudent if we're going to have clips played of
6 him making statements, we would call him as a
7 witness and have him talk about that and answer any
8 of your questions in relation to that.

9
10 of lawful age, having been first duly sworn to
11 testify the truth, the whole truth, and
12 nothing but the truth in the case aforesaid,
13 deposes and says in reply to oral
14 interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

17 Q , could you state your name
18 and spell it for the court reporter, please?

19 A

20

21 Q And, sir, where are you employed?

22 A Ferguson Police Department.

23 Q And what do you do for the City of
24 Ferguson?

25 A I'm the chief of police.

1 **Q** How long have you been the chief of the
2 City of Ferguson?

3 **A** About four years and eight months.

4 **Q** And are you a commissioned officer?

5 **A** I am.

6 **Q** So how long have you been a police
7 officer?

8 **A** A little over 35 years.

9 **Q** Prior to your employment as the chief of
10 the City of Ferguson, did you work for the City of
11 Ferguson in any other capacity?

12 **A** I did not.

13 **Q** So where did you work, what were you doing
14 prior to coming to the City of Ferguson chief of
15 police?

16 **A** I was s employed by the St. Louis County
17 Police Department.

18 **Q** All right. And so have you ever been
19 employed by any other police departments besides St.
20 Louis County?

21 **A** No, I have not.

22 **Q** So after going to the police academy, your
23 career was with the county and chief of police of
24 Ferguson?

25 **A** Yes.

1 **Q** What did you do as a police officer for
2 the St. Louis County?

3 **A** I started out in patrol, then I did four
4 years as an undercover detective, narcotics. I
5 spent five years an operator on the SWAT team.
6 About a year as a burglary sergeant, another three
7 years as a sergeant in the SWAT team.

8 Finished my career as lieutenant and
9 then captain of the St. Louis County
10 Multijurisdictional Drug Task Force.

11 **Q** All right. And when you left the county,
12 did you retire from the county?

13 **A** I did.

14 **Q** And from there did you go directly to
15 being the chief at Ferguson or did you have a
16 hiatus?

17 **A** I took a weekend off, it was very
18 relaxing.

19 **Q** So you had been, do you recall the date or
20 the month that you started as the chief in Ferguson?

21 **A** It was March 8th, 2010.

22 **Q** And have you been the chief continuously
23 since that date?

24 **A** Yes, ma'am.

25 **Q** And as the chief of police, you have

1 police officers that are under your command; is that
2 right?

3 **A** Yes, ma'am.

4 **Q** Can you describe the hierarchy of command.
5 So you are the senior law enforcement official,
6 correct?

7 **A** That's correct.

8 **Q** Who would be directly under you?

9 **A** Now there's a new position of assistant
10 chief. I have captains for patrol and criminal
11 investigation, and then I have lieutenants for
12 patrol, and sergeants for patrol and for
13 communications and auxillary services. I also have
14 correction officers and dispatch center.

15 **Q** And we've heard from your communication
16 officer and one of your dispatchers, Ferguson
17 dispatches for themselves, correct?

18 **A** They do.

19 **Q** They also, you also answer your own 911
20 calls?

21 **A** Yes, ma'am.

22 **Q** Um, so as the chief of police, you
23 mentioned that there is an assistant chief of
24 police, is that what you said?

25 **A** Yes.

1 **Q** You said it was a recently created
2 position, was that position, had that position been
3 created by March 9th, I'm sorry, August 9th of this
4 year?

5 **A** Yes, it was August 1st, I believe.

6 **Q** Okay. And who is the assistant chief?

7 **A** .

8 **Q** And then you have a sergeant under your
9 command named Sergeant , correct?

10 **A** I do, yes, ma'am.

11 **Q** So were you working on August 9th of this
12 year?

13 **A** No, I wasn't.

14 **Q** Do you recall where you were when you
15 first learned that there had been an officer
16 involved shooting?

17 **A** Yes, I, it was driving westbound on
18 Interstate 70 to have lunch with .

19 **Q** So this was on a Saturday, correct?

20 **A** It was.

21 **Q** And you were not working that day. So how
22 is it that you learned about the officer involved
23 shooting?

24 **A** I got a call and a text from Sergeant
25 . I was driving at the time so I waited until I

1 got off the highway and checked that briefly.

2 Alerted me that there was a fatal officer involved
3 shooting, so I called him.

4 Q So the message was from ?

5 A It was.

6 Q And did you call then?

7 A I did.

8 Q Did you reach him?

9 A I did.

10 Q About what time of day is this, do you
11 know?

12 A It is around 12:15, 12:20.

13 Q So when you contacted , was he at
14 the scene on Canfield?

15 A I believe he was there at that time.

16 Q And what did he tell you about what had
17 happened?

18 A Briefly he told me that there was an
19 officer involved shooting. I asked him who the
20 officer was and if the officer was okay. And you
21 know, he had already told me that it was a fatal
22 shooting and he did say that the scene was starting
23 to get a little bit tense.

24 Q All right. And after getting that
25 information from Sergeant , what did you do?

1 **A** I contacted my chief of detectives,
2 and informed him, wanted his blessing that I
3 intended to ask to handle the
4 investigation.

5 Then called , chief of
6 police of St. Louis County and asked him, informed
7 him briefly what he had, told him I didn't have a
8 lot of details, but since it was a fatal officer
9 involved shooting I would prefer that they did the
10 investigation.

11 **Q** And was this prior to you getting to the
12 scene that you made these phone calls?

13 **A** Yes, ma'am.

14 **Q** And ultimately did you proceed to the
15 scene on Canfield?

16 **A** I did.

17 **Q** And about how long now had it been from
18 the time you got the call from Sergeant until
19 you got down to the scene?

20 **A** I'm thinking it was about 45 minutes,
21 maybe a little longer.

22 **Q** And when you got to the scene, was County
23 Police already at the scene?

24 **A** They were.

25 **Q** And was the scene roped off?

1 **A** There was a lot of tape, crime scene,
2 yellow crime scene tape all over the place.

3 **Q** Roped off is not right, taped off?

4 **A** Yes.

5 **Q** And so did you have another conversation
6 with when you got down to the scene?

7 **A** Yes, I did.

8 **Q** And did he give you any more details about
9 what had happened?

10 **A** Not a lot. It was a very chaotic scene
11 and I asked him briefly what happened. He said that
12 Darren Wilson was driving down the road, saw two
13 people in the road, asked them to get out of the
14 road. Words were exchanged, a scuffle ensued, there
15 was a shooting inside and then outside of the
16 vehicle.

17 **Q** Okay. So, and you learned from your
18 initial call with Sergeant that the name of the
19 expert who was involved in the shooting, correct?

20 **A** Yes.

21 **Q** When you got down to the scene on
22 Canfield, was he there?

23 **A** No, he was not.

24 **Q** Have you ever seen him since then?

25 **A** No, I have not.

1 **Q** You never saw him on the 9th?

2 **A** I didn't.

3 **Q** Have you had a conversation with Darren
4 Wilson since the 9th?

5 **A** Yes, I had one conversation with him.

6 **Q** And when, approximately, was that?

7 **A** Uh, within a day or two of the shooting.

8 **Q** Was that, I guess, on the telephone since
9 you haven't seen him?

10 **A** Yes, correct.

11 **Q** Telephone. Did he talk to you or give you
12 any details about what happened that day on
13 Canfield?

14 **A** No, nor did I ask.

15 **Q** So what was the nature of your
16 conversation?

17 **A** Just to check on his general welfare, see
18 if he needed anything to affirm to him he was on
19 administrative leave and was subject to call.

20 **Q** Now, you're aware that Officer Wilson
21 after the shooting was directed to go back to the
22 station, correct?

23 **A** Correct.

24 **Q** And you're aware that at some point he
25 went to the hospital, correct?

1 or read a transcript of that interview?

2 **A** No, ma'am.

3 **Q** Did you ever read any police reports about
4 statements that were made by Officer Wilson?

5 **A** No, I did not.

6 **Q** Did you ever talk to any FBI agents or any
7 County Police about what Officer Wilson told them?

8 **A** No, I did not.

9 **Q** There's, obviously, at some point in the
10 investigation there is some information that is
11 learned that Michael Brown was involved in a
12 stealing that took place on the same day prior to
13 the shooting up at the Ferguson Market, correct?

14 **A** Correct.

15 **Q** When did you first learn that, about
16 Michael Brown being involved in a stealing or I
17 think you have termed it a strong armed robbery but
18 the incident at the Ferguson Market, when did you
19 learn about that?

20 **A** I think it was later in that day that
21 somebody on the scene said this may be the same two
22 individuals that were involved in the incident at
23 9101.

24 **Q** Did you ever ask Officer Wilson or did
25 anybody ever tell you that Officer Wilson told them

1 about what he knew or didn't know when he first
2 encountered the two subjects, who we now know are
3 Michael Brown and Dorian Johnson, on Canfield?

4 **A** I don't have any direct knowledge of what
5 he knew or suspected at the time.

6 **Q** Now, prior to you coming in the grand jury
7 this afternoon, I played a couple of your press
8 conferences for you; is that right?

9 **A** Yes, you did.

10 **Q** And you talk in your press conference that
11 Officer Wilson, the reason for his stop was not
12 because of those two being involved in the stealing
13 at the Ferguson Market. Why, can you explain the
14 comments you made during your interview?

15 **A** Sure. I was simply restating what was
16 told to me at the time that the initial contact was
17 related to two individuals walking in the street and
18 him instructing them to get out of the street.

19 **Q** Okay. And so, and that came to you not
20 from Darren Wilson, but from other person correct?

21 **A** Correct.

22 MS. ALIZADEH: Sheila, do you have any
23 questions?

24 MS. WHIRLEY: Let's see. I'm just
25 following up on that last question of Kathi's. You

1 said someone else told you that the initial contact
2 with Michael Brown had to do with them walking in
3 the street?

4 **A** Yes, ma'am.

5 MS. WHIRLEY: Do you know who told you
6 that?

7 **A** Sergeant

8 MS. WHIRLEY: Sergeant . I didn't
9 hear that part, okay. But so when you got on
10 television, you basically said that that was not the
11 reason, the stealing at the market was not the
12 reason for the initial contact?

13 **A** The initial contact. That's the
14 information that was relayed to me.

15 MS. WHIRLEY: When you say initial
16 contact, what are you referring to?

17 **A** The reason he spoke to them initially.

18 MS. WHIRLEY: Okay.

19 **A** Hey, move to the sidewalk, or whatever he
20 said.

21 MS. WHIRLEY: Does that include him
22 backing up the car when you say initial contact?

23 **A** No.

24 MS. WHIRLEY: Is that something different?

25 **A** No, that's different.

1 MS. WHIRLEY: Okay. Do you have a
2 personal relationship with Officer Wilson? I know
3 you spoke very highly of him.

4 A Not a personal relationship, just
5 professional.

6 MS. WHIRLEY: Just one of your officers?

7 A Yes, ma'am.

8 MS. WHIRLEY: But nothing, you don't
9 socialize with him outside of work or anything like
10 that?

11 A No, ma'am.

12 MS. WHIRLEY: Okay. And I think you
13 already told Kathi that you did not see him that
14 day.

15 A No, I did not.

16 MS. WHIRLEY: And the first day, when you
17 talked to him later, when was the first time you saw
18 him after this happened.

19 A I haven't seen him since.

20 MS. WHIRLEY: Oh, you have not seen him?

21 A No, ma'am.

22 MS. WHIRLEY: Okay. Now, we've talked a
23 little bit about an orange, an alert button that the
24 officers have in their car and on their portable
25 walkie-talkies.

1 Something like his
2 obviously happened very quickly, would it be unusual
3 not to have that button pushed? I mean, are
4 surprised it's not or in your experience it may not?

5 **A** I don't know whether it was pushed or not,
6 I don't.

7 : If it was not, would you
8 be surprised necessarily?

9 **A** No, not necessarily.

10 : Okay.

11 : . Officer
12 Wilson when he testified before indicated to us that
13 he did not carry a taser. And his reason for such
14 is that it was uncomfortable to carry. I mean, is
15 it standard procedure for an officer to dictate what
16 he will and will not carry.

17 **A** Um, under the circumstances tasers, I
18 didn't know that he didn't carry the taser until
19 after the incident that day. We have a limited
20 number of tasers.

21 When I actually got to the Ferguson
22 Police Department, there were a lot deficiencies
23 that I wanted to correct, and one of them was there
24 were too many incidents where a taser could have
25 been used, but we didn't have them.

1 So I set about trying to locate some
2 money and just buy a few at a time. We don't have a
3 taser assigned to each officer, but we're trying to
4 improve that.

5 : Okay. Just in addition to
6 that, how long has this been known you don't have
7 enough tasers for every officer, I mean, when did
8 you discover the problem?

9 **A** They didn't have enough?

10 : About the lack of amount
11 of tasers.

12 **A** There were no tasers when I started
13 working there at all.

14 : Okay.

15 **A** I bought five with some grant money that I
16 was able to dig up and with some asset sharing. And
17 then as I got another grant, I bought a few more.

18 : Uh-huh.

19 **A** I'm trying to get enough so that each
20 officer will have his own personal.

21 When you get this grant,
22 is it a grant, um, that is specifically set out for
23 those tasers? Like when you feel that you need some
24 tasers or whatever, do you initiate this grant, I
25 want X amount of money, I need five more tasers.

1 **A** It is more, that's pretty much the case,
2 ma'am. We get notified or we search for grants that
3 are available.

4 : Uh-huh.

5 **A** In this case I think this was through the
6 State Cops Program that there would be an
7 application process for grants. So you have the
8 opportunity to say, I have this need, then you have
9 to have explain the need and justify it and then say
10 how much money you would like to have.

11 And then they decide how much money
12 they are going to give you, if any.

13 : When you receive the
14 money, you put in, say you put in for the tasers,
15 okay. You get the grant money delivered to you or
16 whatever. And say there is something else that
17 comes up that you feel now is more warranted. Do
18 you specifically have to use that grant money?

19 **A** Yes, ma'am.

20 : Okay, all right.

21 MS. ALIZADEH: I want to clarify whether
22 or not they needed more tasers in the Ferguson
23 Police Department or should have is certainly
24 something that needs to be addressed at this point,
25 but for this incident, Chief, you're aware that,

1 you're now aware that Officer Wilson did not have a
2 taster on his person; is that right.

3 **A** Yes.

4 **Q** (By Ms. Alizadeh) Were officers required
5 to carry a taster at that time?

6 **A** No.

7 **Q** So was it up to the individual officers to
8 decide whether he was going to carry a taser?

9 **A** Pretty much, yes. This is a less lethal
10 may be used and precisely we didn't have enough for
11 everybody.

12 **Q** Is it possible that there could be more
13 officers working a shift than there would be tasers
14 available for that shift? In other words, maybe six
15 officers working and maybe at the time you only have
16 five tasers that were actually working at the time?

17 **A** That is possible. I don't know if that
18 was the case here.

19 **Q** But regardless, we know now he didn't have
20 a taser with him?

21 **A** Yes.

22 **Q** And that wasn't required at the time?

23 **A** No.

24 MS. ALIZADEH: Anybody else?

25 : . What is

1 your protocol when it comes for one of your police
2 officers, maybe another scene just happened on
3 August the 9th, do you, was it your own authority or
4 opinion not to speak to him about what happened at
5 the scene or was you instructed?

6 **A** No, ma'am, it was my decision to turn the
7 entire investigation over to St. Louis County Police
8 Department and to separate myself, my detectives
9 from that. I just believe 35 years in law
10 enforcement we not only have to be impartial and
11 fair, but there also has to be no appearance of
12 impropriety.

13 It just seems like an agency, I came
14 from a very big police department, moved to a very
15 small police department. Small, much smaller police
16 department and it just seems that the department
17 that size needs to move something this critical like
18 a fatal officer shooting to a larger law enforcement
19 agency or particularly a different law enforcement
20 agency to handle.

21 : Also I don't believe that
22 Officer Wilson had mace either, did you know that?

23 **A** I did not know that.

24 Are they checked
25 regularly, whatever they have on their gear, do they

1 what other people might have said, probably better
2 to go back and refer to the transcript.

3 : Mace is not required?

4 **A** Mace is issued to each officer so they
5 are, issued equipment is expected to be carried but
6 it is going to be largely to the officers discretion
7 which item to use. For example, I would not be in
8 very close quarters use pepper mace.

9 But you would expect your
10 officer to have it on him?

11 **A** I would expect.

12 : When he's on patrol?

13 **A** Yes.

14 . So in
15 your career in law enforcement have you ever been
16 dealt with or been involved in any way in other
17 officer involved shooting?

18 **A** Yes.

19 So my kind of question
20 onto that is, in other words, there was talk about
21 how the officer left the scene in this incident. He
22 left by himself in Sergeant vehicle, went
23 back to the station to wash his hands, is that some
24 typical protocol? Should he have been escorted? I
25 don't know, I'd just like to know.

1 **A** That's news to me too, but I would of had
2 someone else take him to the station. I certainly
3 had someone else take him to the hospital.

4 : If you could, maybe, in
5 your role in your experience before working at
6 Ferguson, what was the relationship with the
7 community, the police department in the community.

8 **A** In my four years there excellent. We have
9 nine community associations, neighborhood
10 associations in Ferguson. And I'm very well
11 acquainted with all the members of those. Go to a
12 lot of their meetings. I send my officers there to
13 give them crime updates every month at their
14 meetings.

15 I attend all the events, I sing the
16 national anthem for them at the 4th of July and the
17 beginning of the 5K run that we have every year. It
18 is a very active, involved community.

19 MS. WHIRLEY: What about Canfield Green,
20 the folks that live in the Canfield Green
21 Apartments, are they involved in these associations
22 and active with the police?

23 **A** We were trying very hard to get
24 associations over there and neighborhood watches
25 over there. We went over, it is a big complex as

1 you probably know. Canfield Green runs into the
2 Northwinds Estates, runs into Oakmont, they are all,
3 it is a very dense community. So we were trying to
4 get neighborhood watch in there.

5 So we do things such as we have
6 resource displays where we bring the dogs,
7 firetrucks and the officers over there and everyone,
8 every resident gets a copy of the Ferguson Times
9 that says all the events are happening, things like
10 that.

11 It has been difficult to get a
12 neighborhood association going over in there.

13 MS. WHIRLEY: Why do you think that is?

14 **A** Probably a lot of it has to do with the
15 transient population. People don't plan on living
16 there for long periods of time, so they don't get
17 deeply involved in the community.

18 But we also did several things with
19 all of those apartments, you know, try to improve
20 quality of life and reduce crime in those areas. We
21 were very involved in there.

22 MS. WHIRLEY: How many officers do you
23 have, I don't know if you said that already.

24 **A** Total of 55, including myself.

25 MS. WHIRLEY: 55.

1 appropriate, I guess, if you notice these two
2 suspects and you put your car in reverse, would it
3 be, I guess, okay to put your sirens on or not even
4 your sirens, your flashing lights and turn your
5 lights on to let, I guess, the community know
6 something is going on here?

7 **A** Not necessarily. I don't think that would
8 be either a bad or good thing, it is neutral.

9 : Even with traffic kind of
10 coming both ways there?

11 **A** If it is going to be blocking traffic in
12 the street, yeah, that would probably be
13 appropriate, yes, sir.

14 : In regards to field
15 training, I have a question continuing on the
16 previous comment, when he pulled back in reverse,
17 from Officer Wilson's perspective and others, he
18 says himself he impeded their traffic, he backed his
19 car up to prevent them from going anywhere. Is that
20 also, is that protocol, is that something you would
21 expect an officer to do, kind of use the vehicle to
22 in that manner?

23 **A** To use the vehicle?

24 : When he backed up, put it
25 in reverse as we now understand, he kind of thought

1 these suspects are involved in the robbery, he backs
2 the car up to impede the way they were walking. It
3 was in there way essentially.

4 **A** That would be appropriate, sure.

5 That would be appropriate?

6 **A** Yeah.

7 : This is . You
8 had experience with police officer involved
9 shootings before?

10 **A** Yes, ma'am.

11 : Is this the first time
12 you had any experience with a police officer
13 involved shooting in Ferguson?

14 **A** Uh, fatal shooting, yes.

15 You said you didn't
16 realize how things were handled after he went back
17 to the station by himself, he washed his hands and
18 everything, and so I was just wondering if, and you
19 said you didn't know that, but is that not the way
20 you would, you would have expected that to be
21 handled?

22 **A** Right, but in this particular case, I
23 separated myself from all of this. I'm going to
24 have to do my own investigation, internal affairs,
25 when this is over.

1 I've got one more
2 question. In one of your press conferences,
3 , you state that evidence was found on
4 Michael Brown from the robbery.

5 **A** Yeah, I saw that too. I'm not sure I
6 understood the question. I didn't have any
7 knowledge of that one way or another, particularly
8 then.

9 When
10 you were in the academy, what was your training on
11 deadly force, when to use it and how much to use it
12 if you are confronted with an adversary and had to
13 fire your weapon?

14 **A** We're going back to the police academy,
15 that's quite a ways essentially.

16 MS. ALIZADEH: Let me ask something else
17 along the same lines. Does your office, or does
18 your department train your officers on when they can
19 use force to affect an arrest and when they can use
20 deadly force?

21 **A** Yes, ma'am.

22 MS. ALIZADEH: Other than what they learn
23 at the police academy, anything that your department
24 instructs them about?

25 **A** Yes, ma'am. That's really continuing

1 education. The post-training they are required
2 where it includes firearms training, deadly force
3 training every year. A lot of it is dictated by
4 both state and federal law and Supreme Court
5 decisions that sometimes change circumstances and
6 deadly force. Fleeing felon rule, for example.

7 **Q** (By Ms. Alizadeh) So let me ask, I know
8 and maybe this hasn't been testified about, but
9 officers have to get continuing education to
10 maintain their certification every year; is that
11 right?

12 **A** Yes, ma'am.

13 **Q** So every year officers have to have so
14 many hours of continuing education, correct?

15 **A** Correct.

16 **Q** And that's put on by various organizations
17 and entities, would that be fair to say?

18 **A** Yes, ma'am.

19 **Q** And so there might be other entities that
20 would give additional instruction or training on use
21 of force to affect an arrest and the use of deadly
22 force, but my question is, does your department
23 itself train or instruct the officer, or is there
24 any kind of formalized training in your department,
25 put on by your department about use of force?

1 **A** Yes, ma'am.

2 **Q** And is that done as like in the form of
3 giving them some written materials, or is that done
4 as in some kind of class setting?

5 **A** We have our own firearms range, it is an
6 inside range. All of our firearms training is done
7 in-house. So it is done annually.

8 **Q** Do you have a particular officer who then
9 does the instruction on using force during an arrest
10 to affect an arrest or the use of deadly force?

11 **A** That's through the continuing education.
12 That would be through the police academy or North
13 County Chiefs Association Training, or outside
14 training, that's all part of continuing education.

15 **Q** And so the firearms training you're
16 talking about, that's in relation to them being able
17 to handle a weapon and how to shoot the weapon and
18 store the weapon and so forth, correct?

19 **A** Yes, ma'am.

20 **Q** So does your department have any written
21 literature that talks about use of force to affect
22 an arrest and the use of deadly force?

23 **A** Yes, ma'am. We have general orders.

24 **Q** So your department has general orders?

25 **A** Yes, ma'am.

1 **Q** Is it a requirement of all of your
2 officers to study those general orders and to know
3 those general orders?

4 **A** Yes, ma'am.

5 **Q** And those general orders are written by
6 who?

7 **A** Um, when I got there four and a half years
8 ago, I was not satisfied with the policy manual so I
9 set out to mirror, to get a complete general orders
10 manual policies and procedures for an agency our
11 size that mirrored CALEA.

12 **Q** What's CALEA?

13 **A** The Commission For Accreditation of Law
14 Enforcement Agencies, it is international. It is
15 very expensive to get that done. So I started with
16 the State of Missouri certification process, which
17 takes several years.

18 We developed a complete general
19 orders manual, so as those general orders came out,
20 the officers were required to and often times we
21 would have supervisors or officers present training,
22 train each other on those general orders.

23 **Q** Okay. So you have a specific general
24 order regarding the use of force to effect an arrest
25 and the use of deadly force during an arrest?

1 **A** Yes, ma'am.

2 **Q** Could we get a copy of that general orders
3 as necessary?

4 **A** Yes.

5 **Q** If the grand jurors wanted it?

6 MS. WHIRLEY: Excuse me, I just want to
7 ask for the orders. Are there any orders as to what
8 the protocol would be after a shooting has occurred?

9 **A** Um, I'm trying to think. Yes, there are.

10 MS. WHIRLEY: Okay.

11 **Q** (By Ms. Alizadeh) And so you said that the
12 general orders that once you took over you were kind
13 of revamping them?

14 **A** Yes.

15 **Q** That's my word, revamping. In doing so,
16 were you trying to make them compliant with the law.

17 **A** Yes.

18 **Q** And you also said that you were attempting
19 to have them hear other possible state
20 organizations' policy and so forth?

21 **A** Yes, to create the most professional
22 organization that I could.

23 MS. ALIZADEH: Sheila, do you have any
24 more question?

25 MS. WHIRLEY: No, okay.

1 : I heard both
2 of you use the phrase use of weapon to affect an
3 arrest and use of deadly force. Can you tell me
4 what the difference between those two are?

5 MS. ALIZADEH: I had said use of force to
6 affect an arrest and then use of a deadly weapon,
7 use of deadly force.

8 : Okay. We've heard a lot
9 about in the media, can you tell me the difference
10 between those two?

11 **A** Between use of force?

12 MS. WHIRLEY: Use of force to affect an
13 arrest and use of deadly force.

14 **A** Okay. Force actually in the force
15 continuum which is taught in the academy starts with
16 the presence of the uniform.

17 : Okay.

18 **A** Then it goes to hands on, maybe just
19 compliance holds, and then it can go to fighting.
20 Then you have less lethal option such as the taser,
21 bean bang rounds, pepper mace, there's also stick
22 batons, those are all not considered, for example,
23 the baton and the taser are considered less lethal.
24 There's a possibility that they could be, but it is
25 considered less lethal weapon.

1 And then finally when you get to
2 deadly force, that would be a firearm in the
3 continuum.

4 : Tell me, are the officers
5 taught where to shoot specifically if they have to
6 get to that point?

7 **A** Yes, ma'am.

8 : And it is never in the
9 lower extremity?

10 **A** No, it is not.

11 : It is always in the upper
12 part of the body?

13 **A** Yes, ma'am.

14 So that's their training?

15 **A** Yes, ma'am.

16 In your
17 policies or procedures, is there anything ever
18 addressed or have you seen it addressed in your four
19 years there when you are affecting or potentially
20 trying to detain somebody or affect an arrest, is it
21 ever mentioned trying to grab somebody out a car
22 window to detain them?

23 **A** No, no.

24 : Have you ever heard that?

25 **A** No. Generally the force necessary to

1 affect the arrest is what the standard is.

2 Okay. But not

3 specifically, whatever you do, wherever you are
4 potentially to reach out a car window and detain
5 somebody?

6 **A** No.

7 MS. ALIZADEH: Chief would you
8 expect one of your officers to attempt to arrest a
9 suspect simply because they were walking in the
10 middle of the street?

11 **A** Arrest, no. I would expect that they
12 would ask them to move to the sidewalk. And then if
13 they refused, they can be issued a summons for that.
14 Much like a traffic ticket.

15 . Race is not
16 mentioned today in our conversation, but I would
17 like to know what the officer thought or assume as a
18 white officer and a black suspect?

19 **A** Can I ask you, my years of flying a
20 helicopter, that ear is not --

21 Race has been a huge
22 factor, what the officer assumed or thought of the
23 suspect before he saw him. So my question to you
24 is, one, do you feel like your department racially,
25 the kind of racial diversity, does that reflect the

1 Ferguson community or not?

2 **A** I think that I've made an effort since I
3 got there to increase racial diversity because of
4 the make up of the community. It is very difficult
5 with an agency my size.

6 I did, probably heard me say this,
7 when I got there, there had never been an
8 African-American supervisor on the police
9 department. I promoted the first two in the
10 history, I'm very proud of that. And I've tried
11 hard to recruit minority candidates, but again, St.
12 Louis County, there's St. Louis City, there's
13 Missouri State Highway Patrol, there is federal
14 agencies, you know, it is difficult to recruit and
15 retain.

16 So knowing that and
17 knowing that's an area for growth.

18 **A** Yes.

19 : Would you say with your
20 department, is there any steps in place or any
21 action taken to help educate on social diversity or
22 how to interact with those maybe, whether it is
23 beliefs or whatever that may be, anything you do
24 department wide.

25 **A** It is a state requirement that all

1 officers receive that type of training as part of
2 their recertification every three years. So there
3 is annual racial profiling or diversity training
4 which is required.

5 MS. WHIRLEY: And there's a lot of other
6 training that's out there.

7 Recently we, of course, we doubled our
8 efforts. Some of my commanders just attended a
9 really good bias policing training put on by the
10 Cops Program. I have met with the National Director
11 from Cops and we talked a lot about some of the new
12 and young and exciting training in adversity that's
13 out there, but this training actually had citizens
14 and police officers in the training. It was a real
15 good environment.

16 : Okay.

17 MS. ALIZADEH: Anybody else have any
18 questions regarding this witness and his knowledge
19 about the incident, his press conferences in
20 particular? Okay.

21 (End of the testimony of Chief)

22 MS. WHIRLEY: It is the afternoon of
23 November 10th, approximately 3:12 p.m. I'm Sheila
24 Whirley, present is Kathi Alizadeh, all 12 jurors
25 and , the court reporter. We're going to play

1 some of the recorded statements that still need to
2 be played. We have Grand Jury Exhibit Number 49,
3 has the recorded statement of and
4 Kathi is passing out the transcripts for that.

5 After we played that, we're going to play
6 a statement by an interview with
7 and that's Grand Jury Exhibit Number 84. You recall
8 he's the one that was here last week and said he did
9 not tell the truth when he called in to a show. So
10 we will play that and you can hear more from him
11 then.

12 As soon as all the transcripts are
13 distributed we will start the statement. It doesn't
14 look like it is very long. I'm not sure how long it
15 is. It is ten minutes and 41 seconds.

16 MS. ALIZADEH: Just for the record, I'm
17 going to excuse myself for a little bit here and so
18 Sheila will remain in the room while this is being
19 played.

20 (Playing of the interview of
21)

22 (End of the Grand Jury Hearing Volume XXI.)

23

24 State of Missouri

25 SS.

1 County of St. Louis

2 I, , a Licensed Certified Court
3 Reporter by the Supreme Court in and for the State
4 of Missouri, duly commissioned, qualified and
5 authorized to administer oaths and to certify to
6 depositions, do hereby certify that pursuant to
7 Notice in the civil cause now pending and
8 undetermined in the County of St. Louis, State of
9 Missouri.

10 The said witness, being of sound mind and being
11 by the grand jury first carefully examined and duly
12 cautioned and sworn to testify to the truth, the
13 whole truth, and nothing but the truth in the case
14 aforesaid, thereupon testified as is shown in the
15 foregoing transcript, said testimony being by me
16 reported in shorthand and caused to be transcribed
17 into typewriting, and that the foregoing page
18 correctly sets forth the testimony of the
19 aforementioned witness, together with the questions
20 propounded by counsel and grand jurors thereto, and
21 is in all respects a full, true, correct and
22 complete transcript of the questions propounded to
23 and the answers given by said witness.

24 I further certify that the foregoing pages
25 contain a true and accurate reproduction of the

1 proceedings.

2 I further certify that I am not of counsel or
3 attorney for either of the parties to said suit, not
4 related to nor interested in any of the parties or
5 their attorneys.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury Volume XXI

12

13 11/10/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Grand Jury Volume XXII

Date: November 11, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 11, 2014

VOLUME XXII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 11th day of November, 2014,
17 before

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XXII

2 MS. ALIZADEH: Good morning. It is
3 November 11th, Happy Veterans Day everybody, and it
4 is 8:42 a.m.

5 So we had originally planned we were going
6 to go to 2:30 today. As I've mentioned to you in
7 the past because we are drawing kind of near the
8 end, it is difficult sometimes for me to get enough
9 people to fill your day. Today might be one of
10 those days where we get done early. But originally
11 I had scheduled an officer to come in at 8:30 this
12 morning, he was going to talk to you about he
13 actually measured Darren Wilson's car and so forth
14 and photographed it.

15 He called me on the way to work this
16 morning he said he's a crime scene detective and he
17 is right now at a crime scene. And so he asked if I
18 could push his testimony off three or four hours. I
19 said, well, just text me when you're done and we'll
20 see where we are.

21 I have photographs that he took of the
22 vehicle and then I also have a sheet of paper that
23 actually was, I think, emailed to me quite some time
24 ago with the measurements on it that he had taken.

25 Um, and so what I would propose to do is

1 that I believe it might be helpful for you to have
2 those things prior to going down and looking at the
3 car, just for your own sake.

4 And so if anybody has an objection to
5 that, you know, I would like to hear. My thought
6 was I could give you those photographs and the
7 measurements and then you all can go look at the
8 car. And then when you come back, if you have
9 questions for that officer, you know, we can get him
10 in later this morning and you can ask questions
11 about what he did.

12 You know the only thing he was going to
13 testify to, yeah, I took these photographs and,
14 yeah, I took these measurements. So, you know,
15 unless you had additional questions for him, that's
16 kind of, you know what I mean, it is not like really
17 earth shattering.

18 So that's my proposal that if you are
19 ready, I will get that stuff for you because I
20 didn't bring it in here yet to make a copy of
21 measurements for everybody.

22 Pass the photographs around so you can
23 kind of look at them before you go out there and
24 then you go out and examine the vehicle and you take
25 the time that you need to do that.

1 Our investigator has made, he has a couple
2 of steps that he made so he'll give you those for
3 you to use if you want to do some of your own
4 investigation. And then at 10:30, I have scheduled
5 the field training officer for Darren Wilson when he
6 was an officer at Jennings. You asked about that a
7 little bit ago, I contacted him, he is coming in at
8 10:30.

9 I will probably do a very brief
10 questioning of him and what his duties and
11 responsibilities are, and then you can ask him
12 questions that you think you need to ask.

13 And then I have, we have the physician's
14 assistant coming in. She can't be here till 1:00.
15 Again, we maybe have a gap there and so she will be
16 here at 1:00 and she will be the last witness of the
17 day.

18 Um, in the meantime, while you're gone
19 examining the vehicle, Sheila and I talked about it
20 and we thought we don't have actually the physical
21 evidence over here at our office yet. That is a
22 plan before this is all done you are going to be
23 able to look at things that you want to look at.

24 There's, we're not going to have discs
25 brought over, there is no point in looking at a disc

1 because there are lot of discs in evidence.

2 We do have the clothing of Michael Brown,
3 which is, as you would imagine is bloody, it is
4 dried, but it is still bloody. Those are packaged
5 and in a box. We'll bring that box over for you,
6 but if you all want to open the box and look at it,
7 we're going to have to get you gloves and masks and
8 stuff like that to do that.

9 But everything else that is in evidence
10 like the gun, shell casings, the bullets, things
11 that, you know, the sandals, the bracelets, you
12 know, things that were seized, we're going to have
13 those all in a room for you to examine as much as
14 you want.

15 And then in the meantime, though, I
16 thought Sheila and I had said it might be time, that
17 you could spend working while you are gone examining
18 the vehicle, I could put out a lot of these
19 photographs that we've seen over time, crime scene
20 photographs, and that way, you know, as you are
21 sitting here, if we're waiting for the next witness,
22 you all can kind of pass those around and look at
23 them at your leisure or talk about them just so
24 you're not sitting here twiddling your thumbs.

25 And then have you all thought any more,

1 because like I said, we are nearing the end. Are
2 there any additional witnesses that you think you
3 need to hear from or would like me to try to get in,
4 other than as I mentioned, we're still, there is
5 still about four or five lay people who, you know,
6 have given some kind of statement in the past about
7 having seen something, we are trying to get them in.

8 So we may or may not get all or none of
9 them in before this is over, but is there anyone
10 else that y'all would like to hear from or if you
11 would like to recall a witness, we'll need to know
12 so I can get that scheduled before, you know, we
13 conclude everything.

14 So y'all can talk about that while you are
15 looking at photographs and stuff too. If there is
16 any additional people you like or again, if you want
17 to hear all of the witnesses' testimony is on an
18 audio disc. We have transcripts of that, so if you
19 want to review somebody's testimony while you're
20 here, we can certainly play that for you or just
21 give you a transcript or whatever you need to review
22 things, okay.

23 So with that being said, I guess we'll
24 take a recess or brief break now while everybody
25 gets their coats on and I'll get and and

1 we'll get you over there to look at the vehicle.

2 And just so you all understand for the
3 record, this is not Darren Wilson's vehicle, this is
4 another Tahoe that's the same make, year and model
5 as Darren Wilson's because the door, as I explained,
6 is still not on Darren Wilson's vehicle, but the
7 measurements that I have, actually, don't get your
8 coats on yet. I told you I was going to get you the
9 pictures and the measurements.

10 So we'll take a recess now and I'll go get
11 those and when you are ready to go over and look at
12 the vehicle, we'll get and to take.

13 Okay.

14 (Recess)

15 MS. ALIZADEH: Good morning. This is
16 Kathi Alizadeh, it is November 11th. Sheila Whirley
17 is here, all 12 grand jurors are here and the court
18 reporter is taking down what's being said.

19 So this morning y'all went over, went to
20 look at the police vehicle. That is the same make,
21 year and model as Darren Wilson's vehicle or the
22 vehicle he was driving on August 9th.

23 You all had plenty of time to do that. Is
24 there anybody that felt they didn't get to see what
25 they wanted to see?

1 Also, prior to you all going out there, we
2 had planned for our witness to testify who actually
3 photographed and measured, took certain measurements
4 on Darren Wilson's vehicle. He was going to testify
5 this morning prior to you seeing that, but the crime
6 scene detective was actually called to a crime scene
7 this morning. So it is my understanding that you
8 don't have any questions for him? So I will let him
9 know he doesn't need to come in.

10 Right now we're waiting for our next
11 witness. So in the meantime I passed out some
12 photos that have already been, not introduced, but
13 you all have seen them, but I passed them out so if
14 you all wanted to look at them again.

15 I've also given out a another transcript
16 that contains Darren Wilson's testimony and then
17 there was also a request to hear again Grand Jury
18 Exhibit 59, which is a disc that contains a video
19 audio file that a witness, was
20 actually talking on Glide, an app that allows you to
21 talk in realtime. He inadvertently had recorded
22 some of the gunshots. If you recall, he said there
23 were two shots before he began the recording. So
24 there was a request to play that again.

25 It is in a loop. So if we don't stop it,

1 it will do it all over again. So we'll just let it
2 go and when you all have heard enough, you let us
3 know and we'll just stop it.

4 (Playing of the audio recording.)

5 ,
6 of lawful age, having been first duly sworn to
7 testify the truth, the whole truth, and
8 nothing but the truth in the case aforesaid,
9 deposes and says in reply to oral

10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. ALIZADEH:

13 Q Could you state your name and spell it for
14 the court reporter, please?

15 A . ,

16

17 Q Where are you employed, sir?

18 A I'm employed at the City of Jennings as a
19 lieutenant in the corrections department and I'm
20 also employed at Velda City as a police officer.

21 Q And so you a commissioned police officer?

22 A Yes, ma'am.

23 Q How long have you been a police officer?

24 A Since 1997.

25 Q So did you graduate from the St. Louis

1 County Police Academy or from a different police
2 academy?

3 **A** I went to Eastern Missouri, which is in
4 St. Charles County.

5 **Q** Okay. And did you graduate from there in
6 1997?

7 **A** Yes, ma'am, December of 1997.

8 **Q** And what was your first job out of the
9 police academy.

10 **A** Worked at the City of Pine Lawn.

11 **Q** How long were you a Pine Lawn police
12 officer?

13 **A** I worked there on two different occasions.
14 First time I was there approximately a year.

15 **Q** After you were there for a year, were you
16 a police officer in Pine Lawn?

17 **A** Yes, ma'am.

18 **Q** Where did you go after that?

19 **A** City of Normandy.

20 **Q** How long were you a police officer in
21 Normandy?

22 **A** Yes, ma'am.

23 **Q** How long were you a police officer there?

24 **A** Approximately nine years.

25 **Q** Following then did you go back to Pine

1 Lawn at that point?

2 **A** Yes, ma'am.

3 **Q** How long were you with Pine Lawn again?

4 **A** For a year.

5 **Q** And then after that where did you go?

6 **A** The City of Jennings.

7 **Q** And how long did you work as a police
8 officer for the City of Jennings?

9 **A** Approximately three years.

10 **Q** And were you a road officer during that
11 time period?

12 **A** Yes, ma'am.

13 **Q** And when you were with the City of
14 Jennings, were you ever a field training officer?

15 **A** Yes, ma'am.

16 **Q** Prior to the year being a field training
17 officer in the City of Jennings, were you ever a
18 field training officer at any of the other police
19 departments where you were employed?

20 **A** Yes, ma'am.

21 **Q** All right. So when is it that you first
22 became a field training officer?

23 **A** When I worked for the City of Normandy.

24 **Q** Is there any additional training or any
25 tests or any other qualifications that you need to

1 have other than having graduated from the police
2 academy in order to be a field training officer?

3 **A** There's no legal requirements, most
4 departments have policies. There is no testing for
5 it. The academy, the police academy, you go to the
6 police academy, they have the field training course,
7 usually a week long.

8 **Q** So there is a field training course with
9 the police academy?

10 **A** Yes, ma'am.

11 **Q** Did you take that?

12 **A** Yes, ma'am.

13 **Q** All right. And so when you become a field
14 training officer, what are your duties and
15 responsibilities. You are still a police officer,
16 correct?

17 **A** Yes, ma'am.

18 **Q** You still patrol and enforce the laws of
19 your municipality or the community, correct?

20 **A** Yes, ma'am.

21 **Q** But what additional duties and
22 responsibilities does a field training officer have?

23 **A** When you get, a new officer is hired in,
24 you take them and you are responsible for them and
25 instructions on doing the job as a police officer.

1 Also policies and procedures of your agency and to
2 mentor them to become successful police officers.

3 Q All right. How long did you do that for
4 the City of Normandy?

5 A I didn't do it continuously because I went
6 to different positions for about two years though.

7 Q And then after leaving Normandy, you went
8 back to Pine Lawn for about a year. Did you, were
9 you a field training officer in Pine Lawn?

10 A No, ma'am.

11 Q And then after that, you went to Jennings
12 and you said you were a field training officer in
13 Jennings?

14 A Yes, ma'am.

15 Q And so when a new police officer is
16 assigned to you, for you to be his FTO, how long is
17 it that you are training that officer?

18 A There is different levels of the training.
19 They are under your direct supervision, ride along
20 with you, usually for six weeks and then depending
21 on their performance, you decide whether they are
22 going to be released to a vehicle on their own, but
23 you still shadow them.

24 You are still training the officer,
25 you are still responsible for them. They're on

1 probation for up to a year. You are basically
2 responsible for that officer for that whole time.

3 Q And so typically an officer might ride
4 along with you for up to in excess of six weeks?

5 A Yes, ma'am.

6 Q Now, these officers that are assigned to
7 you, are they commissioned police officers?

8 A Yes, ma'am.

9 Q So they've already completed their
10 training at a police academy, they've already been
11 hired by the City of Jennings?

12 A Yes, ma'am.

13 Q How many officers have you mentored or
14 been a field training officer for?

15 A I'm guess maybe about ten.

16 Q And during that time, have they all been
17 brand new police officers fresh out of the police
18 academy?

19 A No, ma'am.

20 Q So sometimes are your trainees already
21 experienced police officers, but they may be new to
22 your municipality?

23 A Yes, ma'am.

24 Q And so you said that they would ride along
25 with you for a minimum of six weeks and then

1 depending on how you felt they were doing, they
2 might then have their own cars?

3 **A** Yes, ma'am.

4 **Q** And then do you always work the same shift
5 as your trainee?

6 **A** Yes, ma'am.

7 **Q** And so if they go on a call, do you go
8 with them on a call?

9 **A** Yes, ma'am.

10 **Q** But in a separate car?

11 **A** Yes, ma'am.

12 **Q** So is it your job then to kind of observe,
13 let them handle the call, but to be there to help
14 them or observe how they are doing?

15 **A** Yes, ma'am.

16 **Q** And were you the field training officer
17 for Darren Wilson when he was a Jennings Police
18 Officer?

19 **A** Yes, ma'am.

20 **Q** And do you remember when he came to
21 Jennings, was this his first job out of the police
22 academy?

23 **A** Yes, ma'am.

24 **Q** So he was a brand new police officer?

25 **A** Yes, ma'am.

1 **Q** And so did he ride along with you for at
2 least six weeks before he then got in a vehicle on
3 his own?

4 **A** Yes, ma'am.

5 **Q** Okay. And just in general, how did you
6 think he did as a trainee during that six weeks?

7 **A** He did very well. Out of the officers I
8 have trained, he was one of those that was probably
9 a better officer.

10 **Q** And then after the six weeks were
11 completed, did he then begin to ride on his own?

12 **A** Yes, ma'am.

13 **Q** And did you continue to train him or be
14 his mentor for that first year that he was a police
15 officer in the City of Jennings?

16 **A** Yes, ma'am.

17 **Q** Okay. Now, when a trainee begins to ride
18 on their own, are they allowed to make their own
19 arrests?

20 **A** Yes, ma'am.

21 **Q** And so they can function in every way as a
22 police officer in the City of Jennings, except for
23 the fact that they have somebody that's watching
24 over them, correct?

25 **A** Yes, ma'am.

1 **Q** Did you ever have any concerns about
2 Officer Wilson having a bad temper?

3 **A** No, ma'am, no.

4 **Q** Did you ever have any concerns about
5 Officer Wilson using excessive force during an
6 arrest?

7 **A** No, ma'am.

8 **Q** How did you feel he worked with the
9 community in the City of Jennings?

10 **A** Um, I thought he did very well. One point
11 that really stands out that I remember distinctly
12 while he was riding with me in the first six weeks,
13 we were having a conversation and he brought up the
14 topic he said, I feel comfortable with the police
15 work side of it, but I have not had much experience
16 in the African-American community, such as the one
17 I'm working in now. I haven't been in that
18 community. Can you help me with that?

19 I really thought that that was,
20 admired him for doing that because it is hard for
21 somebody to admit that. He took a vested interest
22 in learning about the community he was working in.

23 **Q** So at the time that he was in the City of
24 Jennings, would you say that the population of
25 Jennings was, the majority of the population were

1 African-American?

2 **A** It is, as it is today I would say.

3 **Q** Did you ever witness him being what you
4 consider inappropriate as far as anything that you
5 thought was racist that he might do or say?

6 **A** No, ma'am.

7 **Q** Now, I explained to you that there was an
8 interest of the grand jurors coming in and asking
9 you some questions, so I'm done asking questions.

10 Sheila, do you have any questions?

11 MS. WHIRLEY: Yeah, I do have just a few.

12 So tell me how long did you work at
13 Jennings before you became a field training officer?

14 **A** Within my first year they had me start
15 training at the end of my first year.

16 MS. WHIRLEY: Okay. Your first year. Did
17 you have to be on probation for a year.

18 **A** I was still on probation when I started
19 training officers.

20 MS. WHIRLEY: You were on probation, but
21 serving as a field training officer?

22 **A** Yes, ma'am.

23 MS. WHIRLEY: Okay. And you mention that
24 you had been a field training officer at Normandy,
25 which was before you went to Jennings?

1 **A** Yes, ma'am.

2 MS. WHIRLEY: How long did you work at
3 Normandy before becoming a field training officer.

4 **A** Uh, probably about three years.

5 MS. WHIRLEY: Okay. And you were a field
6 training officer at Normandy, I think you said, for
7 two years.

8 **A** Yes, ma'am.

9 MS. WHIRLEY: What was your rank when you
10 field training officer in Normandy?

11 **A** Just patrolman.

12 MS. WHIRLEY: What was your rank as a
13 field straining officer in Jennings?

14 **A** Patrolman.

15 MS. WHIRLEY: What's your rank now?

16 **A** Patrolman.

17 MS. WHIRLEY: How long have you been a
18 police officer?

19 **A** Since '97.

20 MS. WHIRLEY: '97. Okay.

21 **A** I worked last night.

22 MS. WHIRLEY: Okay. What did you teach or
23 verify that Officer Wilson was proficient at? I
24 mean, you were his field training officer for six
25 weeks, how did you verify that he knew what he was

1 doing well enough to let him be on his own?

2 **A** In the City of Jennings as a field
3 training officer it was computer based program, it
4 has specific goals, also specific topics that were
5 covered. You know, like constitutional law, your
6 state law, your policies, your procedures and also
7 went over the reports, like fraud report, so you had
8 all of that. It was already lined out for you.

9 And there was three things that you
10 had to do, you had to explain that to the officer
11 that you were training.

12 The second one was that they had to
13 be able to articulate it back to you and then the
14 third was they I had to actually see them perform
15 that duty.

16 MS. WHIRLEY: A lot of that is done in the
17 police academy, is that not correct? You have
18 constitutional law, criminal law, report writing,
19 same thing you just mentioned?

20 **A** Correct.

21 **Q** Actually happened in the police academy?

22 **A** Correct.

23 **Q** So you're just kind of verifying that he
24 knows how to do it once he hits the streets?

25 **A** Correct.

1 **Q** Now, do you write an assessment or some
2 type of evaluation after the training of the
3 officer?

4 **A** Again, that's all in that computer based
5 program that the City of Jennings has every day.
6 You did a daily observation report and you would go
7 through the list and put the date in what you did
8 that day. I don't remember weekly or monthly, but
9 at the end you signed off on that officer. You
10 signed off after six weeks stating that they are
11 ready to go on to be shadowed, as we call it.

12 MS. WHIRLEY: You did sign off on Officer
13 Wilson?

14 **A** Yes.

15 MS. WHIRLEY: He met every benchmark that
16 he was supposed to meet?

17 **A** Yes, ma'am.

18 MS. WHIRLEY: Did you train more than one
19 trainee at a time when you were training Officer
20 Wilson or did you just train Officer Wilson.

21 **A** No, ma'am, we never train more than one
22 officer.

23 MS. WHIRLEY: Just one at a time?

24 **A** Yes, ma'am.

25 MS. WHIRLEY: And what time period was it

1 that you were field training officer for Officer
2 Wilson.

3 **A** He started with us in 2009, mid 2009.

4 MS. WHIRLEY: Okay. And were there ever
5 any complaints from the residents about him?

6 **A** I never had any issues with him or none
7 were brought to me.

8 MS. WHIRLEY: So it is possible there
9 were, but you don't know?

10 **A** Correct.

11 MS. WHIRLEY: Okay. And you already
12 answered no complaints about excessive use of force,
13 correct?

14 **A** No, ma'am, none.

15 MS. WHIRLEY: What did you teach, is there
16 anything taught about use of force while you're
17 training officers?

18 **A** Yes, ma'am. Two things that are big
19 issues with law enforcement. You go over right away
20 with them pretty much one is use of force. The
21 second is your emergency vehicle operations, those
22 are just two things that officers civil liability
23 affects people's lives. You get your policy out of
24 your agency at the time, you go over it with them,
25 make sure they have that. Make sure that they refer

1 to that any time.

2 Jennings, in our police department,
3 we have mobile data computer terminals. You can
4 always look back and look up the policy while you
5 are on the call or anything of that nature to refer
6 to.

7 So you go over that policy and then
8 for myself, I would go through scenarios like after
9 we have been on a call. I would play the what if
10 game and have him articulate to me what he would
11 have done in this situation. What if this occurred,
12 how would you handle it and play the what if game.

13 MS. WHIRLEY: Okay. So there's written
14 policy and then you kind of do hypotheticals to
15 verify his knowledge of what he knows what he needs
16 to do.

17 What did you or your department do to
18 assist Officer Wilson with working with the
19 African-American community? You said that he
20 actually asked you, told you that he wanted to work
21 with the community or he didn't know much about
22 African-Americans and I guess wanted to be a better
23 officer in the African-American community, what kind
24 of assistance was he given?

25 **A** It wasn't he wasn't familiar with

1 African-Americans, my whole career I have worked in
2 the North County area. I would go over my
3 experiences. I was born and raised in the North
4 County area. Went over, like I say, experiences
5 I've encountered. What is important to the
6 community.

7 MS. WHIRLEY: What is important to the
8 community?

9 A One of the biggest issues I've seen with
10 young law enforcement they don't take a vested
11 interest in the community.

12 MS. ALIZADEH: I'm sorry, I couldn't hear
13 the last one?

14 A They don't take a vested interest in the
15 community they work in. We go to work every day,
16 the residences are throughout, not usually in the
17 community you work in. And you come there for 12
18 hours a day, you go home.

19 The residents, that's where they
20 live, that's their home base and it is really
21 important you take a vested interest in that. When
22 you do, your job is a lot easier. I think it is
23 better with the relations with the residents and on
24 your calls. You understand things.

25 MS. WHIRLEY: Tell us what that looks like

1 taking a vested interest in the community, what does
2 that look like? I mean, those are words, sounds
3 good, but what does it look like?

4 **A** I'm not understanding your question.

5 MS. WHIRLEY: Like what kind of things are
6 done to take a vested interest in the community.

7 **A** For myself, when I worked in Normandy.

8 MS. WHIRLEY: I want to know about
9 Jennings?

10 **A** I'm just using a example.

11 MS. WHIRLEY: I understand, but this is
12 kind of a specific question because I'm referring to
13 when you mention Officer Wilson wanted to, I guess,
14 be a better officer with the African-American
15 community, right?

16 **A** Uh-huh.

17 MS. WHIRLEY: That was at Jennings?

18 **A** Uh-huh.

19 MS. WHIRLEY: Now Jennings is very heavily
20 populated with African-American; is that right?

21 **A** Uh-huh.

22 MS. WHIRLEY: Before I go back to that
23 question, do you know how many African-American
24 officers were working at Jennings at that time in
25 2009 when you worked there as field training

1 officer?

2 **A** Two officers.

3 MS. WHIRLEY: Out of how many officers?

4 **A** I don't remember the total number, I think
5 it is 40.

6 MS. WHIRLEY: I'm sorry?

7 **A** I think it was in 40.

8 MS. WHIRLEY: Out of 40 something
9 officers, two were African-American?

10 **A** Correct.

11 MS. WHIRLEY: Were there any
12 African-American field training officers?

13 **A** No, ma'am.

14 MS. WHIRLEY: Okay. So now going back to
15 the question. What kind of things did you do to
16 help Officer Wilson understand how to work better
17 with the African-American community?

18 **A** I know you don't want to talk about
19 Normandy, but I was a school resource officer there.
20 In Jennings a lot of the residents that I had as a
21 school resource officer in Normandy were now
22 residents of Jennings. I would go to those
23 communities on a call.

24 One example is female, she has mental
25 health issues. And she's fine when she's on her

1 medications, but at times she's not. I would go and
2 check on her once a week after I had been on a call
3 there. How you doing. I was able to when she was
4 not on her medication talk to her and get her back
5 on medication. That's taking a vested interest in
6 the community. It is not just going to the call and
7 answering it and writing the report and leaving.

8 It is going back on a stolen car, did
9 you get your car back, you know, did you get it
10 fixed, things of that nature. That's taking a
11 vested interest in the community.

12 MS. WHIRLEY: Okay.

13 **A** As a school resource officer I was able to
14 show him that he was always teased, everybody knows
15 you. When I was a school resource officer, I did
16 the adopt a student. I would take them to the
17 basketball games. I took them to those things when
18 they came up. That's taking a vested interest in
19 the community.

20 MS. WHIRLEY: This is during your period
21 as field training officer at Jennings with Officer
22 Wilson?

23 **A** Correct, and showing him that and those
24 things.

25 MS. WHIRLEY: Did you ever see Officer

1 Wilson do some of those things with the
2 African-American community?

3 **A** Yeah, I've seen him buy meals for the
4 youth, I've seen him follow-up on calls, go and talk
5 to the residents, you know. He wasn't encompassed
6 in that police car, he was out and about in the
7 community.

8 MS. WHIRLEY: Okay. Questions?

9 What type of behavioral
10 screening is there in the academy or maybe you as a
11 trainer, are there warning signs, certain
12 personality types that you would fail them from
13 becoming an officer just because of behavioral
14 issues, you understand?

15 **A** We have, I know for the City of Jennings
16 you have to go through a psych evaluation before you
17 can even be hired on the department, and that's
18 where that is determined.

19 As far as myself, of course, if you
20 have anger issues. The person's mental state is not
21 stable, they can't control their emotions or things
22 of that nature. That's the concern. That's where
23 you address those issues. That's in your
24 evaluations and you try to see what the remedy would
25 be for that. Sometimes there's not.

1 take them on follow-up calls even though your job as
2 police officer is over, they see you going back and
3 making sure that she's taking her meds or whatever.

4 **A** For me I believe that's still our job as a
5 police officer, I don't think it is over.

6 Your call is over, I'm
7 sorry, I didn't mean to talk over you. And then out
8 of my, where did you grow up, in North County?

9 **A** Florissant area, in St. Louis County area.
10 That's it.

11 You know the reason why
12 Officer Wilson left Jennings?

13 **A** Because County got the contract with
14 police services, we were all laid off.

15 : You were all laid off?

16 **A** Every officer there was laid off. They
17 disbanded the police department.

18 : Once Officer Wilson left
19 your field training supervision, did you ever hear
20 of Officer Wilson's behavior among the community in
21 a harsh way or anything, his behavior?

22 **A** Witness it or hear of it?

23 Yes.

24 **A** I've never heard anything negative on that
25 and I worked with him after he was, we still stayed

1 on the same shift.

2 Are you familiar with a term
3 that was used, use of force triangle, or use of
4 force continuum?

5 **A** Yes, sir.

6 Can you describe what that
7 means?

8 **A** Basically it is teaching the officers a
9 suspect can, basically what level of force do you
10 need to use to control the situation. Not using the
11 least amount, but to get it done effectively and get
12 compliance.

13 To simplify it, you have your just
14 compliance, officer present, they're compliant.
15 That was in the triangle, you have that in the
16 center. And you have threatening resistant, which
17 will be physically attack. Nonthreatening, which
18 would be noncompliance. I'm not moving, I'm staying
19 here. Then you have deadly force, but all goes back
20 to the center of that triangle to where compliance
21 is.

22 You teach the officer, the suspect is
23 who decides what happens. They're the one who makes
24 the decision. Everything within the force continuum
25 is reactive on our part. It is a delicate equation,

1 though, you have to decide what force do I need to
2 use, but I don't want to use excessive force, but I
3 don't want to use too little force to where someone
4 gets hurt also.

5 Sometimes if you use too less of a
6 force, then you have to use another avenue, say
7 mace, you use that. You should have used something
8 more forceful. You have to go to the time that's
9 two encounters, two uses of force. Basically where
10 you used your baton from the beginning that would
11 have gotten the compliance.

12 This is something that is
13 taught to the officers in all of their training,
14 academy type of training?

15 **A** That's taught in the academy, there's also
16 continued training. Any time that you go to the
17 academy in the State of Missouri you have to do 48
18 hours of continuing training every three years. Any
19 time you have any class using your firearm. Any
20 defensive tactics or anything, that's brought back
21 up, force continuum, it's also in your policy.

22 The force continuum?

23 **A** Yes, it is ongoing. It is an ongoing
24 process.

25 Sure, sure. In your

1 experience would it be your opinion to say that in a
2 very tight compressed time situation that that was
3 something that an officer would instinctively fall
4 back onto?

5 **A** Yes.

6 Thank you.

7 MS. ALIZADEH: I have a question for you.
8 In either the police academy training or in what you
9 might train as being a field training officer, if an
10 officer is faced, finds himself in a situation and
11 he makes a decision to use deadly force to react to
12 something that he sees is a threat to himself or the
13 community, is there any training in the police
14 academy or in field training where you, the officer,
15 is taught or instructed to, for example, if you are
16 going to use your firearm to like shoot at their
17 legs or shoot at an area of their body that might
18 not be a fatal shot?

19 In other words --

20 **A** All training you are taught to in your
21 firearms training to aim towards center mass to stop
22 the threat. Your goal, again, is compliance, stop
23 the threat. It is not to aim for the leg in high
24 stress situation, you're not able to do that
25 physically.

1 Also, in trying to stop the threat,
2 the only way that the end of use firearm that you
3 would stop the threat immediately without their
4 willingness to comply would be something that
5 strikes the central nervous system. A shot in the
6 leg and they are still able to attack you and do
7 harm to you. You can take a shot to the heart and
8 still basically fight for up to 30 seconds easily, a
9 minute.

10 **Q** (By Ms. Alizadeh) So it is a part of
11 training if you are reacting to a threat that you
12 deem you need to use a firearm to meet that threat,
13 you aim for the center mass?

14 **A** Correct. When I say center mass, whatever
15 is exposed, whatever you have. It is not always
16 going to be just the chest, it is going to be
17 whatever is exposed that you are aiming at.

18 We heard about two
19 African-American police officers out of 40
20 something, can you tell me the number of
21 African-Americans that apply?

22 **A** I don't have that.

23 : You don't know low or high?

24 **A** That's all done through human resources.

25 How about when you were in

1 the academy, what was the dynamics?

2 **A** We had no African-American officers in my
3 academy class.

4 You said that you were
5 trained to hit at center mass, okay. And I've heard
6 a lot of people in the media talk about why didn't
7 the police officer just let him run away and put an
8 all points bulletin on him. Can you tell me about
9 your training as far as not just your safety, but as
10 far as the community, would that be against what you
11 would be taught in the academy, just let a suspect
12 go and get him later?

13 **A** No, ma'am. That's our job as a police
14 officer to apprehend suspects. Whenever somebody
15 has a crime committed or anything, they call us, we
16 are the ones that have to respond while everybody
17 else is trying to get away from the area. It is our
18 duty to protect the community. That's what we swear
19 to when we we're hired. And in doing so, you have
20 to prevent a suspect from fleeing, then they can do
21 further harm to the community.

22 No, you're not taught to shy away
23 from that. We always respond, that's our job and we
24 know that getting into the profession.

25 Can you walk us through the

1 protocol, kind of step by step protocol of making an
2 arrest?

3 **A** From what part?

4 I guess the point at which
5 an officer determines there is a cause for arrest
6 and then what kind of protocol is going forth?

7 **A** Each agency has their own policy. I can
8 give you a general rundown. As an officer you
9 observe or probable cause to believe that a crime
10 has been committed. And in doing so for speeding,
11 you write them a ticket. Some agencies have
12 policies that you have to arrest people for certain
13 offenses, which even could be something to write a
14 ticket for driving while suspended. If you observe
15 the crime, you take your enforcement action. You
16 write your report to articulate everything about
17 that incident, the elements of the crime.

18 So as far as the arrest part, that's
19 where that comes in when you apprehend the suspect.

20 From there most agencies you go to
21 the station, complete the booking process. Usually
22 in the municipalities the judges have a bond
23 schedule, who has to post bond. Some are released
24 on a summons after they are processed and you see if
25 they have warrants, if they have to go to another

1 agency or anything of that nature.

2 MS. ALIZADEH: Officer , let me
3 ask you a question. When an officer in your
4 training, an officer, once the officer makes a
5 determination that he is going to place the suspect
6 under arrest, is he taught to use whatever means is
7 necessary to affect that arrest given whatever
8 circumstances he may be presented with.

9 A Yes, ma'am.

10 Q (By Ms. Alizadeh) So, for example, if you
11 have a fleeing suspect.

12 A Yes, ma'am.

13 Q Is there any training based on either
14 police academy training or training under a field
15 officer, field training officer where you would give
16 that suspect commands to stop and desist, get down,
17 freeze, you know, phrases like that. And then if
18 the suspect does not, would that, do you have any
19 training on do you then pursue that suspect or do
20 you just let them run away?

21 A You have to look at the totality of the
22 circumstances of that particular incident.

23 You have to weigh the safety of the
24 community, the safety of the officer. For example,
25 in a vehicle, if their crime doesn't outweigh them

1 running and taking off in the vehicle and us
2 pursuing them and we hit an innocent victim and
3 they're killed, does their crime outweigh that? No,
4 we don't. If the danger that they could cause the
5 community is greater, then yes, you will pursue.

6 Q So someone who is speeding and won't pull
7 over, you're not going to engage them in a high
8 speed pursuit?

9 A No, ma'am.

10 Q But the suspect that you are attempting to
11 pull over, if he has a warrant for murder in the
12 first degree, a violent offense such as an assault
13 or a sexual crime, you might under the circumstances
14 make a determination to pursue that suspect?

15 A Yes, ma'am.

16 Q So it is all dependent upon the
17 circumstances, correct?

18 A Correct.

19 Q And officers are trained and taught that
20 they have to very quickly assess the circumstances
21 and use their best discretion and their decision
22 making on whether you pursue that suspect, allow
23 that suspect to get away. And what means you need
24 to take in order to affect an arrest if you
25 determine to pursue the suspect?

1 **A** Yes, ma'am.

2 **Q** Did you ever have any question about
3 Officer Wilson's ability to quickly assess a
4 situation, like was he overly, you know, some people
5 are over thinkers, they want to really sit back and
6 decide, to have time to examine all possibilities
7 and some people react too quickly without really
8 giving thought to what they're doing. Were you ever
9 concerned that Darren Wilson was either over
10 thinking and might not react appropriately in time
11 or that he was too quick to react without thinking
12 things through?

13 **A** I thought his judgment, he always made
14 sound judgments on his decisions. Of course, we
15 always go back and look how could we have done it
16 better the next time. At the time when he is
17 handling things, he always had good judgment.

18 **Q** Did you ever observe him to be a bully?

19 **A** No.

20 **Q** Or abuse his authority?

21 **A** No, ma'am.

22 **Q** Disrespectful to people?

23 **A** No, ma'am.

24 MS. ALIZADEH: Anything else.

25 In that same vein where you

1 say you may have like, I guess, someone speeding
2 away from you, you may say, hey, it is not worth it.

3 Let's give an example, let's say you were
4 in a residential area and there's cars going in both
5 directions, people taking their garbage out, be
6 people walking their dogs and the suspect is running
7 away. How would that kind of situation be handled
8 if you know there is other people around and other
9 people could get hurt?

10 **A** In a vehicle, the suspect is in a vehicle?

11 No, the suspect is walking?

12 **A** What am I stopping them for?

13 : Jaywalking.

14 MS. ALIZADEH: For jaywalking, is that
15 what you said?

16 Yeah.

17 **A** And they take off on foot?

18 Yes.

19 **A** I would pursue them, if I'm taking
20 enforcement action and take off on foot, yeah, I
21 would. It also depends. I've been in foot pursuits
22 where someone has jumped off a high concrete wall on
23 the entrance ramp to a highway, I'm not going to put
24 myself in danger to do that for a jaywalking.

25 At some point you'll say

1 well, I mean, I see people here, people on their
2 balcony, people here, maybe I shouldn't shoot in
3 this situation?

4 **A** I don't know where we got to the shooting
5 part on this. You said simply jaywalking. You said
6 fled on foot.

7 Fled on foot.

8 **A** What actions?

9 You had a confrontation and
10 he runs away on foot?

11 **A** I can't play the what if thing game, it
12 has to be the totality of the circumstances.

13 : I'm getting to the part
14 where you have the suspect and you notice that their
15 are traffic, cars, you know this is residential area
16 and there is people on balconies, people could be
17 walking their dog, and people taking their trash
18 out. And this person is unarmed, would you decide
19 maybe this is not the best way to pull my gun out or
20 somebody else could get hurt?

21 : Does he know the person is
22 unarmed?

23 **A** I can't answer your question not with what
24 you're saying.

25 Maybe I can rephrase it a

1 little bit. Did you ever teach officer Darren
2 Wilson when to or when not to open fire in a
3 residential, to have a different response?

4 **A** When you decide to use deadly force, it is
5 the threat that you perceive at the time. If it is
6 in a residential area, at times you will have to
7 fire in a residential area.

8 Okay.

9 **A** Again, these are vague, you are asking
10 vague when you have a situation. You are asking me
11 to make a determination on something that you can't
12 do, you have the totality of the circumstances.

13 Okay.

14 **A** Just for jaywalking, would I pull a gun?
15 No. If I stop somebody for jaywalking and it turns
16 into a physical altercation, it is not a jaywalking
17 any more. We've gotten beyond that.

18 The thing also you have to look at
19 is, what I perceive that I stop somebody for may not
20 be what that suspect perceives.

21 I know when an officer stopped
22 somebody for a simple speeding, little did he know
23 that guy had just committed an armed robbery at a
24 7-Eleven. So the officer think's he's just going to
25 a speeding enforcement, but the suspect in his mind

1 thought he was being stopped for the robbery. So
2 that decides the suspects, but for a simple
3 jaywalking, no, you don't pull your weapon. But
4 when the assault occurred, we are not talking about
5 jaywalking, jaywalking is irrelevant at that point.

6 And we both, two people have
7 used that speeding example. So if you try to pull
8 somebody over who is speeding and they refuse to
9 stop, would you take, what would happen, would you
10 just let them go or would you try another means to
11 have them pull over? Not necessarily going on a
12 high speed chase, but would you like try to get in
13 front of them or call somebody else to try to help
14 you or would you just let them go?

15 **A** You use your radio, you put radio traffic
16 out there. You never would put your vehicle in
17 front of another vehicle for speeding.

18 Okay.

19 **A** Your decision to pursue that person for
20 speeding, a lot of times to continue to drive in
21 traffic, you back off, get a license plate or
22 something to go and follow-up on. But you use your
23 other agencies, if you have a helicopter above,
24 things of that nature.

25 When you got to determine

1 whether or not you want to go on a high speed chase,
2 that doesn't mean you are going to let that person
3 get away with it?

4 **A** I will not go on a high speed chase just
5 for speeding, I will tell you that.

6 **Q** (By Ms. Alizadeh) I have a question,
7 Officer . We know a little bit about your
8 walkie-talkie and the mobile radios in cars, and
9 does your walkie-talkie have an alert button?

10 **A** Yes, ours do with our agency, yes.

11 **Q** And did your walkie-talkie have an alert
12 button when you were training Officer Wilson?

13 **A** Yes.

14 **Q** And is there any instruction or what do
15 you train your officers to do as far as when it is
16 appropriate to use that alert button or not
17 appropriate, or is it just the officer's discretion
18 or what?

19 **A** The alert tone on your radio is used for
20 when you need assistance. If you feel that you need
21 officers to respond, you need aid, that is when you
22 use your alert tone.

23 **Q** If, for example, you have already used
24 your radio to call for assistance, you already
25 verbally said I need an assist car, can you send

1 somebody right to my location or whatever, so let me
2 ask you. Would you say that the alert tone is more
3 for something that's a lot more serious than, hey,
4 send another car to assist me on a stop?

5 **A** Alert tone is I need help, get here as
6 fast as you can. That's when you would use the
7 alert.

8 **Q** Maybe life or death or very serious
9 situation?

10 **A** I'm under attack.

11 **Q** And maybe the officer can't get to his
12 radio to call out on his mike?

13 **A** Correct.

14 **Q** Okay.

15 **A** With our radios, they don't get out
16 everywhere, even the alert tone doesn't get out.
17 The radio gives confirmation that it did get
18 received actually, but it doesn't get out. There's
19 some buildings that I was involved in a situation
20 where I was being assaulted and my radio I couldn't
21 get out and transmit and my alert tone would not get
22 out of the building.

23 **Q** You head the alert button and dispatch
24 does not get that alert tone?

25 **A** Correct. You know, if the radio frequency

1 that's what it is transmitted on as well.

2 For a scenario, just a
3 scenario, if you had already called something in on
4 your radio, and something escalates, you wouldn't
5 necessarily, or you would maybe necessarily use your
6 alert button because you already know, either you
7 knew or that's a backup way to get here more
8 quickly.

9 **A** You asked me to assist, things are under
10 control. It gets to where it is volatile, I can't
11 concentrate on transmitting on my radio, I can hit
12 my button.

13 MS. ALIZADEH: But you have to have a free
14 hand to hit the button?

15 **A** Correct.

16 You know what Officer
17 Wilson's range for proficiency was?

18 **A** No, sir.

19 MS. ALIZADEH: Officers that are
20 commissioned police officer have to qualify on a
21 regular basis. In other words, they have to show
22 that they're proficient in firearms?

23 **A** Correct.

24 MS. ALIZADEH: On a regular basis?

25 **A** Correct.

1 MS. ALIZADEH: How often do you have to
2 qualify?

3 A We do it there every six months.

4 MS. ALIZADEH: So that means going to a
5 range, you have to hit the target in a certain area
6 a certain number of times in order to be able to
7 continue to be an armed officer?

8 A Correct. It is pass or fail.

9 When you say feel, that you
10 have to hit your alert button and you say you feel
11 that you are under attack, what's your under attack,
12 what's your definition of it?

13 A At the time I've used my alert I'm
14 physically involved in an altercation with a suspect
15 or if I'm having several approach me, anywhere where
16 I feel a threat is, it is imminent for somebody to
17 get there to help me.

18 Suspect is running way from
19 you, and then right in front of you would you still
20 consider that you are under attack.

21 A Somebody running away from me?

22 Yes, sir.

23 A No.

24 MS. WHIRLEY: Have you ever been involved
25 in a shooting?

1 **A** Yes, ma'am.

2 MS. WHIRLEY: Tell us about it, I mean,
3 was it a shooting where it was a suspect?

4 **A** Yes, ma'am.

5 MS. WHIRLEY: Go ahead.

6 **A** It happened a month after this whole
7 ordeal, it just happened. My situation I was on a
8 service call --

9 MS. ALIZADEH: Okay, wait a minute. If
10 this is still under investigation, I'd rather you
11 not.

12 MS. WHIRLEY: I would agree, it is
13 something still pending; is that right?

14 MS. ALIZADEH: Let's not talk about it.

15 MS. WHIRLEY: I would agree with that. I
16 was thinking something earlier.

17 **A** No.

18 MS. WHIRLEY: Okay.

19 If a suspect is fleeing from
20 you, what the other juror said, and you didn't
21 really feel under attack, that would not keep you
22 from trying to get him still?

23 **A** Oh, not at all. I would still go after
24 him.

25 : You are still going to

1 pursue him?

2 **A** Correct.

3 : And that can be in second's
4 notice?

5 **A** It depends on the attack on myself.
6 That's where you weigh the circumstances. The
7 attack on myself is him getting away a danger to the
8 community --

9 When he's running away you
10 wouldn't necessarily feel like you're under attack,
11 so the need for an alert button wouldn't be there at
12 that time, maybe not?

13 **A** I won't say that, no, I'm not saying that.
14 You wouldn't feel under
15 attack, running away?

16 **A** No.

17 So I can understand it, when
18 a suspect after they've had an altercation with you,
19 okay, for example, and they're running away, you
20 would still consider them to be a threat possibly to
21 the community because, or yourself, and I'm just
22 thinking is it because maybe they could get a weapon
23 somewhere, maybe they could take someone hostage,
24 you don't know if they're armed or not or whatever,
25 is that the mindset to this where you would still

1 pursue them, decide it being your job to pursue and
2 capture a suspect that's done something, you know,
3 broken the law or whatever?

4 **A** If somebody has assaulted me personally as
5 a police officer, they can assault anyone out there.
6 I mean, someone who assaults a police officer or
7 someone in authority, what would prevent them from
8 assaulting anyone else.

9 Suspects know we are trained, know we
10 have weapons of that nature, you know. If they are
11 willing to attack us knowing that we have that, what
12 would prevent them from attacking a citizen who
13 doesn't have that, those tools.

14 How have you been taught to
15 utilize your vehicle's lights and siren
16 appropriately? I guess, what would cause you to use
17 those?

18 **A** In the State of Missouri state law, if
19 you're going to violate any traffic laws or anything
20 be consider an emergency room vehicle, your use of
21 lights and audible signal, doesn't specify siren,
22 audible signal must be used. In the State of
23 Missouri at least one flashing red signal. You use
24 those when you are responding to calls and on the
25 severity of the call. Crime in progress or

1 something of that nature and if you want to stop a
2 traffic violater then you use it, things of that
3 nature.

4 You wouldn't use it, for
5 instance, like you were stopping someone on foot?

6 **A** No.

7 MS. ALIZADEH: Like a pedestrian check.

8 **A** You might use it if, you know, you are
9 stopping somebody on the side of the highway,
10 walking on the side of the highway, I'm going to
11 turn my warning lights for warning purposes, but no,
12 it is not required to stop that person.

13 Thank you.

14 If you were blocking traffic
15 kind of, you would turn just your lights on, but not
16 the sirens to signify that this is a police matter
17 or something?

18 **A** It depends on the roadway. I've pulled
19 over onto the shoulder many times without turning
20 any of my emergency equipment on. In residential
21 areas, you park on the side of street just like cars
22 do.

23 You are not parked, you are
24 catty-corner, you are in the roadway of the driving
25 of the other drivers.

1 **A** You would try to do that, yeah. You don't
2 always have the opportunity.

3 : I don't think you want to
4 leave it out there.

5 **A** You don't always have that opportunity.

6 I'm trying to place a
7 scenario more kind of what you are taught thing,
8 trying to phrase this scenario, we are just trying
9 to learn to understand also.

10 Again, you're doing a stop where you are
11 in your vehicle and there's a pedestrian, a
12 pedestrian stop. Would you or would you teach
13 someone to use their vehicle as a device to impede
14 someone's course of walk or the direction they are
15 headed, would you take your vehicle and block it in
16 their path to address that?

17 **A** At certain times you would.

18 : Do you think that could be
19 seen as aggressive?

20 **A** By the suspect?

21 : Yes.

22 **A** Of course, yeah, people see a lot of
23 things that we do as aggressive just the way we are
24 trained. Yeah, you could use your vehicle to block
25 the path of someone.

1 : Thank you.

2 You would need a reason to
3 block that path so at that point if you've asked
4 somebody to do something and they haven't done that,
5 then you would need to use aggression, wouldn't you,
6 if you are trying to get them to do what you told
7 them to do they haven't done it.

8 **A** They're not in compliance.

9 : It is not really aggressive,
10 it is taking the necessary steps to do what you
11 asked them to do.

12 **A** Correct.

13 : Okay.

14 MS. ALIZADEH: Any other questions?

15 (End of the testimony of
16 .)

17 ,
18 of lawful age, having been first duly sworn to
19 testify the truth, the whole truth, and
20 nothing but the truth in the case aforesaid,
21 deposes and says in reply to oral
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 BY MS. ALIZADEH:

25 **Q** Just for introductory purposes, it is till

1 November 11th, it is about ten after 1:00. This is
2 Kathi Alizadeh, Sheila Whirley is present, all 12
3 grand jurors are present, as is the court reporter
4 taking down what's being said. And this afternoon
5 we're starting the afternoon with a witness and
6 ma'am, can you tell the court reporter your name and
7 spell it for him?

8 **A** . First, , last
9 name,

10 **Q** How are you employed?

11 **A** I am a physician assistant with the North
12 County Emergency Physicians Group.

13 **Q** How long have you been a physician's
14 assistant?

15 **A** Seven years.

16 **Q** Can you describe for the either grand
17 jurors what is a physician's assistant, how is that
18 different from maybe a nurse or a physician?

19 **A** So we are considered midlevel providers.
20 So we have master's level degree training. We
21 practice medicine under the supervision of a
22 physician. So in our particular practice we would
23 practice in the same manner that a physician would.
24 Our charts are reviewed at the end of the day by the
25 physician.

1 **Q** Okay. And, ma'am, I'm going to stand back
2 here because the microphones that are in front of
3 you they don't amplify your voice.

4 **A** Okay.

5 **Q** If you can make sure you keep your voice
6 up so everybody back here can hear you.

7 **A** Okay.

8 **Q** So as a physician's assistant, can you
9 examine patients and diagnose patients?

10 **A** Yes.

11 **Q** And are your findings reviewed later by a
12 physician?

13 **A** Yes.

14 **Q** Would there be times when you might
15 examine a patient and feel that you would need to
16 call in a physician to assess a patient?

17 **A** Yes.

18 **Q** Okay. And so, for example, minor injuries
19 or things that don't appear to be emergent in
20 nature, that's something that you can handle without
21 a physician being at your elbow?

22 **A** Correct.

23 **Q** Can you prescribe medication?

24 **A** Yes.

25 **Q** Can you prescribe controlled substances?

1 **A** No. In the State of Missouri midlevels do
2 the have the option to obtain a controlled substance
3 license as well as DEA number. Most of the
4 midlevels in our facility do not because it is
5 unnecessary. We don't prescribe a lot of narcotics
6 and the little times we do, a physician is always
7 on-site to cosign our prescription.

8 I'm sorry, can you prescribe
9 medication?

10 **A** Yes.

11 : A license in Missouri?

12 **A** Yes.

13 : I can go to you and you can
14 prescribe that?

15 **A** Yes.

16 **Q** (By Ms. Alizadeh) If you were to
17 prescribe, for example, a nonnarcotic medication or
18 something that's not a controlled substance like
19 Naprosyn, is it Naprosyn or Naproxen?

20 **A** Naprosyn is a brand name and Naproxen is
21 the generic.

22 **Q** If you were to prescribe that, that's not
23 a control; is that correct?

24 **A** Yes.

25 **Q** I can get the equivalent if I take enough

1 Advil or Aleve?

2 **A** Correct.

3 **Q** To be prescription strength Naprosyn,
4 correct?

5 **A** Yes.

6 **Q** You would, but actually, I can't go to the
7 store and buy Naprosyn?

8 **A** Correct.

9 **Q** So if I get that, it has to be prescribed?

10 **A** Correct.

11 **Q** But being nonnarcotic, you can write the
12 prescription for me?

13 **A** Yes.

14 **Q** And then if you were to have a DEA number
15 and have obtained the ability to prescribe
16 controlled substances, and that's an option for a
17 midlevel care physician's assistant, correct?

18 **A** Yes.

19 **Q** Would you be able to prescribe controlled
20 substances without a co-signature of an attending
21 physician?

22 **A** Yes.

23 **Q** But you don't have that?

24 **A** Correct.

25 **Q** And so in this particular, well, let me

1 ask you this then. Can you describe for the grand
2 jurors what your training and background is in order
3 to be a physician's assistant?

4 **A** So I have my undergraduate degree, my
5 bachelor of science in athletic training. And then
6 I went on to graduate school where I got my master's
7 of science in physician assistant studies. So in
8 total with the 2 degrees it was about seven years of
9 training.

10 **Q** And then when you, do you have to pass any
11 board examinations in order to be a physician
12 assistant?

13 **A** Yes. We have a national certified board
14 that we have to certify initially and then every six
15 years after that.

16 **Q** And so a physician's assistant would not
17 be considered, obviously, you are not a medical
18 doctor, correct?

19 **A** Correct.

20 **Q** But a physician's assistant has more
21 education and training than, for example, a
22 registered nurse or a practical nurse?

23 **A** Correct.

24 **Q** Okay. And so when you are working, and
25 where do you work?

1 **A** Northwest Health Care Emergency

2 Department.

3 **Q** Is that affiliated with any hospital?

4 **A** Christian Northeast.

5 **Q** Is it a part of Christian Northeast?

6 **A** Yes.

7 **Q** So if somebody has an emergent situation,
8 they are going to go to Christian Northeast, would
9 they come into your department?

10 **A** They may. It just depends on their
11 location. The two emergency rooms are about 7 miles
12 apart. It depends on where they're located.

13 **Q** On August 9th, where was your department
14 located?

15 **A** At Northwest Health Care.

16 **Q** Okay. And is your department attached to
17 a hospital?

18 **A** No.

19 **Q** So if a patient walked in and there was
20 some acute injury that needed more, needed something
21 more than what you are equipped to handle in that
22 facility, you would then send them by ambulance or
23 refer them to the hospital?

24 **A** Correct.

25 **Q** Were you working on August 9th of 2014?

1 **A** Yes.

2 **Q** And when you work, is it an urgent care or
3 is it an emergency department?

4 **A** It is an emergency department.

5 **Q** When you work in the emergency department,
6 do you work like 12 hour shifts?

7 **A** Yes, 12 hours.

8 **Q** Do you remember that day what was your
9 hours of working?

10 **A** I was working noon to midnight.

11 **Q** So somewhere around 2:00 or so in the
12 afternoon, you were fairly new on your shift that
13 day?

14 **A** Yes.

15 **Q** And when you are in the emergency
16 department, and there's an attending physician who
17 you work under, correct?

18 **A** Yes.

19 **Q** Is he physically on the premises?

20 **A** Yes.

21 **Q** And so is it required that after you see a
22 patient or examine a patient, is it required that
23 the attending then come in and look at that patient
24 with his own eyes?

25 **A** No, only if we request.

1 **Q** Okay. But is it required that at some
2 point he needs to sign off on your charts on your
3 evaluation?

4 **A** Yes.

5 **Q** And now in this case, you know that you're
6 here because you were the attending, the nurse's,
7 I'm sorry, physician's assistant who evaluated
8 Darren Wilson on August 9th?

9 **A** Yes.

10 **Q** At the time that Darren Wilson came in,
11 had you ever met him before that day?

12 **A** No.

13 **Q** Didn't know who he was?

14 **A** Right.

15 **Q** Were you aware that he was a police
16 officer?

17 **A** Yes.

18 **Q** Was he in uniform when he came in?

19 **A** No.

20 **Q** Now, a patient initially comes into the
21 emergency department, are you the first person
22 they're going to see?

23 **A** No. They will see our triage nurse.

24 **Q** So that's the person who is going to say,
25 oh, we need to see you right away or you can sit for

1 four hours like everybody has to before a doctor can
2 see you?

3 **A** Correct.

4 **Q** Sorry, I couldn't resist that jab. We've
5 all been there. So a nurse will do an initial
6 assessment to do how quickly this patient needs to
7 be seen?

8 **A** Right.

9 **Q** Does that nurse take some basic
10 information from the patient?

11 **A** Yes.

12 **Q** And then after that nurse, for example, if
13 that nurse determines that this is not a patient
14 that needs to be seen like, you know, ASAP or stat,
15 or whatever your language is, then who would the
16 next person be that that patient will see?

17 **A** The patient would then likely see one of
18 our techs who would bring the patient back to a room
19 whenever it became available.

20 They would take vital signs for the
21 patient and then the person after that would
22 actually be the nurse that would be caring for the
23 patient while they were in the exam room.

24 **Q** Okay. Now, I didn't know if you skipped a
25 part because we were talking about a patient seeing

1 an admission's person.

2 **A** So at some point once they are brought
3 back to the examine room, whether it be before they
4 are seen by the nurse or after they're seen by me.
5 A registration person will see the patient and then
6 primarily for insurance purposes.

7 **Q** Okay. Now, I passed out what should.
8 (Grand Jury Exhibit Number 93
9 marked for identification.)

10 **Q** (By Ms. Alizadeh) I'm going to hand you
11 what I've marked as Grand Jury Exhibit Number 93.
12 Prior to coming in today, when I contacted you, did
13 you pull up the medical records for Darren Wilson
14 for that day and review them?

15 **A** No, I reviewed this morning with my
16 attorney.

17 **Q** You reviewed them though prior to coming
18 here?

19 **A** Yes.

20 **Q** And so do those look like the records that
21 you reviewed?

22 **A** Yes.

23 **Q** And I've given a copy of those records to
24 the grand jurors. So we can go page by page just
25 really quickly. So the first page that we're

1 looking at this, this is an admission form?

2 **A** Correct, this is something that
3 registration would fill out.

4 **Q** So this has to do with insurance and just
5 basic pedigree information, address and so forth?

6 **A** Correct.

7 **Q** So then the next page is an abstract
8 summary. Now you and I talked about this and what
9 is, what we call coders. There are people in the
10 hospital that have to at some point put codes into
11 these records so that the insurance gets billed for
12 the right procedure for what was done, correct?

13 **A** Correct.

14 **Q** So these codes on here for the diagnosis,
15 reason for and then there's primary diagnosis and
16 then secondary diagnosis, it is difficult to see
17 because they are in those black bars. Those are all
18 things that a coder selects based upon what they
19 read in the records was the diagnosis, correct?

20 **A** Correct.

21 **Q** And they have to select from a finite
22 number of options to put a code in, correct?

23 **A** Yes.

24 **Q** All right. So this is mainly for
25 insurance reasons?

1 **A** Yes.

2 **Q** Okay. And then the next page, deals with
3 at the top it says, chief complaint, alleged assault
4 and then physicians caring for patient, it has your
5 name?

6 **A** Yes.

7 **Q** So is this the information that the triage
8 nurse would have taken or the triage person as you
9 said?

10 **A** Yes.

11 **Q** Okay. And so down in the paragraph it
12 says triage, it says chief complaint quote, and then
13 in quotes it says, he needs x-rays he was hit in the
14 face a couple of times.

15 You're not the person who entered
16 that into that paragraph, correct?

17 **A** No, that was our triage nurse who sits out
18 front in our waiting room.

19 **Q** Do you know if the triage nurse got that
20 information from the patient or could it have been
21 from somebody with the patient?

22 **A** I believe it was somebody with the
23 patient, specifically his supervisor.

24 **Q** Okay. The patient's supervisor, the
25 police officer's supervisor?

1 **A** Yes.

2 **Q** And then also down it says here that on
3 the next line, the patient presented with St. Louis
4 County Police to the emergency room for evaluation.

5 So that means he was with police
6 officers, correct?

7 **A** Correct.

8 **Q** And then it says from home?

9 **A** Right. So, yeah, usually the nurse, the
10 triage nurse will ask, you know, did they come from,
11 say if they were in a car accident, did they come
12 straight from the car accident or did they go home
13 first and then come from home.

14 At some point he must have said that
15 he came from home. Now whether or not he did or
16 not, that's not something I discussed with him.

17 **Q** Okay. So that's a note that's put in by
18 the triage nurse?

19 **A** Yes.

20 **Q** And whether or not Darren Wilson said that
21 or one of the people with him told her that, or
22 whether or not that's even accurate, we don't know?

23 **A** Correct.

24 **Q** And then also in the next paragraph where
25 it says neuro, alert and oriented three times, skin

1 warm and dry.

2 So what is the triage nurse assessing
3 when she's looking at someone's skin?

4 **A** Just that he's not, that he's not pale or
5 sweating excessively or blue or red or having any
6 obvious issues with circulation or difficulty
7 breathing, which may change their skin color.

8 **Q** This is part of a neurologic examine. Not
9 like you are noticing that he has redness to his
10 forehead?

11 **A** Correct. Just very initial exam. Is the
12 patient upright, is he aware what's going on, is he
13 able to speak.

14 **Q** And, again, downward in the medical
15 screening continued, the note is that the skin is
16 pink, warm and dry. Is that just in general the
17 skin on his body appears to be normal?

18 **A** Just in general, yes.

19 **Q** And then patient denies physical or
20 emotional abuse. Is the patient asked if he was
21 abused?

22 **A** This is a question that every patient gets
23 asked when they come into our department and it is
24 referring to domestic abuse at home.

25 **Q** Now, was there suspected domestic abuse

1 involving this patient?

2 **A** No.

3 **Q** So every patient, and I think you said
4 even if they came in for a sore throat or cold is
5 asked that question?

6 **A** Correct.

7 **Q** And then on the next page, also down where
8 it says abuse screening, it says patient states that
9 he or she is not a victim of violence. Is that
10 domestic violence specifically?

11 **A** Yes, domestic.

12 **Q** He's not asked if somebody hurt you, he's
13 asked if anybody had any domestic assault or
14 domestic violence?

15 **A** Correct, in the home.

16 **Q** In the home?

17 **A** Uh-huh.

18 **Q** And then on the following page it says
19 here on the flow sheet, you prescribe Naprosyn 500
20 milligrams for him; is that right?

21 **A** Yes, and that was the dose that was given
22 to him while he was in the department.

23 **Q** And it says here was his
24 treating nurse?

25 **A** Yes.

1 **Q** So that would be the person, as you said,
2 that once they got in the exam room might then
3 continue an assessment and take vital signs and so
4 forth?

5 **A** Yes.

6 **Q** In reading his charts and what did,
7 his vital signs all appeared to be normal?

8 **A** Correct.

9 **Q** And on the following page then there's, I
10 don't know, I'm going to call it a pain chart or
11 pain assessment?

12 **A** Pain scale.

13 **Q** Pain scale, okay. And it indicates here,
14 this is that took this information, correct?

15 **A** Correct.

16 **Q** And that's that would be
17 that's his code?

18 **A** His log in.

19 **Q** And so for pain index, I imagine you are
20 giving the patient some options. Rate your pain
21 between one and ten?

22 **A** Correct.

23 **Q** Ten being excruciating, one being?

24 **A** Very little.

25 **Q** Very low?

1 **A** Yeah.

2 **Q** And so the patient on those particular
3 times graded his pain consistently on those four
4 occasions a six out of ten?

5 **A** Correct.

6 **Q** And then where it says description, it
7 says aching. Is that something the patient provided
8 or would the nurse put that in there?

9 **A** The nurse would have given him some
10 options for description, such as sharp, or stabbing
11 or aching or throbbing. And then the patient would
12 pick the one that most fits it.

13 **Q** So Darren Wilson on that day said my pain
14 is aching and it is six out of ten?

15 **A** Correct.

16 **Q** Okay. And then on the next page under
17 nursing notes, and these again are 's notes;
18 is that correct?

19 **A** Correct.

20 **Q** Says, patient to ED with complaint of
21 bilateral jaw pain. Patient states he's a police
22 officer and was struck twice in the face by a
23 suspect. Patient denies LOC and NV.

24 That's an entry made by
25 the nurse, correct?

1 **A** Yes.

2 **Q** Is that information he would have gotten
3 from the patient?

4 **A** Yes.

5 **Q** So this is information that he read on
6 this chart that might have been put there by the
7 triage nurse?

8 **A** This is what the patient told him
9 directly.

10 **Q** Okay. And so the patient said he was
11 struck in the face twice by a suspect?

12 **A** Yes.

13 **Q** And then denies LOC?

14 **A** Lost of consciousness.

15 **Q** What is NV?

16 **A** Nausea or vomiting.

17 **Q** It says that he had no difficulty moving
18 his jaw and no obvious deformities were noted?

19 **A** Correct.

20 **Q** And then where it says history of present
21 illness, is that still taking those notes?

22 **A** That is me.

23 **Q** So from that point this information is
24 what information you gather and put in the charts?

25 **A** Yes.

1 **Q** And when it says HPI tech, what does HPI
2 mean?

3 **A** History of present illness.

4 **Q** Patient presents with CO bilateral jaw
5 pain.

6 **A** Complaint of bilateral jaw pain.

7 **Q** Okay. So now when you are taking a
8 history of present illness, what is the purpose to
9 do that?

10 **A** This is basically just what the patient
11 tells us directly. It is not what I see or what I
12 find on examine, it is just the incident that
13 occurred, the information that was provided directly
14 from the patient, and then what their specific
15 complaint is as far as the injury.

16 **Q** All right. So the patient may say, I fell
17 down the stairs and hit my head on the concrete
18 floor?

19 **A** Yes.

20 **Q** And that's what goes in there then?

21 **A** Yes.

22 **Q** Are you going to ask the patient well, did
23 someone trip you or push you down the stairs, or
24 were you drinking alcohol that caused you to fall
25 down the stairs or you just trying to find out how

1 the incident occurred?

2 **A** We might ask what, you know, as far as
3 falling down the stairs, what made them fall and
4 they can say oh, I tripped, I slipped, I passed out
5 and then I fell down the stairs.

6 **Q** Okay. And in this case, someone who says
7 I have bilateral joint pain after being punched in
8 the face while attempting to detain a suspect, he
9 was also scratched in the neck. Again, that's stuff
10 that Darren Wilson told you?

11 **A** Correct.

12 **Q** Did you then inquire about what were you
13 going to try to arrest the suspect for, what
14 happened immediately prior to being punched in the
15 face?

16 **A** No, no, that's not stuff we would go into.

17 **Q** Okay. And let me ask you to clarify. You
18 know that this examine you did was in relation to
19 Officer Wilson and his involvement that culminated
20 in the shooting of Mike Brown, right?

21 **A** I do now, we were unaware of the event at
22 the time.

23 **Q** Okay. So when you were treating Darren
24 Wilson, you didn't know anything about Mike Brown
25 having been shot?

1 **A** Correct.

2 **Q** Would you have treated him any differently
3 or is there something that now you look back I wish
4 I would have done had I known?

5 **A** No, basically because his complaint was
6 jaw pain, our focus is, you know, how did the jaw
7 pain occur. He got punched. What, who punched him,
8 you know, and then what his complaint is as far as
9 pain or any complications from that.

10 But from a medical standpoint it is
11 not going to change how we treat him or what we do
12 based on what led up to that event.

13 **Q** Okay. And ultimately, you know, after you
14 having reviewed this record, you diagnosed him with
15 contusion of the mandibular joint area?

16 **A** Yes.

17 **Q** And so your mandible is your jaw, correct?

18 **A** Correct.

19 **Q** So what is a contusion?

20 **A** Contusion is basically a bruise,
21 inflammation, irritation to the soft tissue.

22 **Q** And we talked about that a little bit ago
23 about bruising and we all have had bruises, we've
24 had kids that had bruises, do people bruise
25 differently?

1 **A** Yes.

2 **Q** And do different areas of the body bruise
3 differently?

4 **A** Yes.

5 **Q** We've also talked about that bruises can
6 go through like a continuum, almost like a color
7 spectrum from deep purposely to blue to greenish
8 color to a yellow issue color, correct?

9 **A** Yes.

10 **Q** Do all bruises go through that continuum?

11 **A** No, it really depends on the area. It
12 also depends on the severity of the initial injury.
13 So sometimes it can start as just a mild redness and
14 then it resolves or it can go through the color
15 stages of red to purple, blue and then fading to
16 green and yellow.

17 **Q** Did you notice any swelling to Darren
18 Wilson face?

19 **A** Nothing significant, no.

20 **Q** Okay. And, obviously, probably we've all
21 seen pictures and you've probably seen in real life
22 when someone, like the entire side of their face is
23 swollen, that would be something very evident and
24 apparent, correct?

25 **A** Correct.

1 **Q** Are there times when people may have some
2 slight swelling, but you can't tell if that might,
3 they have a chubby face or that's just the way their
4 face looks normally, for example?

5 **A** Correct. Several times patients will come
6 in complaining of swelling and it is just not
7 evident to us because we don't see what their normal
8 tissue looks like on a normal day. So if he
9 complained of any swelling, it wasn't noticeable
10 enough that I could tell.

11 **Q** So you didn't notice any obvious swelling?

12 **A** Correct.

13 **Q** But did you notice a contusion?

14 **A** Some redness, yes.

15 **Q** And what causes a contusion or what can
16 cause a contusion?

17 **A** Any type of trauma really to the soft
18 tissue.

19 **Q** Okay. So can a punch to your face cause a
20 contusion on your face?

21 **A** Yes.

22 **Q** You also put in your records that he
23 complains of having been scratched on the back of
24 his neck?

25 **A** Yes.

1 **Q** And did you examine, look at the back of
2 his neck?

3 **A** Yes.

4 **Q** Did you observe anything that looked
5 consistent with having been scratched?

6 **A** Yes, there were several linear marks,
7 slight puffiness that were consistent with what he
8 described as fingernail scratch marks.

9 **Q** Now, did you, yourself, photograph any of
10 his injuries?

11 **A** I did not photograph anything, no.

12 **Q** Okay. And were you present when his
13 injuries were photographed?

14 **A** I was not present in the examine room, no.

15 **Q** Okay. When you examine Darren Wilson,
16 were there any other people besides yourself and the
17 patient present?

18 **A** Two St. Louis County detectives were
19 present.

20 **Q** Did they question him in your presence?

21 **A** No.

22 **Q** Were they present when you asked him what
23 happened, what happened to your face or anything
24 like that?

25 **A** Yes. They were present the entire time

1 that I was in the room.

2 **Q** I'm going to hand you some photographs
3 that are contained in a packet marked as Grand Jury
4 Exhibit Number 10, and these are images Number 2
5 through 19. And just looking at Image Number 2, for
6 example, does that look like the patient you
7 examined that day?

8 **A** Yes.

9 **Q** Is that how he appeared when you saw him?

10 **A** Yes.

11 **Q** Did you seize any specimens from him by
12 any chance or take anything from him?

13 **A** He submitted a urine drug screen, not to
14 us, but to an outside company called Guardian that
15 we contact for work related injuries.

16 **Q** And you learned that this happened while
17 he was on duty, correct?

18 **A** Yeah.

19 **Q** And so that's considered a work related
20 injury?

21 **A** Yes.

22 **Q** And then is it required that he submit a
23 urine sample for drug testing?

24 **A** It is based on each company's policy and
25 for his department that was required.

1 **Q** Okay. And so did you or another nurse
2 take his urine sample when he was there?

3 **A** No. A representative from the company
4 Guardian comes into the department and handles that
5 full aspect of it.

6 **Q** And the testing of the urine sample is
7 done by that company?

8 **A** Yes.

9 **Q** And then I'm just going to show you some
10 pictures that have been taken while he was at the
11 hospital, do you note any of the redness in any of
12 these pictures in particular that help to
13 demonstrate what you saw that day?

14 **A** Yeah, his primary complaint was to the
15 right side of the jaw, and so you can see a little
16 bit of redness there and a little bit of redness
17 there. We didn't notice any issues to the left side
18 of the jaw.

19 **Q** Did he complain of pain to the left side
20 of the jaw?

21 **A** Very, very mild pain to the left side of
22 the jaw.

23 **Q** Okay. You pointed at an image, which is
24 Image Number 9, showing the redness that you saw on
25 that day?

1 **A** Yes.

2 **Q** And then regarding the back of his neck,
3 and again, these were photos taken by police not by
4 you?

5 **A** Correct.

6 **Q** Are there any of these images where they
7 depict the injuries that you describe or that are
8 shown that we might use?

9 **A** A little bit of redness here at the
10 hairline. It is a little difficult to see in the
11 photograph the actual kind of linear marks that I
12 saw during the examine, but you can kind of see some
13 lines developing with the redness.

14 **Q** Okay. And so you were pointing out Image
15 Number 12 as showing the redness of the hairline?

16 **A** Correct.

17 **Q** And was it in this area that you saw the
18 linear marks?

19 **A** Yes.

20 **Q** Now, just for sake of clarity, this mark
21 that goes like horizontal across at his hairline,
22 that's not a scratch, is it?

23 **A** That's just normal skin fold.

24 **Q** A skin fold?

25 **A** Yes.

1 **Q** At my age we call them wrinkles?

2 **A** Right.

3 **Q** Okay. So the redness to the back of the
4 neck you were describing is this area here, along
5 the hairline, right?

6 **A** Yes.

7 **Q** Did you notice any swelling in that area?

8 **A** No.

9 **Q** Did he talk about any pain in that area?

10 **A** Nothing of significance, no.

11 **Q** Now, and I talked to you just briefly
12 before this and I told you that Officer Wilson was
13 photographed, similar photographs were taken of him,
14 I believe, on the 13th, which would have been
15 actually on the 12th. And I asked you, we talked
16 about bruising and how bruises appear and how long
17 it takes bruises to appear.

18 In these photographs do you see any
19 apparent bruising that might demonstrate that is
20 consistent with your diagnosis of a contusion?

21 **A** It appears the redness that he had
22 initially has resolved. I don't see any of the
23 purple discoloration that sometimes follows
24 contusions.

25 **Q** So the fact that you do not see any of the

1 redness three days, I'm not sure what time those
2 pictures were taken, but let's just say roughly
3 three days after the injury resulted or occurred,
4 does that change your opinion as to the diagnosis?

5 **A** No, because it will not always progress to
6 that point that it turns into that distinctive
7 purple bruising that we are used to seeing.

8 **Q** You still, in your opinion, is the same
9 that you've diagnosed Darren Wilson with a contusion
10 of his mandible?

11 **A** Yes.

12 **Q** And he was x-rayed and there is no
13 fracture or any other injuries to his jaw or face;
14 is that right?

15 **A** Right, yes.

16 MS. ALIZADEH: Sheila, do you have
17 anything?

18 MS. WHIRLEY: Um, yes. Progressing from
19 redness to the face to bruising, which you looked at
20 the photos of him a couple of days later and there
21 was no bruising according to the photos, and you
22 only saw redness on the face, correct, no bruising?

23 **A** Correct.

24 MS. WHIRLEY: Progressing from the redness
25 of the face to a bruise, would that depend on the

1 impact, how hard a person is struck?

2 **A** Yes. You know, generally the harder the
3 impact, the more blood vessel involvement. So a
4 bruise is caused by broken blood vessel. So the
5 harder the punch, the harder the impact, the more
6 likely you are to have more blood vessels being
7 broken. And that's when those blood vessels start
8 to bleed, that's what creates that purple
9 discoloration as that blood kind of seeps out
10 underneath the layer.

11 MS. WHIRLEY: If the face is red, but
12 never turns purple, does that mean that the impact
13 was not hard enough to break any blood vessels?

14 **A** It was likely that the impact just
15 involved the very superficial capillary layers, as
16 opposed to deeper tissue which would result in the
17 deeper purple bruising.

18 MS. WHIRLEY: Okay. I don't think I heard
19 this asked, he did not require any hospitalization,
20 did he?

21 **A** No.

22 MS. WHIRLEY: So he was treated and
23 released?

24 **A** Yes.

25 MS. WHIRLEY: Did he have any injuries to

1 his eyes at all?

2 **A** No, he did not complain of any eye pain or
3 nose pain or tooth pain or any head pain.

4 MS. WHIRLEY: Head pain you said.

5 **A** No head pain. There was no evidence of
6 any injury to these areas.

7 MS. WHIRLEY: So in your opinion there are
8 no permanent injuries?

9 **A** Correct.

10 MS. WHIRLEY: And you said there were no
11 fractures. Would he have needed to take time off
12 because of the injury that he was treated for?

13 **A** No.

14 MS. WHIRLEY: No. And as far as the
15 document saying that he was injured by being
16 stricken or however it is phrased, that is his
17 self-reporting, correct?

18 **A** Correct.

19 MS. WHIRLEY: You could see redness to the
20 face and nobody was even struck; is that correct?

21 **A** Could you see redness of the face?

22 MS. WHIRLEY: Yes.

23 **A** If he had redness to the face, there was
24 obviously some sort of trauma to the soft tissue.
25 But we gather that it was from a punch to the face

1 based on his account.

2 MS. WHIRLEY: Based on what he told you,
3 self-reporting?

4 **A** Yes.

5 MS. WHIRLEY: I could get redness to the
6 face from several different ways or mechanism?

7 **A** Yes. If you rub your face too hard with
8 your hand, you could get redness to it.

9 MS. WHIRLEY: And not have a broken blood
10 vessels to give me a bruise?

11 **A** Yes, right.

12 MS. WHIRLEY: That's all I have, thank
13 you.

14 MS. ALIZADEH: Just real quickly. The
15 injury that you saw, is it consistent with what he
16 reported?

17 **A** Yes.

18 MS. ALIZADEH: Any questions?

19 Where is your place located
20 because I'm trying to determine how far, I'm
21 concerned about that home answer on the application.

22 **A** Okay.

23 : Where is your place located?

24 **A** So we are in Florissant. We are right off
25 of Graham Road. Hanley and 270.

1 : Hanley and 270 on Graham
2 Road.

3 **A** On Graham Road, yes.

4 So you are right across the
5 street from the physician building?

6 **A** Yes, yeah.

7 You said the area and the
8 severity of the injury can be affected by how the
9 bruise continues to manifest itself, correct?

10 **A** Yes, a worsening, a deeper bruise
11 typically indicates a more severe injury.

12 : And Naprosyn is an
13 anti-inflammatory drug.

14 **A** Yes.

15 : So with the application of
16 ice, what you told him to do, apply ice.

17 **A** Yes.

18 And consumption of an
19 anti-inflammatory also have an affect on how the
20 bruising would manifest itself?

21 **A** Yes. So the sooner ice is applied, the
22 sooner anti-inflammatory medicines are taken, the
23 more likely that a bruise or injury would resolve
24 sooner than if no treatment were taken.

25 : Was he given any

1 anti-inflammatory drug while he was there?

2 **A** Yes, he was given a single dose of
3 Naprosyn.

4 : And a single dose is 500
5 milligrams?

6 **A** Yes.

7 And that's stronger than
8 anything you can buy, you can't buy Naprosyn over
9 the counter?

10 **A** No.

11 That's very close to
12 Ibuprofen?

13 **A** It is. It was Aleve, so basically
14 prescription strength Aleve.

15 Okay. You mention that you
16 saw no swelling, but prescribed this Naprosyn; is
17 that correct?

18 **A** Yes, there was no swelling that was seen.
19 Just the redness.

20 **A** Just the redness. Naprosyn is also a pain
21 reliever. So even without any evidence with his
22 complaint of pain, we would have prescribed
23 something similar.

24 : Could you explain a little
25 bit to us how that pain portion of that. So when

1 you ask a patient for pain, kind of how that relates
2 to what they feel versus what you as a professional
3 can evaluate?

4 **A** The pain scale, is that what you mean?
5 Yes.

6 **A** That is very subjective. So that the way
7 that it is worded generally is, rate your pain on a
8 scale of one to ten, ten being the worse pain that
9 you've ever experienced or could ever imagine
10 experiencing. So for someone who has never
11 experienced much pain in their life may have what
12 others would call relatively mild pain, but still
13 may be the worst pain that they personally ever
14 experienced. They may rate it on a higher scale.

15 So it very much differs from
16 person to person.

17 **A** Yes.

18 Nothing that a doctor or
19 nurse no matter their education or training could
20 disagree with or agree with?

21 **A** It is not, there's no set guidelines as
22 far as a three is this degree and a seven is this
23 degree, it is very subjective.

24 Thank you.

25 What are some of the side

1 effects of the Naprosyn, is there any warning on
2 there do not operate machinery while taking this
3 drug?

4 **A** No, it is generally well tolerated. If
5 anyone is going to experience anything it may be a
6 little bit of stomach upset, but because it is
7 nonnarcotic, there should not be any interference
8 with operating machinery or driving a car or
9 anything like that.

10 : I'm looking on page eight of
11 11.

12 MS. ALIZADEH: Can you speak up a little
13 bit?

14 I'm sorry, on page eight of
15 11, where it says transcriptionist, was it
16 transcribed date and time August the 9th, 2014 at
17 10:18 p.m.

18 **A** Uh-huh.

19 : Are you saying this
20 radiologist was reading the report?

21 **A** The radiologist reads the report, and then
22 a transcriptionist, someone that -- so a radiologist
23 will read a report and dictate it into a phone. And
24 then someone outside of the building, outside of the
25 practice will then type it out at a later time.

1 MS. WHIRLEY: Did he tell you anything
2 else?

3 A No.

4 MS. WHIRLEY: Okay.

5 Could an arm keep rubbing on
6 a face, could that have made the face red?

7 A Yes.

8 : Injuries like this, is that
9 something typically you would see on a day-to-day
10 just because the incident happened, we have to make
11 sure we get this documented?

12 A This is something that we would typically
13 see day-to-day. We see a lot of assault victims,
14 not necessarily always regarding a police officer at
15 work, but just anyone in general. But we do see a
16 lot of our local police department coming in with
17 various injuries that they sustain on-the-job. This
18 was by no means out of the ordinary what we do see
19 day-to-day.

20 MS. WHIRLEY: Do you see regular people,
21 lay people come in with a red face looking for
22 treatment?

23 A Yes.

24 MS. ALIZADEH: Ma'am, would you also,
25 someone who maybe reports being struck twice in the

1 face who has that type of injury that you observed.
2 You might, you actually in this case decided to do
3 x-rays to see if he had a fracture, correct?

4 **A** Yes.

5 MS. ALIZADEH: If he had a fracture, there
6 would be possibly other treatment involved?

7 **A** Yes.

8 MS. ALIZADEH: So I guess what I'm trying
9 to get at is obviously there's potential that this,
10 somebody wanted to document this because obviously
11 work related injuries, people want documented, and
12 in the event that this was, you know, again
13 investigated in a criminal nature or to maybe
14 ascertain whether or not there was a more severe
15 injury than simply my jaw hurts and it's red?

16 **A** Right.

17 MS. ALIZADEH: Okay.

18 I have a question.

19 Considering that you did give Naprosyn, did you feel
20 that there was a need to prescribe an
21 anti-inflammatory instead of just a pain killer, did
22 you feel that the injuries looked like, you know, an
23 anti-inflammatory was needed?

24 **A** Yeah, given the injury. Usually, whether
25 it be a contusion or a sprain or a strain, we do try

1 to do anti-inflammatory medicines versus like a
2 narcotic pain reliever. Simply because it does have
3 that anti-inflammatory effect, which generally helps
4 with the pain and helps resolve the injury a little
5 bit more.

6 I kind of secondarily prescribe
7 Naprosyn versus a narcotic because I knew that he
8 was going to be submitting a urine drug screen and I
9 did not want something that I gave him to interfere
10 with that.

11 Did you feel his injuries
12 were consistent with the need to have an
13 anti-inflammatory drug?

14 **A** Yes.

15 : At any time did Darren
16 Wilson mention he had already seen an EMT?

17 **A** No, he did not.

18 MS. ALIZADEH: Anyone else?

19 (End of the testimony of .)

20 MS. ALIZADEH: So Kathi Alizadeh, it is
21 about two minutes after 2:00. We just finished with
22 the last witness of the day and you were scheduled
23 to be here till 2:30. I think it is a good idea if
24 you want to cut out now.

25 We talked off the record earlier today

1 about scheduling and things that you might need
2 because as we all have said, we're getting close to
3 the end. Did you have a chance to talk during your
4 lunch hour about whether or not you thought you
5 might want some additional evidence or witnesses
6 that you haven't heard yet or seen yet or whether or
7 not you want to recall any witnesses that you've
8 already heard from that you now have questions for?
9 Did you all talk about that at all?

10 : We haven't talked about, I
11 don't think there is anybody at this point. It is
12 possible when we start getting into the
13 deliberations that, you know, if there is a
14 controversy, we may want to recall somebody. I
15 would not expect that to be the case.

16 MS. ALIZADEH: Here is our plan. Y'all
17 are here Thursday till 5:00. As I mentioned
18 previously, Dr. is going to be here and I
19 think he's going to be here at 8:30. He will be the
20 first witness of the day. We still are trying to
21 track down up to five lay people that may or may not
22 show up on Thursday.

23 And then, of course, we talked about
24 Detective being kind of the last witness who
25 would wrap things up and kind of summarize and

1 answer any leftover questions that you might have
2 about the investigation.

3 I didn't realize when we started up that
4 we didn't have all 12 grand jurors, we weren't
5 hearing evidence, we were just talking about the end
6 of the day has come and that if any additional
7 witness or evidence I need you to get that to me as
8 soon as possible.

9 Thursday at 8:30 we are going to start
10 with Dr. . We may have some lay witnesses if I
11 can find them, then may be testifying if
12 we have the time, he's going to be the last witness
13 of the grand jury.

14 And then you may or may not if Thursday is
15 our last day, you may or may not begin your
16 deliberations then. And as I said before, you know,
17 the end of the day is at 5:00. You want to keep
18 going until 6:00, 7:00, 8:00, 9:00, it doesn't
19 matter to us. We're here, be here as long as you
20 need.

21 If you do not begin deliberations that day
22 or if you don't complete your deliberations that
23 day, the next day you have scheduled is the
24 following Friday, a week, a little more than a week
25 after that. So that would be right now the plan is

1 that if we don't finish the evidence, we will see
2 you on that following Friday.

3 If we do finish the evidence, it will
4 begin deliberations and continue or you'll come back
5 the following Friday. Is that a plan that everybody
6 is okay with? Okay.

7 In the meantime, I know you have asked for
8 someone to help you in your deliberations.
9 Obviously, things to write with and things to put on
10 the wall. Did they show you the thing we are going
11 to put on the wall?

12 It is a like this, it is big enough to
13 push pins into, but it is bigger than that. I think
14 we might try to put a couple of these two things
15 right here. And then if you need more, we'll get
16 more.

17 We're going to have a flip chart, we have
18 the easel which is excellent and then we'll give
19 you, you know, Posted Notes, push pins, everything
20 else. If you want different color highlighters
21 because you are doing that, we'll get you whatever
22 you need.

23 And with that, any questions at the end of
24 the day as we are coming to a close?

25 Also the charges, what do

1 you call them?

2 MS. ALIZADEH: We're going to do that
3 tomorrow, because we didn't have time last night and
4 today we started up with this. Either the rest of
5 today or by tomorrow we will give to you for
6 indictments for you to consider and then we'll give
7 you the law on self-defense because we've already
8 given you the excessive force or the use of force
9 statute.

10 Anything else?

11 MS. WHIRLEY: We still talking about the
12 probable cause and that standard.

13 MS. ALIZADEH: We had a conversation with
14 that even last night and we still have to kind of
15 work that out, we're not really sure.

16 : Probable cause, you are
17 still looking at?

18 MS. ALIZADEH: We both agree that you
19 can't return an indictment unless you believe there
20 is probable cause to believe that a crime occurred
21 and that the defendant or suspect or the person
22 you're considering committed it. But the question
23 is, if you're going to consider self-defense and use
24 of lawful use of force to affect an arrest are
25 affirmative defenses and they're what we call

1 complete defenses.

2 And so if you believe that the person
3 acted in lawful self-defense or if you believe the
4 person was justified in the use of force as a law
5 enforcement officer, then it is a complete defense,
6 there would be no indictment on any charge.

7 The question we don't really know is that
8 beyond a reasonable doubt, what is the standard by
9 which you have to consider that.

10 MS. WHIRLEY: Those two issues.

11 Will that be outlined in
12 writing for us as well?

13 MS. ALIZADEH: I don't know because we
14 don't know. If this matter were a trial, it would
15 be different because, obviously, in trial it is
16 beyond a reasonable doubt. And in trial it is the
17 obligation of the defense to raise the issue, and if
18 the issue is raised, it becomes the obligation of
19 the State to prove beyond a reasonable doubt that
20 the person did not act in lawful self-defense or was
21 not justified in the use of force, but that's in a
22 trial setting.

23 So we don't know how this, this
24 investigation was, we talked about yesterday, is not
25 typical on how we would present cases to the grand

1 jury. This is an investigation and I believe, and I
2 think Sheila agrees, I don't want to speak for you,
3 that your determination of whether or not force was
4 justified either as self-defense or use of force to
5 affect an arrest is a part of your decision process.

6 So that's something for you to consider.
7 I don't think the answer is simply, well, we believe
8 that a crime was committed, you know, probable cause
9 to believe a crime was committed and he did it and
10 not at all talk about those defenses.

11 But I don't know, we don't know what kind
12 of instruction to give you on, do you have to
13 believe that there's probable cause to believe that
14 he used excessive force. I don't know, we don't
15 know that. We don't want to tell you the wrong
16 thing. So we're still trying to work that out.

17 Okay. I hope I haven't said too much. We
18 want you to make the right decision, we want your
19 decision to be based on the law. And given that
20 neither Sheila nor I have ever had this experience
21 before and actually, we talked, there's only been
22 one grand jury investigation on officer's use of
23 force in the past 15 years that anybody can
24 remember, so we're kind of not sure how to proceed.

25 MS. WHIRLEY: We'll get it.

1 MS. ALIZADEH: We'll get you that
2 instruction. It will be up to us whether we are
3 right or wrong, but we will give you that guidance.

4 We are your legal advisers under the law,
5 that's what our job is to tell you what the law is.
6 Of course, presenting all the evidence that we can
7 present for you and then you all are going to have
8 to make of that what you will.

9 All right. So at this point, we will
10 conclude the day and we will see everybody on
11 Thursday at 8:30.

12 (End of the grand jury hearing Volume
13 XXII.)

14
15
16
17
18
19
20
21
22
23
24
25

1

2 State of Missouri

3 SS.

4 County of St. Louis

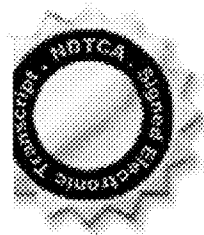
5 I, a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT MEMO

2

3

4

5 State of Missouri v. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XXII

12

13 11/11/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

4 100 South Central, 2nd floor

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Case: State of Missouri v. Darren Wilson

Grand Jury, Volume XXIII

Date: November 13, 2014

This transcript is printed on 100% recycled paper



515 Olive Street, Suite 300
St. Louis, MO 63101
(314) 241-6750
1-800-878-6750
Fax: (314) 241-5070
Email: schedule@goreperry.com
Internet: [<<www.goreperry.com>>](http://www.goreperry.com)

STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 13, 2014

VOLUME XXIII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

10

11

12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 13th day of November, 2014,
17 before .

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GRAND JURY HEARING VOLUME XXIII

2 MS. ALIZADEH: Good morning. It is
3 Thursday, November 13th at 9:26 a.m. This is Kathi
4 Alizadeh of the prosecutor's office, Sheila Whirley
5 is present, all 12 grand jurors are present, as is
6 the court reporter. And I apologize, we're kind of
7 getting a late start. We have our first witness in
8 the morning here. We've had to meet with him a bit
9 and he's reviewing some materials right now and then
10 we had a discussion briefly before going on the
11 record this morning about scheduling and about what
12 might be in store for today. And then for the dates
13 in the future that you have already given us and so
14 with that being said, we'll just start the day and
15 Sheila will take the first witness of the day who is
16 Dr. .

17 MS. WHIRLEY: He's looking at some
18 photographs, so he needs just a few more minutes.

19 MS. ALIZADEH: All right. We'll go ahead
20 and pause the recording.

21

22

23

24

25

1 we've met, I'm Sheila Whirley, Kathi Alizadeh is
2 here, the jurors and the court reporter, tell us a
3 little bit about yourself, Doctor. We know you're a
4 pathologist, correct?

5 **A** Yes.

6 **Q** Are you a forensic pathologist?

7 **A** Yes.

8 **Q** What exactly --

9 MS. ALIZADEH: Sheila, for the record, I
10 don't think he said his name. We haven't had him
11 introduced.

12 MS. WHIRLEY: We had talked a little bit
13 about that, I guess I skipped that step.

14 **Q** (By Ms. Whirley) Please introduce yourself
15 and say your name and spell your name?

16 **A** ,

17 **Q** And in the future what I'm going to try to
18 do and that's probably why I skipped asking, I'm
19 going to refer to you as doctor and not use your
20 name for many reasons.

21 **A** Okay, thank you.

22 **Q** Getting back to forensic pathology. What
23 does that mean?

24 **A** Pathology is one of the 24 specialties in
25 medicine, like OBGYN, dermatology, surgery,

1 pathology is a specialty that deals with finding out
2 what's wrong with the body as opposed to treatment.

3 So we're the doctors in the hospital
4 who run the laboratory to see what the blood count
5 is, what the PSA is, what the liver chemistries are
6 and tell the treating doctors if there is evidence
7 of liver disease or kidney disease or prostate
8 problems, and that's the pathologist's role in the
9 hospital communicating with doctors who are treating
10 patients.

11 Also, the pathologist's role is
12 looking at biopsies, you know, breast biopsies, skin
13 biopsies, to tell the treating doctor what kind of
14 condition, cancer, not cancer, something else. And
15 then the treating doctor does the treatment.

16 **Q** Okay.

17 **A** So there are a number of divisions in
18 pathology. The biggest division is hospital
19 pathology. Where the pathologist looks at the
20 biopsies, do autopsies, find out what's wrong with
21 the patient, look at the chemistry of the body.

22 And there are separate examinations,
23 board examinations so that in all 24 fields, so that
24 a patient looking for a doctor can tell whether the
25 dermatologist has passed his boards or not and all

1 the specialties have to do you have to show the
2 right training in the medical school, the right
3 training in the residency program and pass various
4 exams. And if so, then one is a diplomate or board
5 certified physician, and that's of importance for
6 others to know the extent of expertise that person
7 has before going to the doctor.

8 Pathology has three big divisions
9 that I'm involved with. One is anatomical
10 pathology, which has to do with the anatomy of the
11 body. That's where autopsies, looking at biopsies
12 under the microscope and tissues under the
13 microscope, is evaluated to see what the anatomical
14 structure of the body is and what's normal or not,
15 that's anatomical pathology.

16 Second division will be clinical
17 pathology, which has to do with the chemistry of the
18 body to see what's the blood count and the urine
19 testing, et cetera, which gives us information about
20 body function or organ functions.

21 And that's the prime role in
22 hospitals, anatomical and clinical pathology.
23 Forensic pathology goes a step further to look into
24 unnatural deaths, accident, suicide, homicide.

25 92 percent of people in the country

1 die of natural diseases cancers, stroke, heart
2 disease. And that's the expertise of the hospital
3 pathologist, clinical pathology, anatomical
4 pathology.

5 8 percent die of accident, suicide,
6 homicide and that's specialized training of forensic
7 pathologists. The general in this country there is
8 something like 900,000 physicians, maybe 20,000 are
9 pathologists, less than 400 are forensic
10 pathologists that deal with unnatural death and
11 that's where the forensic pathologist comes in.

12 **Q** Is that your current occupation?

13 **A** Yes.

14 **Q** Where are you licensed, Doctor?

15 **A** I'm licensed in New York State.

16 **Q** And have you served as a medical examiner
17 in New York State?

18 **A** Yes.

19 **Q** How many autopsies would you say that you
20 have performed as a forensic pathologist?

21 **A** More than 20,000.

22 **Q** Okay. And you are certified, of course,
23 in forensic pathology?

24 **A** I'm certified in anatomical pathology,
25 clinical pathology, forensic pathology, this is

1 about my background. I served as medical examiner
2 in New York City for 25 years, including the role of
3 chief medical examiner in New York City. And then I
4 transferred to the State of New York and I was chief
5 forensic pathologist for the New York State Police
6 for some 25 years.

7 Recently retired, and I'm in private
8 practice of forensic pathology.

9 Q How many years total would you have in
10 experience?

11 A More than 50 years.

12 Q Okay. Have you any experience, are you a
13 toxicologist also?

14 A No, I'm not a toxicologist who specializes
15 in finding drugs, but all forensic pathologists have
16 to be experts in interpreting what the toxicologist
17 finds. So the toxicologist's role is largely
18 chemistry and finding drugs, finding quantities, how
19 much of the drug is present, but it is really the
20 physician, medical doctor who interprets the results
21 and sees how it affects any illness the person has
22 or affects what treatment should be given.

23 Q And where did you receive your training,
24 your training in pathology?

25 A Started out with a bachelor of science

1 degree at the City College of New York. Medical
2 degree at New York University School of Medicine in
3 Manhattan, New York, and trained in pathology at
4 Bellevue Hospital and at the office of Chief Medical
5 Examiner in New York City.

6 **Q** I didn't ask you to bring your CV with you
7 today, would you happen to have a CV of your
8 training experience with you?

9 **A** I don't think so, but I could get it to
10 you this afternoon.

11 **Q** That would be great that we can count on
12 that to get that later.

13 **A** Yes.

14 **Q** So tell us, you already told us how many
15 autopsies you performed, tell us exactly what is an
16 autopsy?

17 **A** Autopsy is a systematic external and
18 internal examination of the human body to determine
19 any abnormalities that might be present and any
20 information that might be useful in determining
21 cause of death of how a person died.

22 An autopsy will include taking
23 specimens for toxicology, for DNA, for microscopic
24 examination to look at tissues. So that the autopsy
25 can provide a lot of information about cause of

1 death and the circumstances around death.

2 **Q** We're here today because of the shooting
3 of Michael Brown and we've asked you to come before
4 us because you actually did what sounds like was a
5 private autopsy on Michael Brown; is that correct?

6 **A** That's correct.

7 **Q** You were aware that he had a first autopsy
8 that was performed by St. Louis County?

9 **A** Yes.

10 **Q** Medical Examiner's Office in St. Louis
11 County.

12 Do you recall when you would have
13 done your autopsy, what date that would have been?

14 **A** Yes, it was Sunday, I came on Sunday
15 around August, hold on a second. About August 17th,
16 I guess, August 17th of this year.

17 **Q** August 17th?

18 **A** That would have been a Sunday.

19 **Q** Okay. And he actually died on August the
20 9th is our information?

21 **A** Yes.

22 **Q** So the County had performed an autopsy a
23 week prior to you performing your autopsy; is that
24 correct?

25 **A** Yes.

1 **Q** How did you get invited to do that
2 autopsy, or how did you examine become involved in
3 that?

4 **A** As I recall, I was called by an attorney
5 for the family, Mr. was the attorney for the
6 family, and he called me and asked if I could come
7 and do a second autopsy.

8 **Q** And now that you are in private practice,
9 how long have you been in private practice?

10 **A** Well, part of being a medical examiner, my
11 50 years starting in New York City was to do private
12 practice in addition to medical examiner work in
13 part because traditionally medical examiners always
14 work for counties and always got paid less than
15 other doctors, they make up on it, you can do some
16 private work. So I do private work also, but since
17 2012, I think, I've been doing more private work
18 when I retired from the State Police.

19 **Q** And does that consist of you doing second
20 autopsies generally?

21 **A** Well --

22 **Q** Or additional autopsies?

23 **A** It generally consist of reviewing records.

24 **Q** Okay.

25 **A** However, it also includes doing second

1 optionies, doing first autopsies, and testifying
2 about the findings sometimes.

3 **Q** Now, and you mention money, so that kind
4 of prompts me to ask this question. Were you paid
5 to do this autopsy concerning Michael Brown?

6 **A** No, I am doing this pro bono and about a
7 third of the work I do is pro bono.

8 **Q** How do you make that decision what's going
9 to be pro bono?

10 **A** A lot of that is how much, whether the
11 family can afford it or not. If an autopsy is
12 indicated, then I would work it out if they can't
13 afford to pay anything, do it for pro bono and that
14 involves a lot of work for families and for
15 institutions, some institutions.

16 You have to pay for the
17 expenses of the travel and the hotel here or the
18 family pay for that?

19 **A** Um, my expenses coming and going is paid
20 for by the attorneys. They pay for that, yes.

21 Thank you.

22 **Q** (By Ms. Whirley) Where did you perform
23 your autopsy at?

24 **A** It was the funeral home where the body was
25 removed from the Medical Examiner's Office, if I

1 recall, the Lane Funeral Home who had been hired by
2 the family to do the burial services.

3 Q Was the body embalmed when you made
4 contact with the body for the first time?

5 A Yes, when I saw the body on Sunday, the
6 17th, the body had already been embalmed.

7 Q Does that affect your finding in any way?

8 A It does have an affect. I prefer to do
9 autopsies without embalming. One, it interferes
10 with a lot of toxicology if that were needed because
11 the embalming process changes the chemical makeup of
12 the body.

13 But also it changes the way injuries
14 look, the embalming process is largely formaldehyde,
15 replacing blood in the body, does change the
16 appearance of the wounds on the body and so to that
17 extent.

18 Q Did you feel that you were able to look at
19 the body, and I'm sure I'll ask you in a minute, all
20 the documents and information that you have viewed
21 or inspected to come up with your findings, did you
22 feel that you were able to make an accurate finding
23 though based on even the body being embalmed
24 already?

25 A I thought I could make an approximate

1 finding.

2 Q Okay.

3 A I could tell bullet holes.

4 Q Okay.

5 A For example, but some bullet holes may be
6 difficult to tell entrance or exit after the body is
7 embalmed. And certain injuries are diminished in
8 appearance because the embalming process takes out
9 color from the body, it causes the color to be gray
10 in the body, more so than during life.

11 Q Tell us what information, documents or
12 things that you inspected to come up with your
13 finding, and you did not write a report. You just
14 recently viewed some things that were necessary; is
15 that right?

16 A Yesterday I viewed a lot of materials that
17 are important in arriving at conclusions. So what
18 I'm telling you today incorporates much of what I
19 saw yesterday.

20 Q Tell us everything you viewed to come to
21 your conclusions?

22 A Initially, initially, I do the decedent,
23 Mr. Brown, who had already been autopsied, that also
24 changes, the autopsy itself can change appearance of
25 injuries and wounds, especially things that are

1 removed from the body. Obviously, bullets are
2 removed. We can't see where the bullets wound up,
3 but we see the spaces where they were.

4 The organs are dissected, there are
5 changes in appearance of wounds just on the basis of
6 the first autopsy and the embalming adds onto it.

7 So I asked at the beginning, and
8 yesterday I was able to see the following of those.
9 Went to the Medical Examiner's Office, very
10 courteous and professional. They have photographs
11 and x-rays, they took a lot of x-rays.

12 **Q** What do the x-rays help you with?

13 **A** The x-rays show what the body looked like
14 before the autopsy was done. The x-ray was taken
15 before, about 30 x-rays or so. They show fractures
16 that were there because sometimes during an autopsy
17 the person doing the autopsy causes fractures,
18 necessary to open up the chest cage and things.

19 **Q** Okay.

20 **A** And so the x-rays are the best indicator
21 where the bullets are, can see right where the
22 bullets were, which bones were intact and which
23 bones were fractured before the incisions were made.

24 **Q** I see.

25 **A** The autopsy is done with two incisions.

1 One for the chest and abdomen, and one for the head.

2 And that, so that was helpful. There
3 were x-rays and photographs. The photographs,
4 though, at the Medical Examiner's Office were all
5 after the first autopsy was done. That is after the
6 autopsy sutures and all and went from the Medical
7 Examiner's Office to the police department and there
8 was able to view the autopsies (sic) the police took
9 and they took many photographs of the body before
10 the autopsy was done. They were extremely helpful.

11 Q We have some of those photographs.

12 A Yes, I went through some that might be
13 helpful.

14 Q Okay.

15 A And that answered a lot of questions I had
16 as to entrance, exit, closeness of the gun at the
17 time of discharge.

18 I also looked at clothing, the
19 clothing was very important. Clothing is always,
20 the two most important to the hospital pathologist,
21 90 percent, 95 percent of pathologists in the
22 country, hospital pathologists, the most important
23 part of an autopsy is internal organ, the heart, the
24 brain, the lungs, kidneys, they're important, that's
25 where natural diseases occur.

1 To the forensic pathologist the most
2 important is the skin, that's where we see all
3 patterns of injury, we see forensic evidence, trace
4 evidence, blood, hairs, fiber, semen, saliva, that
5 can be on the outside of the body.

6 And the skin, the clothing is part of
7 the skin to us because the clothing and the skin
8 contain patterns of injury, gunshot powders, cut
9 wounds, and also trace evidence.

10 At the police headquarter building
11 was able to look through and see all of the many
12 photographs that were taken by the police and in the
13 body in the virgin state for us. Having not been
14 washed or touched or anything and the clothing.

15 **Q** The clothing, the x-rays, the body, you
16 actually saw the body?

17 **A** Yes.

18 **Q** Did you review the reports from, well,
19 from Dr. 's report?

20 **A** I'm sorry, about a week or two ago I was
21 sent a leaked report, a leaked autopsy.

22 **Q** What did you call it?

23 **A** Leaked.

24 **Q** Leaked?

25 **A** That means it wasn't officially, it wasn't

1 officially released. I'm always concerned about
2 leaked information as to how accurate it is. And
3 yesterday when I went to the Medical Examiner's
4 Office, I was provided with an official copy with
5 the gross autopsies, the microscopic studies and
6 toxicology, which turned out to be pretty similar to
7 what had come out before, but the family still has a
8 copy too. If I may interject.

9 Q Sure.

10 MS. ALIZADEH: I'm sorry, if you may what?

11 A Interject about the family. The reason
12 that I was called by Mr. , you know, a week
13 later rather than right away, sometimes families are
14 concerned about a death, they want a second autopsy,
15 they don't trust the first one necessarily, they
16 call the next day. The reason that there was a week
17 delayed as explained to me is that the family had
18 been waiting for some information about the death,
19 cause of death, for example.

20 And also I find, in all our work as
21 medical examiners when we see next of kin and
22 whether it's everyday work or situation like this,
23 one of the questions the family often has is did he
24 suffer, did my loved one suffer in dying.

25 One of our job as medical examiners

1 is explain what happened and to try to make it as
2 less suffering as possible, make them feel a little
3 bit the art of being a medical examiner.

4 In this incident they hadn't heard
5 anything, they read the stuff in the newspaper. The
6 reason I came down was to do my examination because
7 they didn't know they were going to get information
8 as to cause of death. They know he was shot, they
9 didn't know how much he was shot and where he was
10 shot. To this day they still haven't received a
11 report. I got it yesterday, the family hasn't
12 gotten an official report so that's one of the
13 reasons why families get a second autopsy. I'm a
14 great believer in media transparency, that's another
15 topic.

16 So when I met with the family that
17 was the first question was, did he suffer. I
18 explained when that, one of bullet wounds in the top
19 of the head went through the brain, that immediately
20 caused him to lose consciousness. So that made them
21 feel a little better he wasn't laying around in
22 pain.

23 Q Okay.

24 A Then I gave my opinion about at least six,
25 there was a press conference that occurred the next

1 day, that there were from what I could see at least
2 six bullets struck the body.

3 Q We're going to get to that.

4 A So that's --

5 Q Okay.

6 A Even though I hadn't had all the new
7 information, I'll paraphrase it, that's the kind of
8 information I could give.

9 Q Since you have gotten some additional
10 information as recent as yesterday, that doesn't
11 change your opinion as to how many shots the body
12 received though?

13 A No, I think that in going over everything,
14 my opinion now is that there were seven bullets that
15 struck the body.

16 Q We'll go through that in just a minute.
17 So you did get a chance to review the medical
18 examiner's report and also the toxicology report; is
19 that correct?

20 A Yes.

21 Q And there was a microscopic skin --

22 A Microscopic slides.

23 Q Slides, go ahead.

24 A Of the skin. Microscopic slides of the
25 skin of the hand wound.

1 **Q** You determined it was a hand wound?

2 **A** Well, yes, but they told me that.

3 **Q** Someone told you it was a hand wound? You
4 didn't make that determination? In your opinion was
5 it a hand wound?

6 **A** Yes, yes. Slides, you know, are labeled,
7 so that, and the only slide because that was the
8 only slides they took.

9 **Q** Okay.

10 **A** They didn't do microscopic examine of the
11 heart, lung, all of that, which is usually done.
12 The only sections that they make slides out of was
13 the right-hand wound.

14 **Q** We have photos of that?

15 **A** And some tissue that was taken from the
16 car, the police car.

17 **Q** Did you look at all of that?

18 **A** Yes.

19 **Q** Okay. Were you given access to what you
20 needed in order to come up with your findings and
21 conclusions?

22 **A** Yes.

23 **Q** All right. I'm going to let you look at
24 some photographs. And I'm going to does you some
25 questions while you are looking at the photographs

1 and these are photographs that you thought might be
2 helpful in you explaining the injuries to Michael
3 Brown, correct?

4 **A** Yes.

5 **Q** Okay. Let me ask you before I go into the
6 photos, did anyone assist you with your, with the
7 autopsy?

8 **A** Yes.

9 **Q** Who assisted you?

10 **A** There was a young man named

11 **Q** Is he also a medical examiner or a doctor?

12 **A** No, no, he was a person that had been
13 hired before I got there, it was days before I got
14 there. Who was an assist to the autopsy. Everybody
15 in an autopsy needs an assistant, often the funeral
16 director to help move the body and things like that.
17 And in this instance they had
18 engaged, I'm not sure what this young man who was to
19 assist.

20 **Q** Because you didn't hire him, he wasn't
21 someone on your team that you brought in?

22 **A** No.

23 **Q** Had you met him before?

24 **A** Not that I recall. He brought a
25 photograph that about ten years ago when he was a

1 student, not medical student, at the University of
2 Kansas and I came to the University of Kansas to do
3 an autopsy in some controversial matter that he was
4 a student, had worked summers at the medical
5 examiner's office there and he was there. I signed
6 a picture for him and he brought the picture and to
7 remind me, he was, I think, a college student at
8 that time.

9 Q Okay.

10 A But I had never worked with him or
11 anything.

12 Q I see. So let's go back to the funeral
13 home that Sunday. Was it early in the morning when
14 you went to the funeral home that Sunday to do the
15 autopsy?

16 A I came in early morning by plane from New
17 York and I guess it was 11:00, 12:00, 1:00 when I
18 started the autopsy. I was picked up at the airport
19 in St. Louis and brought down to the funeral home
20 and shortly thereafter, began the re-autopsy.

21 Q Re-autopsy. How long do you think that
22 re-autopsy took?

23 A Oh, probably about four hours or so, plus
24 or minus an hour, take a few hours.

25 Q When you first saw the body, what

1 condition was it in? I know it was embalmed, I
2 mean, was it ready for autopsy or was, go ahead.

3 **A** The body had been, the body had been in
4 the funeral parlor long enough to be embalmed, so it
5 had been there for a few days. The body was on a
6 table, one of the embalming tables in the funeral
7 parlor similar to autopsy tables ready for
8 re-autopsy.

9 **Q** What does that look like when you say
10 ready for re-autopsy?

11 **A** I think it was, I don't recall
12 specifically, a sheet over the body, a white sheet.
13 When I removed the sheet, the body was on the metal,
14 the top of the autopsy table and nude.

15 **Q** Was it sutured or not?

16 **A** The body was sutured. There are two
17 incisions that are made in an autopsy, one is what
18 is called the Y shaped incision. It goes from left
19 shoulder down to the breast bone and the right
20 shoulder down and then down to the pubic area. When
21 it is opened up, it permits examination of the chest
22 organ, the heart and lungs, the abdominal organs,
23 which -- and then that's sutured up afterwards. And
24 then there is one incision, second incision is made
25 from back of the, ear to ear, the back of the head

1 that permits removal of the tissue of the skin to
2 bend them forward and take the brain out and examine
3 the brain.

4 And then when these sutures are, when
5 these incisions are sewed up, this is universal.

6 Q Okay.

7 A In other countries as well. When the
8 incisions are sewed up, one can present the body to
9 the family, clothing covers the chest incisions, and
10 a pillow will cover the back incision so that in the
11 normal course, one can tell by looking at the
12 remains and paying respects whether an autopsy has
13 been done or not.

14 Q When you saw the body for the first time,
15 it was sewed up, so you had to open it to do your
16 autopsy?

17 A Yes.

18 Q Did you do that yourself?

19 A Yes.

20 Q So what things did your assistant do?

21 A He helped moved the body and to turn the
22 body so that I could see the back. Usually this is
23 the kind of things that funeral directors do when
24 you go to a funeral home.

25 Q Okay.

1 **A** And there's no special requirement and
2 that he also then, he had seen the body before it
3 was embalmed, you know, when it came there and he
4 gave me, told me what it looked like before the
5 embalming. I think he had some pictures of that,
6 but I don't recall specifically.

7 **Q** Okay.

8 **A** He was interested in trying to work out
9 the different bullet tracks, which gave me some
10 opinions about.

11 **Q** But you made the determination of the
12 bullet tracks?

13 **A** Oh, yes.

14 MS. ALIZADEH: Can I interrupt you for a
15 minute. What you said that, who was interested in
16 determining the bullet tracks, is that Mr.

17 **A** Yes, he was a very enthusiastic young
18 person. He was making suggestions to me, well, this
19 bullet track that went in the head on the top and
20 things like that, but my opinions are my own.

21 MS. ALIZADEH: Sure. I just didn't hear
22 who you said.

23 **A** , he was the only one there besides
24 myself, and also he could photograph. He had a
25 camera and he took photographs of the autopsy while

1 it was being performed.

2 **Q** (By Ms. Whirley) Do you feel that your
3 autopsy is independent of St. Louis County's autopsy
4 or how would you categorize it?

5 **A** It is independent of it sure, but I review
6 what I could tell from the examination what St.
7 Louis County Medical Examiner's Office had done.
8 They had done a thorough examination and by
9 examining, you know, status of the organs, all the
10 organs have been dissected and placed in a plastic
11 bag at the time and the bullet tracks were still
12 apparent.

13 **Q** Okay.

14 **A** They weren't removed, the bullets were
15 removed, but not the bullet tracks.

16 **Q** So tell us what you did as you performed
17 your autopsy and then we can maybe go through some
18 photos if that's helpful or we can wait on the
19 photos, so kind of tell us what did you do first
20 when you arrived there?

21 **A** What I did first was examine the outside
22 of the body. And to examine the head, the front,
23 the back is important to make sure that there was,
24 there wasn't any kind of injury or perforation of
25 the back that could be overlooked if one doesn't

1 look at the back.

2 Then a second autopsy often is easier
3 than the first because the incisions have been made,
4 the ribs have been cut through, the skull bones have
5 been cut through to get to the brain. So in one
6 sense it is easier, of course, it doesn't tell you
7 as much as the first autopsy necessarily. Because
8 the first autopsy has changed things around a bit.

9 So in this situation, when I review
10 the internal organs, they're pretty normal in
11 appearance for the age and his build and all.

12 There were bullet perforations of the
13 right lung that then coincided, correlated with
14 gunshot wounds on the outside of the body. A large
15 part of the autopsy had to do with reconstructing
16 what the bullet wounds were, where they entered,
17 where they exited, and then to my interpretation two
18 bullet wounds could have been reentry wounds. I
19 couldn't be certain about those until I saw what the
20 official autopsy showed, which is one I received
21 recently, yes.

22 Q Okay.

23 A And the photographs. So that was a large
24 part of what I did is to determine the nature of the
25 gunshot wounds and the direct entrance, exit,

1 directions and the closeness.

2 **Q** That's what we certainly want to know
3 about.

4 So you open the body and you
5 inspected the body for injuries and wounds, gunshot
6 wounds and photographs were taken?

7 **A** First thing I did, the biggest time was
8 spent looking at the outside of the body.

9 **Q** Outside of the body?

10 **A** Before opening up the inside.

11 **Q** Before we talk about any of the gunshot
12 wounds, let's talk about other potential injuries.
13 You may or may not have seen them. Did you see any
14 bruising to the body, like bruises on the knees or
15 anywhere on the body, did you note any bruising?

16 **A** Yes.

17 **Q** Can you tell us where you noted the
18 bruising?

19 **A** Well, I thought the significant bruising
20 was around the right eye. He had a lot of bruising,
21 I'm still not clear about how it developed, above
22 the eye and on the side and below the right eye. In
23 addition to the gunshot wound that went through the
24 eye.

25 **Q** So you think the bruising had nothing to

1 do, not nothing to do, was not from the gunshot
2 wound that you are discussing?

3 **A** No, there was a gunshot wound, I'm sure
4 the people are familiar better than I am than what
5 I'm talking about right now. There was one gunshot
6 wound of entrance just right of the forehead or so
7 and that went down and caused a lot of damage, went
8 downhill through the eye and the orbit.

9 In addition to that, there was
10 scraping abrasions around the eye, bullet wounds
11 don't cause scraping abrasions, rubbing abrasions
12 against something.

13 **Q** That prompts me to ask you, did you get
14 any information as to the fact of what happened, did
15 you get any witnesses' versions of what occurred
16 during this shooting?

17 **A** I did read an occasion when up in New York
18 the controversy that was going on in Ferguson, some
19 people, the hands were up, some people said he was
20 charging the officer, so I was familiar with the
21 controversy.

22 **Q** Did you hear that he fell face forward
23 once he has shot in the head, did you hear that?

24 **A** I would assume that bullet wound in the
25 head causes immediate lost of consciousness and

1 ability to stand upright. So he would have fallen
2 after being shot in the head, yes.

3 Q So if he fell face forward, would that
4 account for the bruising that you are referring to
5 or you don't think, tell us what you think?

6 A I don't know. Probably, and to this day I
7 don't know. Maybe I should have gone over to the
8 scene to see the composition of the roadway that he
9 fell on.

10 But usually falling face down, for
11 example, causes bruising of the nose. The face is
12 kind of protected. We have, people normally, normal
13 person falls face forward instinctively put their
14 hands out to protect themselves.

15 When somebody loses consciousness or
16 somebody is drunk, you see this in people who are
17 drunk, they can fall face forward and not
18 instinctively protect themselves. And then the
19 bruising in the prominences of the face, the nose
20 gets most of the damage.

21 The eye sockets don't, they are
22 recessed a bit. So I think that by falling face
23 down, and then falling face down you get ruptured
24 blood vessels and bruises being black and blue
25 marks. Abrasions being scrape marks on the skin,

1 like your child falls down and skids along some
2 ground, they can get scrapes.

3 The scrapes are different than black
4 and blue marks. There were scrapes here. So it
5 happen to rub against something, it is rubbing of
6 the outer layer of the skin. I don't think that
7 would have occurred from an unprotected fall. And
8 the nose was not that damaged either.

9 Q Okay.

10 A Just because you lose consciousness
11 doesn't mean you fall immediately, it's just
12 crumbled to the ground is more common, you crumble
13 down and fall. Different ways of falling and that
14 it was more scraping, not clear why.

15 Q What about bruising to his, did you see
16 any bruising on his wrists or his arms?

17 A I saw one of the wrists had a little bit
18 of a bruise that I'm not sure what it was caused by.
19 Looks like he had something around the wrist that
20 caused a linear abrasion of some kind. I didn't
21 think very significant.

22 Q Is that something you can tell whether
23 that bruise occurred contemporaneously with all of
24 these injuries or is this looking like an old
25 bruise. I know most doctors say it is difficult to

1 date a bruise. Did it look like something that
2 happened contemporaneously with all the injuries?

3 **A** It could have, but it could have been
4 there for a day before or something, not a week
5 before.

6 **Q** Okay.

7 **A** We can't tell a few minutes before death
8 or a day before death by just looking at it.
9 Sometimes under the microscope we can tell. But we
10 could also, some of these injuries can occur after
11 death, you know, when the person is put in a body
12 bag and tied up in the body bag just so it doesn't
13 move, that can leave patterns also on the dead body
14 so.

15 **Q** All right.

16 **A** I don't know how those little bruises
17 happen.

18 **Q** Did you see any bruising to his neck area?

19 **A** I did not.

20 **Q** Okay. I mention the knees, I don't know
21 if you gave me an answer, did you see any bruising
22 to his knees.

23 **A** I don't recall, I don't think there was
24 any significance.

25 **Q** Okay.

1 **A** I know that's mentioned in the autopsy
2 protocol.

3 **Q** Okay. So let's look at some of the photos
4 and you can tell us, first of all, you thought there
5 was 17 shots that he received?

6 **A** Seven different bullets that struck him.

7 **Q** Okay. Tell us about that?

8 **A** As oppose to bullet tracks. One of the
9 tracks was a graze of the biceps of the arm and that
10 came across the arm and didn't do any significant
11 damage to Mr. Brown and it is very difficult to be
12 able to tell direction from that. It was not close
13 to, medical examiner is one to two feet or less.

14 That is, we can tell distance,
15 usually up to a foot or sometimes two feet, a foot
16 and a half by the amount of powder that's
17 distributed with the bullet.

18 Beyond that, we can't tell two feet
19 from 20 feet or 40 feet, you know, shot from 40
20 would be the same marks and from 3 feet from a
21 medical examiner's point of view.

22 **Q** Okay.

23 **A** So depending on the ammunition and the
24 weapon discharged, 12 inches to 18 inches away
25 because then you see some powder, but as you get

1 further away the powder spreads out, so that's how
2 we judge closeness.

3 Q Were any of the gunshot wounds that you
4 observed, would you consider any of those close
5 range shots?

6 A Yes, the one in the hand is close.

7 Q And you determined that that is an injury
8 from a gunshot wound?

9 A Yes, yes.

10 Q How did you make that determination?

11 A Well, I could tell, you know, when I first
12 saw the body that's a typical graze injury of the
13 tissues of the palm of the hand because graze
14 injuries will look different depending.

15 Q The hand in any of those photos?

16 A Yes. If I may do it this way.

17 Q Tell me which one you like me to put up
18 first.

19 A This is the only one that was close.
20 These are the photographs that I looked at, these
21 are your photographs. I looked at these for the
22 first time yesterday afternoon and they are very
23 helpful in this regard.

24 Q Okay. So we'll put those up. These are
25 from Grand Jury Exhibit Number 7. And the first one

1 that I'm going to put on the Elmo, we call it, is,
2 this is Number 75.

3 There's a laser pointer.

4 **A** Can I just get up? If I can just go here
5 if that's okay.

6 MS. WHIRLEY: I'll just put that over here
7 in case you need it.

8 **A** This is a photograph taken by the police
9 after the body, after the hand has been washed.
10 Now, when I saw this photograph, the hand, it was
11 all gray and washed off and embalmed. And I could
12 tell it was a gunshot graze just like the wound on
13 the right biceps muscle, but not direction and not
14 distance.

15 In this photograph in looking at the
16 print, which is sharper, there is some powder here
17 around one edge of it. And it is an interesting
18 photograph, can I see the next one?

19 **Q** (By Ms. Whirley) Sure. Want me to put
20 that on there for you?

21 **A** Yes. There is an interesting pattern that
22 can happen here.

23 MS. ALIZADEH: Can you turn it the other
24 direction?

25 **A** Thank you. You see what happens in a

1 graze wound is that the tearing of the skin tells
2 you direction. So inverted Christmas tree.

3 The fact that these are going upwards
4 would indicate that the entrance is down here and
5 going in this direction. Because of, if you see
6 this Christmas tree this way and upside down
7 Christmas tree is going that way, that's how the
8 tissues tear when there's a graze wound in areas of
9 some loose tissue that's in the palm of the hand
10 kind of thing.

11 **Q** (By Ms. Whirley) So the entrance where it
12 entered is tighter than where it came out, it starts
13 to spread?

14 **A** Yeah, but it is these things that tells.

15 **Q** Okay.

16 **A** It goes in here and there is some on the
17 print, there is a little bit of blackish, tiny bit
18 of blackish coloration, and that's what the medical
19 examiner found on the microscopic. It was
20 interesting when I look at it, after the embalming
21 because body gets washed and all of that, I couldn't
22 see any powder.

23 When the medical examiner looked at
24 it in the fresh state, he didn't either because he
25 puts in the autopsy that there's no gunshot powder

1 and then I didn't see any gunshot powder, he sees it
2 under the microscope.

3 When I look at this now and there's a
4 little blackening there that I think is not due to
5 any artifact, that's really blackening due to some
6 powder.

7 So that the weapon, the muzzle was
8 near to this within a few inches, it wasn't contact,
9 but within a few inches in my opinion at the time of
10 discharge.

11 **Q** Can you tell by that injury where the
12 shooter and the person who was shot, what their
13 positions were?

14 **A** I can tell that the weapon, the muzzle of
15 the weapon, in all of the reconstruction that
16 medical examiners do, tell the muzzle of the weapon
17 and the place the bullet enters where it is. So the
18 gun had to be somewhere around, you know, that kind
19 of a line, but I can't tell, we can't tell from an
20 autopsy whether the hand is going forward or pulling
21 backward or standing still. We can't tell whether
22 the gun is going forward or backward. All we can
23 say at the instant of firing, I would say roughly
24 six, four, five, six inches away, the weapon was a
25 few inches away at the time of the discharge and

1 struck. I wasn't able, I can't tell, the fingers
2 could have been open or not open.

3 But at this point the bullet would
4 have gone at this point cut through the muscles
5 here, and that's one of the things that would be
6 important in reconstructing, which I couldn't get, I
7 tried to, is the examination of the car was there a
8 bullet in the car or a bullet imprinted in the
9 vehicle to see if we knew where the bullet struck,
10 then we get an even better lining up of what
11 happened.

12 Q Okay. There's two more photos, I don't
13 know if they are helpful.

14 A Yes, they are.

15 Q This is Number 40, I'm saying this for the
16 record, this is 49.

17 A I thought that maybe in this photo there's
18 a little better, a little blackening between the
19 ridges, you can see the ridges in the skin and some
20 little black soot deposit. That's what comes out of
21 the bullet because when the bullet comes out, it is
22 an explosion that pushes the bullet out and any
23 explosion you get powder. You get carbon, soot
24 carbon, and burned and unburned gunshot powder
25 fragments.

1 **Q** It is your opinion --

2 **A** This is essentially powder, so the heavy,
3 and the powder would stay up until about four,
4 five inches and then it goes away.

5 **Q** Say that one more time, I'm trying to
6 visualize.

7 **A** When powder comes out of the muzzle of the
8 gun, it goes for four or five inches and then it
9 will dissipate. And the heavier tattooing would
10 come from burnt, unburnt granules, not carbon. The
11 blackening is carbon or soot.

12 **Q** That's in your opinion that's what this
13 is?

14 **A** Yeah.

15 MS. WHIRLEY: Go ahead.

16 You said you can't tell if
17 the hand or gun is moving in or out or whatever?

18 **A** That's correct.

19 : Can you tell angle, somebody
20 sitting or standing by this?

21 **A** I can't tell sitting or standing, but I
22 can tell, see what I would say is that --

23 : You can tell which way it is
24 going?

25 **A** It is coming from this direction to this

1 direction. What I can't tell is whether anybody was
2 sitting or standing, no, that's all I can relate to
3 is the weapon, the gun and the target. And I can't
4 because the wrist is so mobile see, it could be held
5 upside down, sideways, all kind of different things.
6 How it was being held I can't tell, but the fact
7 that, so all we're doing is the muzzle to where the
8 bullets land, the last one there.

9 **Q** Yeah, this is Exhibit Number 42.

10 **A** Did it show, yeah, that one. This is how
11 the photograph was taken by the police before the
12 hand was washed and there is a lot of blood around
13 here, that this wound does cause a lot of bleeding,
14 a lot of little capillaries and blood vessels there.

15 And that became important in looking
16 at the clothing. Why does he have blood on his
17 clothing, you get shot and you get shot multiple
18 places and glass. If this happened very quickly, he
19 wouldn't really have time for blood to stop dripping
20 out of any of the wounds he had and he would have
21 collapsed immediately. And I think the blood on his
22 clothing and the drops of blood, dripping of blood
23 on his clothing, which is the lower part of the
24 shirt, the upper shirt is a lot of blood, his pants
25 or the shorts that he was wearing have a lot of

1 blood drops on it. And the socks he has on he had a
2 lot of blood, had blood drops on it. So that he was
3 bleeding, the only place he could have been bleeding
4 from is this area from here.

5 My opinion is whatever happened after
6 incurring that wound, he was able to have blood from
7 here drip onto his pants and clothing and his socks
8 in whatever he was doing, walking or whatever he was
9 doing or running.

10 Q Were you able, based on your examination,
11 to tell which wounds happened first and what
12 sequence of shots, what the sequence was?

13 A The only thing I can say this was the
14 first wound. I cannot tell the other sequence.

15 Q Why do you think this was the first wound?

16 A Because of the bleeding that occurred when
17 he left the car and that he had incurred the wound
18 in the car just from the history and that.

19 At some point he received the other
20 wounds, the wound in the head would have been, would
21 have caused him to lose consciousness.

22 Q And be fatal?

23 A However that's probably the last, to next
24 to last. If his head was down and would indicate
25 because in order for the wound to be inflicted in

1 the head, top of the head, the muzzle of the weapon
2 has to be, this is kind of the wound in the top of
3 the head.

4 Now that could be somebody is up here
5 in the ceiling and shoots down, they can give me
6 that. If I'm lying on the ground and the muzzle of
7 the gun I can get that, or if we accept the position
8 of the shooter, you can't tell unless you know the
9 position of the shooter.

10 If he's standing up, as appears from
11 what I've read, assuming that, then his head would
12 have to be down so that the shooter would have to be
13 able to fire at the top of his head.

14 And if he's down and he fired three
15 fast, quick shots, which could occur before he falls
16 to the ground, he would have one in the head, one in
17 the forehead that goes down through his jaw and one
18 in the chest that all occur with three quickly fired
19 shots.

20 So even though he crumbles, starts
21 falling immediately on the one in the head, and
22 probably could have been the last shot, if three
23 shots were gotten off, it could be done before he
24 falls to the ground and he would be in a position
25 with his head down for those three shots to occur.

1 **Q** Okay.

2 **A** But they would have been very quick.

3 **Q** Do you have any information about how long
4 this incident occurred from the time that he
5 encountered the police officer to lay dead in the
6 street?

7 **A** It was quick, but I don't know.

8 **Q** All right.

9 **A** I don't have any information.

10 **Q** If you want to come back and sit down you
11 can.

12 : Could you go back to the
13 second, I notice something in the second photo you
14 put up.

15 **Q** (By Ms. Whirley) Okay.

16 On the tip of his thumb
17 looks like an indentation. Can you incur anything
18 from that, be the barrel of the gun?

19 **A** No, the barrel of the gun at this point I
20 would expect more soot, well, I can't tell. The
21 indentation I think is more postmortem. You can't
22 say it happened before death because the body is
23 moved, the skin, as I said, we find most common when
24 tied up in the body bag or so, marks on the skin
25 occur just from pressure, postmortem pressure can

1 show up like that. And we can't tell what's before
2 or afterwards, but I can't tell.

3 MS. WHIRLEY: Anything else?

4 Q (By Ms. Whirley) Let's talk about the
5 shots one at a time and you prefer to stand there?

6 A Yeah. If you are going to do that, I put
7 it so that the top one.

8 MS. WHIRLEY: I may have messed up your
9 order.

10 A That's okay. The way we usually do it,
11 way we do it in New York, with multiple gunshot
12 wounds, we will describe the wounds and number them
13 from the top down.

14 Q Okay.

15 A That doesn't in any way signify the order
16 of shots, because usually we can't tell the order of
17 shots. So the number one that was, I think also was
18 in the autopsy report.

19 Q You kind of describe the head shot
20 already, correct?

21 A Yes.

22 Q And they've seen that shot, so is there
23 anything else you want to say about that?

24 A You can show it for a second.

25 Q Okay. That's Photo Number 99.

1 **A** And just that, even the head shot, even
2 they had to take the hair off to show it, it didn't
3 show any powder around it, which would be another
4 indication that it was a distance away for what it's
5 worth.

6 **Q** Okay. I don't know if you want to tell
7 me.

8 **A** This one would be a good second. This is
9 the second going down.

10 **Q** All right. This is Number 95. Let's see,
11 I'm not sure, is that a better way to look at it or
12 should I do sideways?

13 **A** You know, put it sideways please, the
14 other way.

15 **Q** The other?

16 **A** So he's on his back.

17 **Q** All right.

18 **A** Now if you put it up a little up there.
19 Thank you.

20 MS. ALIZADEH: When you get a chance.

21 MS. WHIRLEY: You have a question?

22 Whose photographs are these?

23 **A** These are all photographs I saw for the
24 first time yesterday that were taken by the St.
25 Louis Police Department who came to the Medical

1 Examiner's Office and the police took them all, not
2 the medical examiner, the ones I looked at initially
3 were medical examiner photographs I said, and that
4 was after the autopsy had been done. So the police
5 were there and they took all of these photos before
6 the autopsy was done.

7 MS. ALIZADEH: These are out of that
8 packet of photos, Grand Jury Exhibit Number 7.

9 A Now, in this one, can you turn that front
10 light out. This is a bullet wound of entrance, and
11 again, no powder around it. More than 18 inches
12 away. Can't tell how much more, and the bullet
13 track, thank you, came down through the orbit, the
14 eye and caused some fractures and exited down here
15 through the jawbone on the side.

16 So that was also, see, that would
17 have lined up, as I tried to figure out if he were
18 bent over to have the top of the head and then a
19 parallel line going down and exiting here.

20 And when I spoke about the abrasions,
21 see the nose is pretty good. If he fell down and he
22 got the injuries to the body, they should be more
23 prominent on the nose and on both sides of the
24 forehead, not just on one side of the forehead.

25 And I don't know, these look like

1 superficial scrape marks. They can happen
2 sometimes, I don't even know if after the body is on
3 the floor and people in the course of removing the
4 body to the body bags, pull the body because the
5 person pulling the legs is stronger than the person
6 holding the head, they can cause some scraping
7 damage, but this is more than usual so I'm not sure
8 why.

9 You prescribed linear and/or
10 scraping a relative motion between his face and
11 whatever object he scraped against. If he had his
12 head down and in a charging motion, meaning he had a
13 motion toward the officer, when he fell with his
14 final shots, could that have caused, I mean, that
15 type of abrasion.

16 **A** Yeah, but then it would be most prominent
17 on the nose.

18 What if his head was turned?

19 **A** Also, there would be the object, the sand
20 or dirt would be incorporated in it. This looks
21 like a very clean, this is before he was washed and
22 this looks all very clean. The blood is still dried
23 here so.

24 Q (By Ms. Whirley) I think the juror said
25 what if his head was turned like on that side, what

1 if it was turned toward the right side?

2 : Head down and turned?

3 **A** It's possible, I've not seen this
4 extensive from that, but I don't know what the
5 composition of the ground is either, so that's
6 possible.

7 : If he would have fallen
8 square on his face, you would expect to see
9 something on the nose?

10 If there wasn't damage to
11 the nose, that applies he didn't land on his nose
12 first, he had to land on one side or the other?

13 **A** If it was caused by his landing, yes.

14 : August 9th was a very, very,
15 very hot day here. So could it possibly be the
16 ground was hot and from the impact of the fall?

17 **A** It's possible, it's possible. But it
18 would require movement. Just lying there on the
19 ground wouldn't cause the scraping abrasions, it's
20 possible, it's possible.

21 MS. WHIRLEY: We have another question?

22 **A** It is kind of prominent for that.

23 I'm going to go back with
24 what you said if he would have fallen. Michael is a
25 very big guy.

1 **A** Yes.

2 : We do know that he fell,
3 with this impact, we know that he fell face forward.

4 **A** Right.

5 : My understanding of his
6 question is if he fell face forward, wouldn't there
7 be something on his nose, disregarding these,
8 wouldn't there be something on his nose that
9 indicated he fell face forward?

10 **A** Yes, but then he added on the question
11 what if it was just on his right side.

12 If he fell face forward,
13 straight on, there would be something on his nose?

14 **A** Yes, yes.

15 Some sort of an abrasion?

16 **A** Yes.

17 So if he had his head down
18 and his head turned, that would lead us to a
19 conclusion that the abrasions would be on the side
20 of his face instead of the nose?

21 **A** Right, yes.

22 Which is where these are?

23 **A** On the right side, yes.

24 MS. ALIZADEH: Just so you are clear, you
25 turned your head to the other side.

1 I don't know my right from
2 my left.

3 MS. ALIZADEH: Because the injury is to
4 the right side of his face.

5 Right.

6 **A** Yeah, if he fell on his right side and he
7 moved forward you get certain abrasions. He also
8 has cuts here, some of these are not just scrapes,
9 but they're lacerations.

10 MS. WHIRLEY: They don't come from the
11 gunshot wounds?

12 **A** No, they don't come from the gunshot
13 wound. the gunshot wound goes deeper and through the
14 eye. If they came from the gunshot wound, the
15 gunshot wound would be more to the outside.

16 MS. WHIRLEY: Even if it was grazing?

17 **A** This one is going into underlying soft
18 tissue, so that it is underneath this.

19 MS. WHIRLEY: I understand.

20 **A** It is underneath the skin there and in
21 order to graze you have to be on top of the skin.
22 And this one went deep enough to go through the
23 eyeball and come out down here.

24 MS. WHIRLEY: Okay. You don't know what
25 to make up of it then?

1 **A** I'm not sure why. I think the thing that
2 puzzles me is the combination of factors. That some
3 of it could be by scraping somehow, but not all of
4 it. And if this were say a blow to the face causing
5 laceration, it normally wouldn't cause a scraping
6 wound. So it is some complex reason.

7 : Doctor, the top could be a
8 small fragment, bone fragment that could do that?

9 **A** Bone fragments can protrude through the
10 skin, but in this instance it didn't, the bone
11 fragments were largely the lower portion of the
12 orbit and there was no bone fragments that were
13 protruding. And that's the value of what the police
14 did is that they took these photographs before any
15 changes were made by the autopsy or by the
16 embalming. And I think that's an interesting point,
17 the bone fragments. I don't think it was caused by
18 bone fragment, the fragmentation was lower down.

19 : Thank you.

20 MS. WHIRLEY: Anybody else?

21 I have one more. Earlier
22 you said that you would have to see the structure of
23 where he fell to determine if any of these could
24 be --

25 **A** Yes.

1 You mean if it were gravely,
2 or if there were rocks in the road?

3 **A** Right, yes.

4 : Okay.

5 **A** That could affect it. And what I should
6 say to you, when we do autopsies in our line of
7 work, we try to answer as many questions and issues
8 that we can. We often, there are findings that we
9 can't explain. So that even issues like the cause
10 here, I can't really explain it. And that, that
11 often happens in autopsies, you explain the major
12 ones that answer the question, but not everything.

13 And there are other experts that is a
14 gravel expert, they have gravel experts might have a
15 better idea or somebody doing experiments on
16 injuries to skin, which are very difficult to do now
17 because it needs appropriate approval by boards that
18 you can't do experiments on people that hurt people.
19 However, they can do it on pigs and animals
20 sometimes and there may be somebody around who is an
21 expert on that, but it would be more able to answer
22 the questions on that surface with the human skin.
23 It is very similar to pig skin, would develop these
24 injuries just from contact with the gravel falling
25 with a certain force.

1 MS. WHIRLEY: Okay.

2 A But again, that's a value, it doesn't
3 indicate the cause of death, but it is a value in
4 what happened to him.

5 Now, the exit is here and then if I
6 might see the one difference I think I have with the
7 official report is.

8 Q (By Ms. Whirley) Number 86?

9 A The other side, please, the other side
10 around.

11 Q I'm sorry, there we go.

12 A They don't train you how to do that in law
13 school, I guess.

14 Q I'm just not paying close enough
15 attention.

16 A What I would say here the bullet wound,
17 they do everything nowadays these machines, bullet
18 wound comes down through here and as I repositioned
19 the head and all and look at all the additional
20 photographs. I think the bent head that is right on
21 top of the clavicle here, the collar bone, this
22 bullet goes through here and this is a reentry
23 wound. It looks to me like a reentry wound.

24 I think the way the medical examiner
25 put it down as a separate entrance. So in that

1 regard I have one less bullet that struck Mr. Brown
2 than the medical examiner did, but it doesn't change
3 anything substantially except for forensic pathology
4 point of view. I think the bullet exits here, goes
5 into here, hits the clavicle, hits the lungs and
6 stops.

7 A bullet that's going straight, the
8 one that went through the head went through a lot of
9 thick skull bone and a normal, which is another
10 indication that it was kind of a spent bullet by the
11 time that it goes through here and into the lung,
12 which is right next to it, it has already lost most
13 of its power. So that I think is reentrance that I
14 think would be the difference in the way we organize
15 the tracks.

16 Here is the third bullet wound of the
17 chest that I thought might be a reentry when I did
18 the autopsy, but I think turns out with all the
19 additional information I agree with the medical
20 examiner that's an entry wound.

21 So you have the head, the face, the
22 facial one coming out here and this pretty much all
23 could be within a foot or two if fired rapidly.
24 Whether that was the last bullet wound or not in the
25 head.

1 **Q** Okay. So far from what you've described
2 in the photos we've seen, this would be, you talked
3 about three entry wounds, three bullets?

4 **A** Well, actually, yes. The head, the face,
5 I'm not counting this one, this is a reentry.

6 **Q** Right.

7 **A** When I look at it close, it also has
8 markings of a reentry. It is not quite as round as
9 an entry wound would be. And this one would be
10 three, three of the bullet wounds and these are the
11 wounds, these are the wounds where bullets were
12 recovered it turns out.

13 The bullet was recovered here from
14 the side of the face, right side through the brain
15 from the side of the face and was recovered from
16 within the autopsy of the head.

17 The second bullet comes through the
18 face into here and then is recovered in the area of
19 the lung, and the third bullet here comes in here
20 and largely goes through causing a fracture of the
21 eighth rib.

22 See up here is the third rib and this
23 by the eighth rib and is found, goes through the
24 eighth rib and the lung, the lower portion, this
25 upper lung or lower lung on the right and it is

1 found next to the eighth rib in the back.

2 And what we found in the second
3 autopsy is that it was the incision made in the
4 back, not through any injury as it was an incision
5 made to recover that bullet.

6 In order to recover the bullet in the
7 back, it was underneath the skin, they had made some
8 incisions at the time of the first autopsy and that
9 all comes into how we have to examine bodies when
10 there is a re-autopsy. We inferred that there was a
11 bullet taken out, but I didn't see the photos until
12 yesterday.

13 Q And it certainly didn't look like any
14 injury, he was shot in his back anywhere; is that
15 correct?

16 A No, no, he was shot here and it went to
17 the back.

18 Q So there was no injury to his back?

19 A That's right, no injuries to the back.

20 Q Okay. All right.

21 A The issue comes up with the arms, yes.

22 : When you were describing the
23 jaw.

24 A Yes.

25 I want to make sure I

1 understand. We're talking about three bullets, but
2 four bullet wounds because you consider one to be a
3 reentry.

4 **A** Yes, yes.

5 When you are describing that
6 reentry wound from the jaw, you had your head like
7 this. (indicating)

8 **A** Yes.

9 : So based on where it is in
10 the jaw and it reenters in the body, it is pretty
11 safe to say that the head, it was like this?
12 (indicating)

13 **A** Yes.

14 Not like this, but like
15 this. (indicating)

16 **A** Yes, yes.

17 : Okay.

18 **A** But that would still present it would be
19 with the skin of the jaw next to the clavicle, the
20 inside, you can feel your collar bone, but right
21 next to it so that that trajectory could occur.

22 : The reason I ask that
23 question is because I think having your head like
24 this versus just falling forward, it is going to
25 show what you're doing more, do you understand what

1 I'm saying?

2 **A** I see what you're saying. I'm not sure of
3 the interpretation you have is as good of
4 interpretation as I have, but it would be that the
5 chin would be, if the chin were not right next to
6 it, bullet coming out of the chin would have gone
7 into a different place.

8 : What I'm saying is though
9 that if he were simply falling forward, his head
10 would be more lax?

11 **A** Yeah, yes, I think that at the time he was
12 shot his right side of his chin of the jaw was
13 against the collar bone near the midline at the time
14 he was shot. I can't tell from that whether he's
15 going forward, going backwards, whether he's
16 standing still, I'm just saying that.

17 To explain that as a reentry
18 wound and his head is that way, if that's not a
19 reentry wound and it is separate bullet wound, his
20 head could have been either or --

21 **A** If it is not a reentry wound, then it is a
22 separate bullet wound and that bullet was recovered,
23 those are the three that were recovered.

24 That comes out of his right
25 jaw, is that straight line from the entry point to

1 the exit point out that jaw through his skull a
2 straight line or did it move as it traveled around
3 his eye?

4 **A** No, pretty much a straight line. The
5 facial bones and the orbit bones, they're thin bones
6 and essentially when the bullet goes through, stays
7 within 5 or 10 degrees, it doesn't go around further
8 than that in this kind of a setting. Especially a
9 larger caliber bullet. We sometimes see funny
10 things with a .22.

11 People shot in the eye,
12 right around the skull, no exit wound sometimes?

13 **A** No, this is a straight wound and it winds
14 up that way in probing it.

15 MS. WHIRLEY: All right. You got another
16 one?

17 **A** So those are the three or four.

18 Now, we have the more complicated
19 ones.

20 MS. WHIRLEY: Okay. This is Photo Number
21 78. Is that the way you want it, Doctor?

22 **A** Yes, thank you.

23 MS. WHIRLEY: All right.

24 **A** This shows the graze, the graze and that's
25 a bullet that struck, even though it didn't cause

1 any damage, a bullet that struck the body and as far
2 as we know it struck the body and disappeared. It
3 is not in the body and I didn't see anything in the
4 clothing that would indicate that it landed there.

5 The clothing, unfortunately, the
6 T-shirt he was wearing, short sleeves, so it just
7 goes up to around here. So in long sleeve shirts we
8 could see more of an entrance and exit in clothing
9 that would be helpful.

10 MS. WHIRLEY: Did you see any gun powder
11 on the clothing at all?

12 **A** Nothing on the clothing. No gun powder on
13 the clothing and from what I gather the police
14 didn't either.

15 And this is an entry wound from the
16 front, the upper arm is, you've been told about the
17 anatomical position, the imaginary anatomic position
18 that medical examiners' use. In autopsies, body,
19 palms forward at attention, all measurements are
20 done that way.

21 It is very rare that victims are that
22 cooperative, so you can tell exactly what happened
23 because the body is mobile and in this situation, if
24 this is front anterior, the bullet came in near the
25 top and came out the back, that's a front. In and

1 out gunshot wound of the upper arm. This is a graze
2 wound and I think the next one shows the
3 controversial one.

4 Q (By Ms. Whirley) Okay. We'll do this one
5 and then we'll take a break. Number 83, is this the
6 right way, Doctor?

7 A Yes, that's good, thank you.

8 Q Sure.

9 A What's interesting here this is.

10 Q Should I bring it down a little bit, I
11 don't know if that will help or not.

12 A What's interesting to me is that, you
13 know, the blood, nothing has been washed off. This
14 is the entrance behind and the exit, and this bullet
15 went through a bone in the forearm. The ulnar bone,
16 the two bones in the arm, the radius and ulnar. The
17 ulnar is kind of underneath the pinky and the radius
18 is on the other side.

19 This went through the radius, the
20 x-rays that show little fragments of metal and the
21 fracture of the radius bone. Partly, that's why
22 there's such a big exit wound, it is wobbling and it
23 had destroyed some bone.

24 But this is the entrance and this is
25 the exit and this is from behind. Now it went from

1 back to front.

2 Now, it could be standing at
3 attention, going back and front, could be arms up,
4 could be arms way up, would have the same thing. It
5 could be if the arm is in front, since the arm is
6 mobile, if I put my arm like this, it could come in
7 the back of the arm and come out the front. And in
8 that situation it would have to reenter into the
9 body, which we don't see, which we don't see.

10 Q Why do you see that as controversial?

11 A Well, as to whether he was shot, people
12 say from the back, no injuries to the back, but I
13 interpret that as being from behind.

14 Q Right.

15 A I know there's some controversy as to
16 whether or not he was shot while his back was to the
17 officer.

18 Q That's a question that we have.

19 A Yeah.

20 Q Does this support that?

21 A This would support from being shot from
22 behind. It didn't hit his back, but from behind.
23 There are other ways if this arm could be moved in
24 other directions, you can twist your arm around and
25 that has to be taken into account, but there isn't

1 any kind of mark, bullet wound on the chest that
2 would support that. And so much of it becomes,
3 which eyewitnesses are better and that's, that
4 doesn't come with medical school.

5 **Q** I guess within the bowels of reasonable
6 medical certainty or in your opinion, you're saying
7 that this injury to this forearm could have occurred
8 with his hand up?

9 **A** Yes.

10 **Q** Or with him running and someone shooting
11 him from behind, or not running, someone shooting
12 him from behind?

13 **A** I'm saying at the time of the shooting the
14 gun was pointed at the back of his arm, that's all.
15 Where his arm was depends on what other information
16 you have.

17 **Q** I see.

18 **A** This is from behind from a forensic point
19 of view.

20 MS. ALIZADEH: Any questions?

21 : Pretty much the same
22 situation in the hand, you can get an idea where the
23 gun was positioned, the trajectory of the bullet,
24 but you can't really determine the positioning of
25 the limb?

1 **A** You're right, at the moment of fire.

2 : Okay.

3 **A** A limb can go through, within a second, go
4 like this. All I can say is at the instant of
5 firing it is almost an instant it could go through,
6 the bullet, the muzzle was pointing at the back.

7 MS. ALIZADEH: Doctor, you testified, and
8 I'm wondering if this was just an error, that you
9 just said that the radius was fractured?

10 **A** I'm sorry, I meant the ulnar, the ulnar.

11 MS. ALIZADEH: I wanted to clarify.

12 **A** The radius, I was just pointing out
13 attached to the side of the thumb, thank you, and
14 the ulnar is on the pinky.

15 MS. ALIZADEH: And that concurs with
16 Dr. 's opinion that the ulnar was fractured,
17 correct?

18 **A** That the --

19 MS. ALIZADEH: The ulnar.

20 **A** Yes, thank you.

21 Could the difference is a
22 police officer not being exactly behind Mr. Brown,
23 but on the side, he could have struck here?

24 **A** You mean beside you?

25 : The policeman.

1 **A** If he was positioned this way to the gun.

2 : Exactly. If the police are
3 here and I shoot, that don't mean that he shoot from
4 the back.

5 **A** That could be from the side, but then you
6 see once that bullet comes out, it would strike
7 something if it is there. If it is this way.

8 : He's running and he's doing
9 this with his hand, you move the arm when you run
10 and the police was right there, it could strike here
11 and get out from there? (indicating)

12 **A** That's possible. That would show the same
13 thing in the autopsy as with the hands up or the
14 hands around --

15 Or could be like this?
16 (indicating)

17 **A** Yes.

18 : That is possible too?

19 **A** Yes.

20 You're not going to find any
21 other thing on the body because the bullet is going
22 to go --

23 **A** Yes, yes.

24 Thank you.

25 MS. WHIRLEY: Any other questions? I know

1 you probably need a break, maybe the doctor does
2 too. We'll do that now. I'm not sure of the time.
3 11:04, so let's just take a break.

4 (Recess)

5 MS. WHIRLEY: So we're back on the record.

6 Q (By Ms. Whirley) So, Doctor, tell us how
7 many wounds have we gone through so far? You
8 thought six to seven.

9 A I think we're gone through eight wounds
10 and seven bullets tracks.

11 Q Okay, all right. And tracking, when you
12 say bullet tracks, when you say tracking, what did
13 that mean, first of all?

14 A Examining injuries to the body caused by
15 bullets.

16 Q Okay.

17 A Even though some of these injuries are
18 less important than others.

19 Q Are you able to tell like where the
20 shooter was in relation to the person that shot by
21 looking at wounds?

22 A In my opinion of the seven bullets that
23 struck Mr. Brown, five came from in front of him,
24 the one in the biceps can't tell, the one that, of
25 the seven bullets that struck, one was in the hand,

1 which I think based on the, my review of the
2 histology and all, came while his hand was in the
3 car.

4 One came through the upper arm biceps
5 graze wound, can't tell which direction. And one
6 came from behind the right forearm, which could have
7 come from behind, the others were from in front of
8 him, the weapon was pointed at his front at the time
9 of discharge.

10 **Q** Okay. Any questions on any of that?

11 We'll look at another. This came out
12 of Grand Jury Exhibit Number 7, photograph is Number
13 6. And let's see, which way, Doctor, the other way?

14 **A** Yes, the head by three o'clock, thank you.
15 The reason I'm showing this, I did examine his
16 clothing yesterday at the police building and was
17 impressed, which I haven't realized it that there
18 were drops of blood that had come from drippings
19 from above. And there was some on the socks, which
20 you can see closer if you look at the socks, drops
21 of the socks.

22 There had to be a time, from the time
23 that Mr. Brown was injured and bleeding until he
24 collapsed where the blood was coming from above.
25 And the only place I could figure out it came from

1 was the hand.

2 So that after he takes his hand from
3 the car, he is dripping blood that goes, there's
4 also some on the shirt, but that has a lot of blood
5 that developed after he was on the ground because
6 the body kept oozing blood while he's laying face
7 down after he's dead. And so there's a lot of blood
8 that occurred after he died, but these drops of
9 blood all came while he was alive and to me had some
10 significance about this occurring while he was going
11 away from the car.

12 I can't tell from this how far away
13 from the car he was, but he did not leave that car
14 without realizing that he had suffered an injury to
15 the hand. Whatever psychological effect that has on
16 people, he knew he was bleeding, he knew he had a
17 gunshot wound to the hand.

18 And the skin on the car matches
19 coming from here. So that I think that, whoever
20 examined the car, they did a very fine job to find a
21 piece of tissue on the car because it had already
22 dried and all, when he takes the hand out of the car
23 after it's injured, it goes against, it leans
24 against the car, wherever that was taken from, I
25 don't know which part of the outside it was and then

1 he continued in a way that depends on eyewitnesses
2 and all.

3 Q In your review of all the information to
4 come up with conclusions, did you determine whether
5 or not Michael Brown was right or left handed?

6 A No, I didn't determine that from the
7 autopsy.

8 Q Did you determine it from any other
9 source?

10 A I think I was told he was right handed,
11 I'm not sure. 85 percent of people are
12 right-handed, but I don't know, I didn't determine.

13 Q Okay. And if, as you described the wound
14 to the hand as occurring in close range, not
15 contact, but close range while his hand was inside
16 of the car. And it would have bled quite a bit,
17 would we, should we expect to see a lot of bleeding
18 in the car?

19 A I would expect that there would be blood
20 in the car, plus blood on the weapon, you know, that
21 drops of blood came out and blood along the trail,
22 blood drops coming down don't only land on the
23 socks, they would land on the ground and it would
24 depend on how carefully the scene was examined to
25 look for a blood trail, especially in hot weather.

1 One of the things about hot weather
2 it does things to blood and all on the ground that
3 makes it harder to identify. And that kind of a
4 trail can be helpful in determining how far he went.

5 **Q** Okay.

6 **A** But you know that from the position of the
7 body, I don't know the distance, I've heard all kind
8 of distances.

9 **Q** But it would be your opinion that the
10 majority of the bleeding that would have occurred
11 before he fell to the ground came from the hand?

12 **A** Yes, there was no other place that he
13 would be bleeding from. Once he goes down on the
14 ground, he's bleeding from the head and from the
15 chest and that would accumulate with time. So
16 that's why we see a lot of it on clothing on the
17 upper shirt. But that happened after he collapses.

18 **Q** So when he's shot, let's kind of go
19 through it. He's shot, there's a gunshot wound to
20 the hand, there's a gunshot wound to the forearm?

21 **A** That comes later, yes.

22 **Q** That comes later. Because, I believe, you
23 said it is your opinion that the gunshot wound to
24 the head would have been last; is that correct, to
25 the top of the head?

1 **A** The three of them happen in rapid
2 succession and certainly he would lose consciousness
3 on the top of the head.

4 **Q** All three of those are in the head region;
5 is that correct?

6 **A** One in the head, one above the eye and one
7 around the level of the nipple on the right chest.

8 **Q** Okay. So those are the three?

9 **A** Yeah, because they lineup pretty good if
10 there was somebody shooting rapidly.

11 **Q** Okay. My question to you is twofold, one
12 is, once he received the shots, all the shots that
13 you examine except for the head shot, and maybe it
14 cannot be separated, I don't know. Would he still
15 have been mobile?

16 **A** Yes.

17 **Q** On his feet and able to run or charge at
18 an object?

19 **A** I think that certainly the arm shots, the
20 arm shots would not prevent him from being mobile
21 and running front or back or whatever. And the one
22 in the lower chest wouldn't necessarily slow him
23 down, but the one in the eye, you know, that goes
24 through his right eyeball would, could make him lose
25 consciousness because it does have lines of force

1 going through the brain tissue and all, but not
2 necessarily.

3 Q Okay.

4 A So he could have been, now whether he
5 could be running or, you know, or walking or
6 whatever, would vary from person to person. In
7 fact, some people if they're shot once in the arm
8 might faint, I guess he wasn't the fainting kind.

9 So how people react to gunshot wounds
10 is a different thing, but from the anatomy point of
11 view, he would have been able to be conscious and
12 theoretically, but for the bullet wound in the head,
13 could have been treated and survived if he went
14 right to a hospital or something.

15 Q And the wounds that are around the right,
16 you said there was one to the chest area, correct?

17 A Yes.

18 Q And you don't think he would have been
19 bleeding much from those wounds?

20 A Well --

21 Q Before he collapsed?

22 A He would be bleeding internally, but not
23 outside because bleeding usually, internal organs
24 are injured internally and then they will spill
25 outside. When he collapses, the blood will start

1 coming out after he collapses.

2 I'm sorry.

3 : No, that was the question
4 that I had because I was wondering, I said why, I
5 mean, this is a big guy, I'm quite sure the volume
6 of blood in his --

7 **A** Is more than normal.

8 : I know when I went to the
9 doctor to get a flu shot, she stuck me and I didn't
10 bleed. She said you have good elasticity in your
11 skin and I thought maybe that's why he's not
12 bleeding.

13 **A** That's true. We see this a lot with knife
14 wounds, even in the heart. The knife goes in and
15 goes out and most people, the skin and fat tissue
16 will immediately close up, you know, there isn't a
17 hole left. It is a slow process for bleeding to
18 occur through the body.

19 Superficial cuts on the hand bleed
20 very much, and this is sort of a superficial cut
21 because there's no skin there to come together from
22 elasticity, so that's why cut wounds bleed more than
23 bullet wounds because the bullet goes in and the
24 skin elasticity and the outer most tissue underneath
25 it close it up.

1 So when he is shot in the front, the
2 blood doesn't start to come out right away. It
3 could in a few minutes, but he collapses to the
4 ground. And you can see in the head, there wasn't
5 blood matting the hair, although there was bleeding
6 that came out.

7 I can see in the scene photograph
8 there was some blood coming out gradually from the
9 top of the head, but it went downward and didn't mat
10 the hair up. It wasn't a massive amount, it was a
11 small amount.

12 So that I think that in the normal
13 course you get very little blood coming out if a
14 person collapses right away before death occurred in
15 this case, because of that final shot.

16 **Q** (By Ms. Whirley) You said you had some
17 training or education in toxicology and that's part
18 of your total package as a medical examiner?

19 **A** Forensic pathologist.

20 **Q** As a pathologist from looking at it. Did
21 you look at the toxicology report in this case?

22 **A** Yes, I did.

23 **Q** Was there anything about the result of
24 that toxicology that in your opinion would affect
25 how he would have reacted, his behavior once he was

1 shot, if you are?

2 **A** A very topical question. Yeah, marijuana
3 is not a drug, it is a group of about 18 different
4 chemicals. So that it isn't like taking a
5 barbiturate or cyanide, which is just one chemical,
6 marijuana has all kind of different chemicals where
7 it is grown, the fertilizer, the water supply. The
8 one that is most active is the Delta-9,
9 tetrahydrocannabinol, THC. He had some of that in
10 his blood. And that could affect, could have
11 affected him, however, it is a relative small amount
12 and how it affects somebody varies.

13 Some people can have hallucinations
14 with a lot of marijuana, other people just go to
15 sleep. During the '30s, 1930s, there was terror of
16 marijuana that it made everybody go crazy, it
17 doesn't make people go crazy. That's why the laws
18 have been so strict on it, but now it is coming into
19 more legal status in some places.

20 Marijuana is kind of unpredictable,
21 some people can take marijuana and do funny things
22 and other people are just perfectly normal with it.

23 The problem, marijuana from the
24 toxicology point of view, marijuana gets into the
25 soft tissues and fatty tissues in the body. So even

1 though I smoked a joint two days ago, I might still
2 have little bits coming out today into the
3 bloodstream, or even studies have done for three or
4 four weeks as it's released from the fat.

5 So the amount of marijuana he has
6 could cause abnormal behavior, but usually doesn't.
7 The best indicator of that would be what his
8 behavior was in the time period before and I try to
9 look at that and you see the incident with the
10 cigars, where he took the cigars or the little
11 cigars. Would that in any way be affected by
12 marijuana I think is a guess. Was he walking the
13 street because of marijuana? That isn't usually
14 what happens with marijuana, but it could be and it
15 is too variable.

16 If all of us smoked the same amount
17 of marijuana, we would all act differently. Most of
18 us would just feel very nice about it, somebody
19 might not feel very bad about it and some people may
20 go to sleep and somebody might do something that he
21 wouldn't normally do, but that's, but it was
22 present, but he did take it within a day or two.

23 Dr. , he indicated that
24 the amount of Delta 9-THC --

25 **A** I'm sorry.

1 He indicated in his
2 testimony that the amount of Delta 9-THC that he had
3 in his blood compared to the way it is broken down,
4 not just in the urine, but in the blood was not
5 consistent with just a little bit of an amount. He
6 indicated that given, if you look at the whole
7 picture and not just the 12 nanograms and when it
8 was done, that it would indicate that it was a
9 larger amount than just a little bit amount of
10 marijuana, would you agree with that?

11 **A** Well, it is definitely evidence of smoking
12 marijuana. The problem is whether it is 12 or five
13 or 20, it affects people differently and a lot of it
14 has to do with how, what do you call it, how used to
15 it, how often a person has taken it before. If you
16 take it more often, it has less of an unpredictable
17 affect.

18 It could have been a factor in his
19 behavior, but the best measure of his behavior is
20 what he was doing all day. Was he acting different
21 than he usually did, for example, and that would be
22 for friends and relatives or witnesses who saw him
23 during the day. Was shoplifting cigars a great
24 departure from his usual behavior.

25 So great of a departure that one

1 could say he was influenced by the marijuana or did
2 he do that sometimes when he didn't have marijuana.

3 It is interesting that no other drugs
4 were found and no other medications were found. I
5 couldn't find if he had been taking any other
6 medications that he had stopped taking.

7 MS. WHIRLEY: Why is that interesting to
8 you?

9 **A** Because if he was supposedly taking some
10 medications for weight or for emotional disturbance
11 or for sleep or so, and under a medical directive we
12 should see it in his bloodstream. With the
13 toxicology and the toxicology can tell us if
14 somebody is taking drugs you are not supposed to
15 take, like marijuana, or some they didn't take drugs
16 that they should have taken.

17 Suppose somebody is on antipsychotic
18 medication and there is none in his toxicology, that
19 would indicate he wasn't taking his medication, that
20 could be a reason for his behavior.

21 So toxicology, everything it has and
22 everything it doesn't have has significance, and in
23 this instance, I think marijuana is significant that
24 he smoked marijuana, but 99 out of 100 people taking
25 marijuana aren't going to get in a fight with a

1 police officer over it in my experience.

2 MS. ALIZADEH: Can I just clarify
3 something here, Doctor, your credentials are as a
4 forensic pathologist, although you have a working
5 understanding of toxicology, you are not a
6 toxicologist, correct?

7 **A** No.

8 MS. ALIZADEH: You're not a toxicologist?

9 **A** No, that's correct.

10 MS. ALIZADEH: You are not a
11 pharmacologist?

12 **A** That's correct.

13 MS. ALIZADEH: I would imagine you've
14 never been qualified as an expert in either of those
15 fields in any court of law in the United States,
16 correct?

17 **A** No, that's not true because we often have,
18 we're an expert in interpreting toxicology and there
19 was for about five years I directed a toxicology
20 laboratory in New York City.

21 MS. ALIZADEH: My question is though, you
22 are not a toxicologist or a pharmacologist, correct?

23 **A** That's correct.

24 MS. ALIZADEH: And although you might look
25 at the reports or the results that a toxicologist

1 has come up with you, yourself, cannot perform those
2 tests, correct?

3 **A** That's correct.

4 MS. ALIZADEH: And so you rely on a
5 toxicologist to come up with his findings and then
6 you may or may not find that has any significance in
7 your findings, correct?

8 **A** That's correct.

9 MS. ALIZADEH: But the affects, the
10 findings of a board certified toxicologist, you are
11 relying on the findings of Dr. in this case,
12 correct?

13 **A** On the findings, yes.

14 MS. ALIZADEH: So your statement that 99
15 people out of 100 wouldn't attack a police officer,
16 what's that based on?

17 **A** Based on 20 years I worked with drug
18 addicts, on the board of directors of a number of
19 drug and alcohol programs in New York City. While
20 25 years I was in New York City as medical examiner,
21 deputy medical examiner and then chief medical
22 examiner, we did lots of autopsies on drug users,
23 because we got a lot of autopsy findings in that
24 regard. I was on the board of directors and worked
25 closely interviewing and treating drug addicts,

1 mostly heroin addicts and alcoholics, in different
2 communities.

3 And all of them there was an issue
4 about marijuana because even back 20 years ago, is
5 marijuana the gateway drug to further and more
6 severe drug abuse, which was the general feeling as
7 far as the federal laws went.

8 And one of the things in talking to
9 drug addicts and working with drug addicts, I found
10 that marijuana did not play a significant role in
11 their behavior except for one fact, and one fact is
12 the significant fact was because it is illegal, the
13 person in contact with the seller was also in
14 contact with people who sold other drugs. They were
15 more vulnerable to heroin, barbiturates and other
16 things not because of their behavior, because they
17 were in contact with people who sell illegal drugs
18 and made them more vulnerable to it.

19 So in my opinion working with addicts
20 clinically, as well as autopsy findings, I think
21 that marijuana is not any worse than alcohol.

22 MS. ALIZADEH: To clarify, Doctor, you're
23 testifying as to an expert opinion today, are you
24 testifying today that you have been qualified in a
25 court of law as an expert in toxicology?

1 **A** Not as an expert in toxicology, the common
2 way I'm qualified is an expert interpreting what the
3 alcohol level means. Half the cases we do involve
4 alcohol, either the unnatural deaths and homicides
5 and often we're asked to interpret the, not to do
6 it, I'm not a toxicologist, absolutely, I'm not an
7 expert in toxicology, but I think all forensic
8 pathologists have to be experts in interpreting
9 drugs in the body. Is it enough to cause death.

10 An example, we do an autopsy and the
11 result can come back high level of barbiturates or
12 no barbiturates and yet from the history of the
13 autopsy we determined he died by a barbiturate
14 overdose. The toxicologist would say how can you
15 diagnose a barbiturate overdose. Because we do the
16 autopsy, we see that over the five days he was in
17 the hospital, the barbiturate overdose that brought
18 him there got metabolize. By the time he dies, he
19 has no barbiturates in his body, even though the
20 cause of death is a barbiturate overdose.

21 There is a difference between what
22 the toxicologist is an expert in finding the
23 marijuana, absolutely, I don't do those tests at
24 all.

25 MS. ALIZADEH: Do you disagree they are

1 experts in how drugs affects the behavior or how
2 drugs affect the human body?

3 **A** Yes, that's how the drugs affects the body
4 is a medical knowledge, not a toxicologist. And the
5 reason I'm a forensic pathologist, certainly in New
6 York get qualified to talk about that is because the
7 judge decides hey, you're an expert in finding that
8 it is a .02 or .5 or .3 alcohol, but we're going to
9 have the doctor interpret what that means.

10 And I think a pharmacologist is a
11 little different, a pharmacologist gets more into
12 the affects of the body, but toxicologists are
13 trained in chemistry. And the smart ones get to
14 know about the affects on the body, but not from
15 training, that's just from common sense, as I'm
16 talking from common sense.

17 MS. ALIZADEH: Does anybody have any
18 questions?

19 : Doctor, I seen that each
20 person in medicine not two plus two is four, every
21 person is different.

22 **A** Yes.

23 Maybe 12 nanograms of
24 marijuana is not enough for her, but it is enough
25 for me and I got a big reaction. We don't know what

1 happened when Mike Brown, we don't know if he took
2 those 45 nanograms an hour before and that's the
3 reason he tried to fight with the police, we don't
4 know.

5 **A** Yeah, I agree very much it affects people
6 differently.

7 You can't say that not
8 happen because it is impossible the amount of
9 marijuana he has in his body. I'm sorry,
10

11 **A** No, no, no, you bring up an important
12 point. That the same amount of a drug affects
13 people differently. And I'm just saying in my
14 experience, I've written books about drug abuse,
15 drug abuse in general beyond from my experience with
16 heroin addicts and alcoholics in treatment programs
17 and I'm just, I just think that if somebody on
18 ecstasy or was having hallucinations on LSD might
19 fight with a police officer. Somebody on heroin
20 would go to sleep before fighting with a police
21 officer, somebody on marijuana, I haven't, it
22 affects people differently. I think the chances of
23 somebody taking marijuana and fighting with a police
24 officer and just explaining it on that basis, that
25 might be relative for other reasons why he fights

1 with a police officer, but that's not been my
2 experience.

3 I'm not an expert in finding
4 marijuana, but I think I'm an expert in dealing with
5 people who have spent a lifetime in smoking
6 marijuana in these different programs.

7 MS. ALIZADEH: Do you have any information
8 about Michael Brown's history of drug use?

9 **A** Not specifically, but I think the answer
10 that was being brought up is that, you are better at
11 me in this, what were people saying, how was he
12 acting before this episode would be a better
13 indication of affects of marijuana because marijuana
14 doesn't let you spend the day doing what you always
15 do and then suddenly pop off and do something very
16 different.

17 If you are on marijuana and you are
18 going to act out, you do it right away while it is
19 at its peak. Then they can do things, but that
20 would be my experience.

21 MS. ALIZADEH: So that's just based on
22 your experience?

23 **A** Yes, and my reading of the literature on
24 that.

25 : Going back to when you first

1 started the testimony today, you said the Brown
2 family attorney reached out to you, what did they
3 specially ask you to do or in what role did they ask
4 you to take?

5 **A** Yeah, the person who reached out was the
6 attorney and he said the Brown family, I
7 specifically remember this because it is not
8 surprising in some way. That the mother and the
9 father, it's now been a week, they don't know why
10 their son died and they had other questions. And
11 they're concerned that they might not, they have
12 been told it might be weeks or months before they
13 are given any information while it is being
14 completed.

15 So they wanted an autopsy largely to
16 find out what, why the son died except besides
17 reading speculations in newspapers. And also I find
18 out when I sat down with the family, I came, I sat
19 down with them first, what all families do they want
20 to know, did my son suffer, you know. Did he die
21 right away, and that was the issue.

22 The issue wasn't did he get shot by
23 the police because that was pretty obvious, but the
24 issue was what happened, how many times was he shot,
25 did he have pain and suffering because that was the

1 issue. And principally because they thought they
2 weren't going to be able to get this any other way,
3 to this day they haven't gotten it any other way.

4 MS. ALIZADEH: Let me interrupt here. So,
5 Doctor, you're unaware, I imagine, that my office
6 did provide a copy of the Medical Examiner's Report
7 in late October to the family's attorney?

8 A I didn't know that, I thought that the
9 family's attorney October, that's not far, I was
10 told that they had a copy from the St. Louis
11 Post-Dispatch or something.

12 MS. ALIZADEH: Well, so you are basing
13 this on stuff that other people have told you,
14 correct? So if I were to tell you our office
15 provided an official copy of the Medical Examiner's
16 report in late October to the attorney for Michael
17 Brown's family, whether the attorney gave it to
18 Michael Brown's family or not, I have no information
19 about that, but you're unaware then that we actually
20 provided that report to the attorney in late
21 October, correct?

22 A Until about a week or two ago.

23 MS. ALIZADEH: Late October, it is now the
24 13th.

25 A Yeah, I didn't realize, I wasn't told

1 that.

2 MS. ALIZADEH: And in your experience as a
3 medical examiner in the State of New York, I imagine
4 there were a good number of cases that you were
5 involved in that involved criminal investigations,
6 correct?

7 A Yes.

8 MS. ALIZADEH: You understand the need at
9 times for an autopsy findings to be kept, not made
10 public initially while an investigation is still
11 ongoing, would you agree that there is a, might be a
12 need or a reason that investigators might not want
13 to disclose that type of information?

14 A Yes. It might be valid or not. As a
15 medical examiner, see we are put in the middle,
16 medical examiners should be an independent
17 scientist.

18 Dealing with patients, our concern is
19 when we do autopsies, we are doing for the family
20 and for the society in general, we always have to
21 relate to the family. I spent a few years in
22 internal medicine before going into pathology and
23 that's what's important.

24 So I have found in New York that many
25 times when there have been encounters with

1 correction officers in jail, we had riots in jails
2 and encounters with police, that the sooner you're
3 able to tell the family what happened, remember we
4 do an autopsy and 95 percent of the information is
5 obtained within the day of the autopsy. We then
6 wait for the toxicology, histology, which is usually
7 not necessary legally.

8 Somebody shoots somebody or gets in a
9 car accident and is drunk, we'll call that a
10 homicide, for example, a homicide. They wait on the
11 autopsy report that we don't, that we don't wait for
12 everything to come through. Even though that every
13 shooting, every homicide there is a toxicology on,
14 but if somebody was shot yesterday, they'll come out
15 tomorrow and tell you what the cause of death is
16 even though everything is not completed.

17 So just from my experience as a chief
18 medical examiner is that the sooner that this
19 information is given out, it calms everybody down
20 because one of the things I saw happening with the
21 family here and many other families, whenever
22 somebody dies in an encounter with the police, they
23 immediately often don't trust the police. And then
24 if the medical examiner doesn't release the finding
25 right away they feel, as happened here, that the

1 medical examiner is covering up for the police, and
2 that has to be dealt with. As a physician, I have
3 to deal with that with the family.

4 Now, sometimes it's a value to not
5 release information because you are going to get
6 information, you don't want people to know what
7 happened and you don't want people to make up
8 stories.

9 MS. ALIZADEH: For example, I saw the
10 police officer stand over Michael Brown's body and
11 shoot him in the back, in the head as he laid face
12 down in the pavement, that couldn't possibly have
13 happened based upon your findings, correct?

14 **A** That's correct.

15 MS. ALIZADEH: So wouldn't it be important
16 that maybe those findings would be withheld from the
17 general public so that witnesses who may come
18 forward and report having witnessed this incident,
19 the police may be able to determine the veracity or
20 credibility of that witness if they report something
21 that we know the findings do not support.

22 **A** Yeah, that can happen. However, see in
23 the old days the way we did things was the mantra is
24 you got to find, interview all the witnesses, knock
25 on doors, telephones, whatever in the first 48

1 hours. And you got to get all the stories locked
2 down in the 48 hours and that was the police mantra,
3 or shoe leather.

4 Now oftentimes we're going to wait a
5 little bit until all the DNA and the other tests
6 come through before we interview people during the
7 time they can also make up stories.

8 In answer to your question, I think
9 that if the procedure is to interview people right
10 away, and then the autopsy findings can be released
11 within two or three days after that, it covers both
12 bases. I just think in my experience with families,
13 that the transparency in situations where families
14 don't trust what's going on.

15 When we have seen riot situations in
16 New York City, in Harlem, or specific ones, I'm
17 thinking about the fact that we said yes, the death
18 of the innocent person was caused by a police bullet
19 and not by one of the snipers. Immediately calms
20 things down. They are going to continue, they know
21 we're not going to cover it. I don't know, that's
22 my feeling as a physician.

23 : I'm trying to stay on topic.
24 I have a question for you and I know we have a time
25 crunch as well. In regards to, we have been here

1 quite awhile already, my question is going back to
2 the question I just asked you. You kind of
3 explained why the family reached out to you.

4 **A** Yes.

5 : So it seems to me when they
6 reached out to you, you started an investigation of
7 your own, would you say that's truthful?

8 **A** Yes, within my expertise.

9 Sure. In addition to your
10 role as a forensic pathologist to examine the body,
11 you began investigating on your own; is that
12 correct?

13 **A** Well, that was primarily what I did was
14 examine the body and they asked certain questions
15 about his death.

16 So how did you do that
17 investigation, outside of examining the physical
18 body, how did you investigate?

19 **A** That's my investigation is examining the
20 body and finding out from the family what kind of
21 medical problems the person may have had and any
22 history that would be pertinent to interpret the
23 autopsy findings, but it was essentially doing the
24 autopsy.

25 : You said you found a leaked

1 copy of an autopsy?

2 **A** Say that again, I'm sorry?

3 You said you viewed a leak
4 autopsy, how did that come to you?

5 **A** I think the lawyers send me something from
6 the St. Louis Post-Dispatch.

7 : Is that a credible resource?

8 **A** No.

9 : Okay.

10 **A** I didn't get the autopsy until yesterday
11 but I was leaked, there was an autopsy leaked. I
12 think I may have even gotten it from the internet.
13 An autopsy was leaked, it looked pretty good. I
14 couldn't rely on it until I saw it yesterday when it
15 was given to me by the medical examiner's office.

16 You viewed this leaked
17 autopsy report prior to your autopsy of the body?

18 **A** No, no, there was no autopsy. I spoke to
19 , the chief medical examiner, who I have
20 known for quite a while, and been told I was doing
21 it. We invited anybody from the office to come down
22 to see. I think it is always better if the person
23 that does the first autopsy is also present at the
24 second autopsy to make sure everybody is on the same
25 page. We invited them down, they couldn't come

1 down.

2 I was hoping to speak with her about
3 the results of the first autopsy when she got
4 authorization from the prosecutor's office, we
5 didn't have that conversation.

6 : I'm sorry, I don't think my
7 question was answered, I can rephrase it. Did you
8 view the leaked autopsy prior to conducting your
9 autopsy?

10 **A** I thought I answered it. There was no
11 leaked autopsy until a couple weeks ago. There was
12 no autopsy, I didn't review any autopsy findings
13 prior to my autopsy and the autopsy leaking I'm
14 talking about was from two or three weeks ago.

15 Sure. So you said you got
16 things off the internet?

17 **A** I got the leaked autopsy on the internet.

18 : Okay. So you never searched
19 the internet for any other information?

20 **A** No.

21 You provided us a lot of
22 information today then, I don't believe someone
23 could just evaluate based on looking at a body. You
24 made assumptions that his hand was in the car, I
25 don't know how you would have known there was a car

1 unless you are just looking at the body --

2 **A** I read the newspaper.

3 : Let me finish. You said
4 there were drops of blood on his hands and socks
5 that had to have come from his hand. You said that
6 you knew he knew he was bleeding, Michael Brown,
7 when he left the car. You said you've heard all
8 kind of distances that the shooting occurred, you
9 said that he, Michael Brown, could have been treated
10 and survived if he received immediate medical
11 attention.

12 I mean, these are all things that seem to
13 me to be assumptions or things that you've gathered
14 from either talking to other individuals or looking
15 on the internet and doesn't to me seem factual or
16 based on your role as a forensic pathologist.

17 **A** An autopsy can never be evaluated in a
18 vacuum, we always have to have other information
19 that we get from various sources. Somebody falling
20 out of a window will have the same injuries, whether
21 he was pushed, whether he jumped and committed
22 suicide or whether he fell accidentally. No autopsy
23 can interpret all by itself because all kind of
24 different reasons why injuries can occur.

25 What I receive, the information I

1 received initially was what the lawyers had told me
2 and what I read in the New York Times about, you
3 know, rioting in Ferguson. I don't get stuff off
4 the internet. I got the autopsy report, which is
5 just three weeks ago or something, but I think it is
6 unreliable, I agree with you, until you get an
7 official one.

8 I read about the disputes that were
9 going on. I read about how there was a leak about
10 the FBI reporting that there was Brown's blood DNA
11 in the car. I could say that that injury to the
12 hand was consistent with that, that's all, not that
13 it happened that way, but other people are doing
14 other investigations in their expertise.

15 Any autopsy report, hospital, medical
16 examiner, forensic has to include lots of other
17 information, some of which are gotten from police,
18 some from lawyers, some from family. None of which
19 can automatically be adopted as true just to see how
20 it correlates with the autopsy report.

21 : I just asked, you know,
22 we're all here to find the truth.

23 **A** Yes.

24 We are just trying to figure
25 out what is fact and what is written on the internet

1 or in a newspaper, we are here for the truth.

2 **A** I'm not, I'm not, what you call it,
3 relying on the internet. The reason I mention the
4 internet is because when the autopsy report was,
5 we've been waiting, the family has been waiting for
6 the autopsy report and finally there was an
7 announcement that the autopsy report had been
8 released. And talked with the lawyer and said it
9 wasn't released in the normal course, it was what he
10 called leaked through the St. Louis Post-Dispatch.

11 He sent it to me and I read it, you
12 know, it looked good but it's still, as you said,
13 I'm not going to rely on it as being the true thing
14 unless I knew it was the true thing. And there were
15 other things you mention that the clothing, for
16 example, I saw the clothing. I examined the
17 clothing, and the drops of blood on the clothing and
18 sometimes we can find droplets of blood to be very
19 useful in our examination and it showed that it was
20 coming from above the pants and down to the floor
21 and that the only thing I could find that would go
22 along with it would be the cut in the hand.

23 Yeah, as far as some things are, yes,
24 I rely, I'm assuming certain things are correct,
25 which may or may not be correct. Distances may not

1 be correct, how he was behaving may not be correct,
2 and your ability to gather information of what his
3 actions were and how he was behaving in the hours
4 before this episode is the best indicator of the
5 affects of marijuana than what I'm raising, you
6 know, in different forms. But I just think that
7 medical examiners always have to take other things
8 into consideration.

9 And the best example of that, the
10 biggest obligation we have is to issue a death
11 certificate. And the medical examiner, coroner's
12 job that he's responsible for, he or she has to
13 certify the name of the person through various
14 means, make sure it is the right person on the death
15 certificate.

16 Cause of death and manner of death.

17 Cause of death we find from the
18 findings at autopsy, gunshot wounds, heart attack,
19 cancer. The manner of death, natural, accident or
20 suicide, we are always relying on other people's
21 information.

22 Falling out of the window, was he
23 washing the window at that time depends on some
24 other information that may or may not be reliable.
25 So the manner of death, the accident, suicide,

1 homicide, always faces the problem that you raise.

2 MS. ALIZADEH: Doctor, you are not a blood
3 spatter expert?

4 **A** That's correct.

5 MS. ALIZADEH: And you know you testified
6 that in your opinion the blood on the pants and the
7 socks came from the hand because it came from above
8 and dropped downward?

9 **A** Yes.

10 MS. ALIZADEH: Wouldn't you agree with me
11 that the injury to the face, gunshot wound that
12 traveled through the face, lacerated the eyebrow
13 area, it ruptured his eyeball?

14 **A** Yes.

15 MS. ALIZADEH: If he were in this
16 position, blood could have spattered from that
17 facial injury onto his shorts and socks; is that
18 right?

19 **A** It's possible in the seconds before he
20 fell to the ground that could have happened, some of
21 that could have happened, yes.

22 MS. ALIZADEH: You can't tell when those
23 spatters happened, correct?

24 **A** Other than there were lots of spatters,
25 that they have been in between his getting an injury

1 and to his falling to the ground and he couldn't
2 have gotten that much blood on his pants and socks
3 just from a bullet wound that enters the scalp, went
4 through the eyeball, some blood can come out and
5 collapses to the ground. If he was standing after
6 that shot, then with his head bent over it could
7 have happened.

8 MS. ALIZADEH: And you indicated also that
9 if that hand wound, which you said was bleeding
10 excessively, I'm sorry?

11 A Bleeding, bleeding.

12 MS. ALIZADEH: Bleeding a lot you said?

13 A Bleeding a lot.

14 MS. ALIZADEH: Bleeding a lot. But at any
15 rate, the injury to his forearm, okay, the right
16 forearm?

17 A Yes.

18 MS. ALIZADEH: We don't know when that
19 occurred, if that occurred up at the car, if that
20 occurred sometime later in the incident, correct?

21 A Correct.

22 MS. ALIZADEH: If that occurred up at the
23 car, that injury could have been the source of the
24 blood spatter on his clothing, correct?

25 A If his blood is in the car, comes from the

1 car and his blood is on both on his pants and is
2 like, yeah, it could have covered, following the
3 injury to the hand in the car, yes.

4 MS. ALIZADEH: So, I mean, you really
5 can't conclude anything from the fact that other
6 than the blood that was on his shorts and socks came
7 from the body of Michael Brown and that they came
8 after he had been injured by a gunshot wound.
9 Injured with a gun, is that fair to say?

10 A I think I agree with everything you say.
11 I think also that the only way I could correlate it
12 if it came from the hand, but that would be my
13 opinion. It could come from any part of his body
14 that was bleeding long enough for that blood to come
15 out, yes, I agree with you.

16 MS. ALIZADEH: And if there are witnesses
17 that say when I saw him get shot they saw blood
18 spray come off his head?

19 A Yeah.

20 MS. ALIZADEH: That could have caused the
21 spatter that was on his socks and his pants?

22 A Yeah, I think the witnesses saw blood
23 spatter when the head was struck would be consistent
24 with what happens when somebody's shot in the head
25 with a bullet, but very little spatter occurs there

1 because blood could have come out, but it wouldn't
2 cause all of the blood, it could cause some of the
3 blood.

4 MS. ALIZADEH: Okay. Go ahead.

5 : You did say that the hand
6 wound, I guess because of the way it is superficial
7 or the way the bullet would have hit it, it would
8 have bled more?

9 **A** Yes.

10 Compared to the --

11 **A** To the bullet hole, yes. I think the
12 issue that somebody brought up was even bullet holes
13 quickly, the elasticity quickly closes up for a
14 little bit, so you get some blood. You see it in a
15 rapid camera that some blood comes out, not as much
16 that comes out of the cut surface of the hand.
17 Bullet wounds in the hand is, this one is like a cut
18 wound, it didn't go in and seal up, it is a long
19 graze so that a lot of blood vessels were exposed in
20 the hand and caused bleeding.

21 : I have a question, I'm kind
22 of curious about the original autopsy, so you did
23 get a chance to see it?

24 **A** I saw the photographs from the original
25 autopsy. Most of these are the ones you looked at,

1 the police took.

2 : Did you ever see the report?

3 **A** Then I saw recently the report, the
4 autopsy report, yes.

5 So how did the one that you
6 said that was leaked, how did it compare to the
7 original one that you saw.

8 **A** It was the same, it was the same. The
9 leaked autopsy report was the same as the final one,
10 but as was brought up, it is not as reliable.
11 Sometimes things get leaked and changes are made,
12 but in this instance the leaked autopsy was the same
13 as the official autopsy.

14 I have two questions. We
15 have heard testimony from two different agencies
16 that have performed autopsies. We had St. Louis
17 County and the Department of Justice or the
18 Department of Defense. They both come in and go
19 over their autopsies in great detail and their
20 findings. Is there any reason that we should
21 question the validity of those, of those findings?

22 **A** Well, I think, I'm not sure. I know what
23 I seen in the autopsy report from St. Louis County.
24 I haven't seen anything about the federal autopsy
25 report.

1 As far as I could see with the St.
2 Louis County autopsy, the findings are the same. It
3 is the interpretation we get into that can differ
4 depending on experience and other things.

5 For example, whether or not the
6 bullet wound in the clavicle or up by the shoulder
7 by the collar bone is a reentry or not. As a
8 forensic, we can disagree forensically, doesn't make
9 any difference in the scheme of things, except it
10 ads a bullet that struck the body.

11 So from my experience, I would
12 interpret it as a reentry wound rather than an entry
13 wound, but it really doesn't make any difference in
14 the overall interpretation of what happened.

15 I don't know if, I think as far as
16 the toxicology goes, I think the issue that was
17 brought up by the attorney was that there are
18 toxicologists who are very good at finding
19 toxicology, and an interpretation of how long the
20 drugs last in the body. They are very good how long
21 the drugs lasted in the body, for example. And that
22 would have, uh, what do you call it, many more
23 importance than a medical examiner's interpretation,
24 but I think that the point you are in a position to
25 do much more than we can is finding out his behavior

1 during the day.

2 If marijuana has caused his behavior
3 to be different than usual, that can best be
4 determined by other observations by people that
5 you've taken testimony from during the day and
6 marijuana if I smoke it now, if I start acting
7 bizarre it would be very quickly.

8 You know, if I'm normal behavior for
9 the next four hours, I'm not suddenly going to do
10 something to act differently when the level of
11 marijuana has gone down considerably, that's all.

12 : My second question is, we
13 can agree you're a pretty high profile person, and
14 you've been in the news and on the news and
15 interviewed a lot, do you recall a conversation that
16 you had with when you mentioned
17 to her that the presence of marijuana in Michael
18 Brown could have led him to act crazy was the actual
19 word that you used?

20 **A** I did say that, yes, it can, but it is
21 unlikely. And the sentence we are talking about it
22 would be right away and it is unusual, but it can in
23 the whole spectrum. Most people wouldn't have too
24 much affect on, some would have a very soothing
25 affect, you know. Medical marijuana and things like

1 that can make people feel better who are dying of
2 cancer and things like that, and some people can act
3 very unusual and crazy, but that's very unusual.
4 But I think you got it right.

5 : Thank you.

6 MS. WHIRLEY: Anybody else?

7 You know we have a copy of
8 the Department of Defense and we have a copy of St.
9 Louis County. I'm still baffled by what you see, I
10 don't have anything that shows me in writing so we
11 can compare what, what your findings are. So what
12 are the differences?

13 A Well, number one --

14 I mean, we are already after
15 12.

16 A That's okay. I know number one, that I'm
17 giving you an opinion in great part depends on what
18 I saw yesterday. I couldn't give an opinion, as I
19 said a long time ago, until I saw the autopsy
20 photographs, what the body looked like before the
21 autopsy was done, you know, which these photographs
22 that you see are all from that time, which are very
23 significant.

24 I couldn't see the x-rays, the
25 clothing, were all important to me in arriving at

1 particular opinions.

2 As far as the autopsy, and then I
3 will now write a report, but I couldn't write it
4 yesterday, I will write a report on the basis of my
5 finding.

6 As far as I could see from the St.
7 Louis report, I don't know the other report, we
8 agree with everything except that reentry wound.

9 : You agree with everything
10 except the reentry?

11 **A** In the autopsy report is there, I don't
12 know what the testimony has been, but is there
13 something particular that you think --

14 No, and that is my question.
15 My question is, you have made statements to the
16 press about how your findings are different than
17 ours and now --

18 **A** I have not made such statement.

19 : So the press is wrong?

20 **A** Of course. I am told one thing, I'm told
21 that the USA Today had an article about me. I have
22 no idea what it said, but I find often, especially
23 in forensic, that what they say they often
24 misconstrue things.

25 I know.

1 **A** So if you are referring to articles I
2 haven't seen, I can't answer that. I'm telling you
3 that the only thing I said to the press was
4 initially, way at the very first day, I did the
5 autopsy and the next day the family had a press
6 conference. And I said as a basis of my findings, I
7 find no evidence of powder on any of the gunshot
8 wounds and that they were all distant, beyond one or
9 two feet away at the time of discharge.

10 Now, yesterday, I looked at slides, I
11 looked at things and sure enough, I looked at
12 pictures that one photo shows it nicely to me of the
13 hand that there is powder and I indicated at the
14 time you recall very careful to say that, these are
15 preliminary, these are not my final opinions. And
16 if I get more information, and essentially I didn't
17 get that much information until yesterday, when I
18 went through the thing, but I would think that yes,
19 I was mistaken. There is powder, gunshot powder on
20 the hand.

21 But, and I think that the only thing
22 that's different was whether we both agree that
23 there was a gunshot wound in the back, one was in
24 the back, the others were in the front, there is no
25 difference.

1 : The reason I ask that is
2 because you did mention you got some of your
3 information from the New York Times. I just wanted
4 to point out for the record the information that we
5 do get from the media can be skewed. There is very
6 little that's correct about it. So I just wanted to
7 make sure that you know.

8 **A** You're absolutely right, but the
9 information I get you see is different kind of
10 information is a lot of turmoil in Ferguson, there
11 are people making all kind of charges. That there's
12 a problem with the interpretation, that's the
13 information that I get.

14 I don't get, I did say that if, in my
15 opinion, if the leaked report that there's blood
16 from Brown in the car, then that would be good
17 evidence that his hand was in the car. Then that
18 would be good evidence at the time he was bleeding,
19 that kind of thing, if. But all the ifs canceled
20 out when I see what the work was. I agree with you,
21 what's in the newspapers are not reliable.

22 : Malarkey.

23 **A** They are not reliable for forensic work
24 and the news media, if you haven't figured out, like
25 to create problems. It isn't to say A, B and C,

1 everybody says A, B and C, that's not news. But to
2 say he says A and he says Z, that sells newspapers.

3 : One other question and then
4 I promise no more. Do you do every autopsy you are
5 asked to perform for a family?

6 **A** No, no.

7 So what's the determining
8 factor.

9 **A** The most important factor is will the
10 autopsy make a difference. Is it important, is it
11 important, because often families want autopsies out
12 of curiosity and that may be okay, but I wouldn't go
13 out of the way to do such an option. I do about, I
14 do many less, I'm asked to do lots of autopsies and
15 I will do the autopsy where I think that an autopsy
16 or re-autopsy would be significant for the family or
17 for the society.

18 When we do autopsies on homicides, we
19 have two things, one is the family and two is
20 society. Society has a right to know what happened
21 to somebody who's murdered and how to prevent it or
22 catch the bad guy to do it. So that we have both of
23 those and sometimes that comes into conflict as the
24 prosecutor said that sometimes telling the family,
25 which is important, comes in contact with the

1 investigation from the public as far as giving
2 information out to the bad guy to make up stories or
3 something.

4 MS. WHIRLEY: Just for the record, and
5 this is it, it is not really a question. You had
6 mentioned that there was one shot from the back and
7 I didn't want it to be misconstrued that you were
8 saying he was shot in the back, you are talking
9 about you talk the forearm.

10 A Back of the right forearm, yes.

11 MS. WHIRLEY: Okay, all right.

12 A Can I just mention that, as I say, this
13 isn't my first rodeo in Missouri, I've been here
14 before, I've investigated, I just recently, a year
15 or two ago, talked to the St. Louis Major Crime
16 Unit, which works with Illinois, nearby Illinois. I
17 spent a lot of time in Columbia, Missouri
18 investigating unexplained deaths in the Harris S.
19 Truman Veterans Hospital, I've been involved with a
20 number of investigations in veteran hospitals where
21 medical personnel may have intentionally killed
22 patients.

23 And I've lectured to the Missouri
24 Highway Patrol and things like that. We always,
25 medical examiners are coming to some jurisdictions,

1 always work under the guise of being carpetbaggers,
2 and to a certain extent we are carpetbaggers coming
3 from away, but I've been accepted in other
4 situations as reasonable in Missouri.

5 So I hope what I may have may have
6 sounded unreasonable isn't as nutty as it might
7 sound. It is just after 50 years in this business,
8 one isn't afraid to give opinions.

9 I'd like to know if you
10 know, what is the reason that a lawyer from Michael
11 Brown's family don't give you official copy of the
12 autopsy, why what is the reason?

13 **A** This is the first I've heard. I don't
14 speak frequently to the lawyers, this is the first I
15 heard that they were given the official autopsy
16 before it came out in the St. Louis Post-Dispatch.

17 MS. ALIZADEH: I didn't say it was before
18 it was leaked, I just said it was in late October.

19 **A** I think I heard the I got the leak copy
20 somewhere around late October also. I didn't know
21 that, I'll ask them. If I've been under the
22 assumption that the family, it wasn't released.
23 Normal people can't interpret autopsy reports once
24 the autopsy is released, you need a physician to
25 interpret what it all means, all the different

1 organs and bodies and medical terms.

2 So I expect that once it was
3 released, I would be asked to explain it to the
4 family and I wasn't asked to explain it to the
5 family until later on.

6 Giving you the copy is not
7 released to the press, it is a lawyer, who has the
8 official copy. What is the reason they don't give
9 you the copy, I don't understand that?

10 **A** I don't know, I'll have to ask him.

11 : It don't seem correct to me,
12 but that is my opinion.

13 MS. ALIZADEH: Let me clarify, Doctor,
14 where did you get, I know you said you saw the copy
15 on the internet?

16 **A** No, I said probably. I got a duplicate
17 copy was sent to me.

18 MS. ALIZADEH: Do you know who sent it.

19 **A** I think it was an attorney or it was a
20 newspaper reporter wanting me to comment on it or
21 something. It was emailed, something was emailed to
22 me. I think it was from the reporter, from the
23 attorney, but that was from St. Louis Post-Dispatch
24 release, which I agree with the gentleman, it is
25 interesting, I'm not going to take it as gospel.

1 : Did Mr. Brown's parents ever
2 say in your questioning of them that he had like a
3 childhood behavior problem or anything like that?

4 **A** He did not. I spoke to the mom and dad.
5 One of the questions I wanted to know, the purpose
6 of the autopsy is any surgical or medical
7 conditions, and as far as I was told, was perfectly
8 healthy. I know sometimes families, especially when
9 they're grieving, just say that and without
10 necessarily thinking about it or anything. So as
11 far as I know, as I stand here today, sit here
12 today, as far as the autopsy and toxicology would
13 show, I see no evidence of prior medical conditions
14 or that he was under any treatment for medical
15 conditions.

16 : Thank you.

17 MS. WHIRLEY: Anything else? I think
18 that's it, Doctor. We appreciate you coming.

19 (End of the testimony of Dr.

20 .)

21 MS. ALIZADEH: Good afternoon. It is
22 November 13th, 1:05 p.m. We took actually a really
23 nice short lunch break. So we have our next witness
24 here is ready. Previously, I said we would maybe
25 play her taped statement first because she was

1 eating lunch, but she's done. We'll go ahead and
2 put her on and then play her statement, it is about
3 20 minutes.

4 I also did tell you, I can't remember if
5 it was Tuesday or Monday, but one of the grand
6 jurors, do we know if , the physician's
7 assistant, had said she had taken a sample that was
8 then going to be tested.

9 So I informed you that we had those
10 results and that they were negative for drugs and
11 alcohol. I asked if you wanted me to call somebody
12 to testify about that, you indicated you didn't need
13 a witness to say that it was negative.

14 I'm going to just pass out copies of those
15 reports so you can review that, Grand Jury Exhibit
16 Number 96.

17 (Grand Jury Exhibit Number 96
18 marked for identification.)

19 ,
20 of lawful age, having been first duly sworn to
21 testify the truth, the whole truth, and
22 nothing but the truth in the case aforesaid,
23 deposes and says in reply to oral
24 interrogatories, propounded as follows, to-wit:

25 EXAMINATION

1 BY MS. ALIZADEH:

2 Q At this time I'm going to ask the court
3 reporter to pause the recording, and then he will
4 continue to take down what's being said.

5 Could you state your name, please?

6 A

7 Q And, can I call you

8 A Yeah, sure.

9 Q The reason, one of the things that as the
10 foreperson said when he swore you in and the second
11 part of the oath you seemed a little confused about.
12 What he said was in taking that oath, you have to
13 promise not to talk about what we talk about in here
14 today.

15 A Okay. I kind of figured that's what it
16 was.

17 Q After you leave here or even the fact that
18 you were here and testified, shouldn't be mentioned
19 to anybody, okay?

20 A Not even my employer?

21 Q You can tell your employer that you were
22 subpoenaed to the grand jury, but the fact that you
23 gave testimony about what you saw and everything, it
24 is best that you just not say anything, okay?

25 A All right.

1 **Q** And because of that and the nature of your
2 eyewitness testimony, the court reporter is taking
3 down what's being said. I had you identify yourself
4 and do you spell ,

5 **A** Yes, I do.

6 **Q** common spelling?

7 **A** Yes.

8 **Q** And then what's going to happen here is in
9 a moment we're going to begin the audio recording
10 again for you to tell what happened.

11 **A** Okay.

12 **Q** But because we're going to keep your
13 identity unknown to the general public in the event
14 that this gets released at a later date.

15 **A** Okay.

16 **Q** We are going to refer to you after we
17 begin the recording, we're going to refer to you as
18 Witness Number 64, okay?

19 **A** Okay.

20 **Q** I will try to avoid using your name or
21 anything like that.

22 Also, before we start the recording,
23 we don't want you to necessarily disclose anything
24 that might be, somebody might be able to figure out
25 who you are or where you live or anything, so I'm

1 never going to ask you your address. You can just
2 say the general location of where you live, I live
3 in the City, I live in North County, I live in South
4 County, I live in Illinois or something, okay?

5 **A** All right.

6 **Q** And then also, just for the sake of them
7 understanding, before we begin the recording, on the
8 day that this happened, you were in a car with some
9 people; is that right?

10 **A** Yes, ma'am.

11 **Q** And who were you with?

12 **A** My mother, my dad and my sister and my
13 .

14 **Q** Okay. And your dad is ?

15 **A** Yes.

16 **Q** And your mom is ?

17 **A** Yes, ma'am.

18 **Q** And your sister is

19 **A** Yes.

20 **Q** And your , ?

21 **A** .

22 **Q** Okay. And so when we begin the audio part
23 of this again, if you could just refer to my mom, my
24 dad, my sister, rather than using their names, it
25 will help us not to have to like go back later and

1 try to take that out, okay?

2 **A** No names.

3 **Q** All right.

4 MS. ALIZADEH: So . Court Reporter, if
5 you will start that again.

6 **Q** (By Ms. Alizadeh) Okay. Ma'am, you
7 previously identified yourself, to the grand jurors,
8 and how old are you?

9 **A** I'm

10 **Q** And whereabouts do you live?

11 **A** In .

12 **Q** Did you grow up in ?

13 **A** Yes, ma'am.

14 **Q** Okay. You're here, you're aware that you
15 are here because you were in the Canfield Green
16 Apartment Complex on August 9th and witnessed
17 something; is that right?

18 **A** Yes, ma'am.

19 **Q** And do you live in the Canfield Green
20 Apartments?

21 **A** No, ma'am.

22 **Q** Did you ever live in the Canfield Green
23 Apartments?

24 **A** No, ma'am.

25 **Q** What were you doing there that day?

1 **A** I was on my way to go visit

2 .

3 **Q** So were you in a vehicle when you
4 witnessed something?

5 **A** Yes, ma'am.

6 **Q** And who was driving the vehicle?

7 **A** My mother.

8 **Q** And was there anyone else in the car with
9 you?

10 **A** My dad, my sister and

11 **Q** And , we have already said,
12 , correct?

13 **A** Yes, ma'am.

14 **Q** And is your sister an adult?

15 **A** Yes, ma'am.

16 **Q** And so do you recall about what time you
17 drove into the Canfield Apartment Complex on that
18 day?

19 **A** No, ma'am.

20 **Q** You said you were going there in part to
21 visit, you were going there to visit ?

22 **A** Yes.

23 **Q** Does she live in the complex?

24 **A** Yes, ma'am.

25 **Q** Have you been to her apartment in the

1 past?

2 **A** Yes, ma'am.

3 **Q** And, ma'am, I'm going to show you a map,
4 which is marked Grand Jury Exhibit Number 25. And
5 can you see it from where you are sitting there if I
6 put it here?

7 **A** As a matter of fact I can. It is marked
8 with a number, .

9 **Q** Okay. So you see a number of a building
10 that says

11 **A** Yes, ma'am.

12 **Q** So just in general, do you recognize this
13 to be the streets and the buildings that make up the
14 Canfield Green Apartment Complex?

15 **A** Yes, I do.

16 **Q** So when you drove into the complex that
17 day, did you come in from the east side or did you
18 come in from the west side? Do you remember what
19 major street you were on?

20 **A** West Florissant.

21 **Q** So if West Florissant is over here.
22 (indicating)

23 **A** Okay.

24 **Q** You can't see it in this map?

25 **A** Uh-huh.

1 **Q** So from West Florissant you turned onto
2 Canfield Drive?

3 **A** Yes, ma'am.

4 **Q** And did you begin to drive into the
5 complex?

6 **A** Yes.

7 **Q** Okay. And here is a laser pointer.

8 **A** Okay.

9 **Q** So if you press that right there you can
10 see, it will put a red dot on the map.

11 So just with that red dot, show me
12 the apartment where you were going to?

13 **A** Right there. (indicating)

14 **Q** And so when you were in the vehicle, what
15 kind of vehicle is it?

16 **A** A , .

17 **Q** You can't remember the make?

18 **A** No, I can't.

19 **Q** So your mom was driving and your dad was
20 where in the car?

21 **A** He's in the passenger seat.

22 **Q** In the front?

23 **A** Yes, ma'am.

24 **Q** Where were you in the car?

25 **A** I was right behind my mom.

1 different device?

2 **A** On my phone.

3 **Q** Do you recall what everybody else in the
4 car was doing, your mom was driving, right?

5 **A** Driving, I think the rest of us might have
6 been on different devices just playing games, I
7 don't know. I was playing Candy Crush.

8 **Q** Okay. So were you playing just on your
9 phone or were you and your sister playing together?

10 **A** Just on my phone.

11 **Q** And so as you came into the complex, was
12 it, you recall this being a Saturday?

13 **A** I couldn't tell you. I don't remember
14 exactly which day it was.

15 **Q** Okay. Do you remember it being light
16 outside?

17 **A** Yes, it was daytime.

18 **Q** And sunny, not raining or anything?

19 **A** Yeah, sunny.

20 **Q** When you came into the complex, where was
21 your mom's vehicle when you first heard something?

22 **A** Right here, about right here.

23 **Q** So you have the laser pointer on Canfield
24 Drive, correct?

25 **A** Yes, ma'am.

1 **Q** Which direction was your car going?

2 **A** It was pointed this way. We turn right up
3 on this lot.

4 **Q** So your vehicle was traveling, if I run my
5 finger along here?

6 **A** You know what, it might have been this
7 driveway. We went around behind some buildings.

8 **Q** Let's focus on where you were when you
9 first heard shots.

10 **A** Okay.

11 **Q** At some point did your mom then try to
12 turn around?

13 **A** Yes, she turned up onto a lot and we went
14 behind some buildings.

15 **Q** Do you know is it, did you go up around
16 here, did you go around here, do you know when your
17 mom finally turned around did she make a left or a
18 right, did she totally turn her vehicle around in
19 the roadway?

20 **A** She didn't turn around in the roadway, we
21 turned up on the lot and went behind some apartment
22 buildings and came out on the other side.

23 **Q** So just to try to figure this out when
24 you, after the incident, did you ever drive past the
25 police vehicle or the body?

1 **A** After the incident, we didn't like drive
2 directly past it, it was like down the street some.

3 **Q** Okay.

4 **A** Yes.

5 **Q** This Coppercreek Road actually goes around
6 some buildings?

7 **A** It might have been there. Yeah, there's
8 the park right there, the park, yeah. We were
9 sitting right next to the park. There was a lady
10 standing next to us. She was walking down the
11 street, I'm sorry, it was that driveway we came up.

12 **Q** Okay. This driveway?

13 **A** Yes, ma'am.

14 **Q** So now that you've kind of familiarized
15 yourself a little more with the map, where do you
16 think your mom's car was when you first heard
17 something?

18 **A** I guess right here, right before we got to
19 the driveway. (indicating)

20 **Q** Okay. And so what is it that you heard?

21 **A** I heard pow, pow, we're trying to
22 determine whether it was firecrackers or gunshots.

23 **Q** Okay. Do you remember if the car windows
24 were up or down?

25 **A** Um, I'm guessing that they were down. I

1 can't really remember. There's only two windows
2 that are let down in the van and they are two front
3 windows. I don't remember if they were up or down.

4 Q Okay. So you didn't hear anything that
5 drew your attention before you heard pow, pow?

6 A No, ma'am, I didn't hear any arguing, I
7 wasn't --

8 Q Screaming?

9 A No.

10 Q Yelling?

11 A No, don't remember any of that.

12 Q Okay. So when you heard pow, pow, did you
13 look up from your game?

14 A Yes.

15 Q And what did you see?

16 A I saw a bunch of people standing around
17 everywhere. I saw Mike Brown take off running. I
18 didn't really know him.

19 Q You said you saw Mike Brown take off
20 running. Did you know Mike Brown before that day?

21 A No, ma'am.

22 Q So you just now know that that was Mike
23 Brown, correct?

24 A Yes.

25 Q Had never seen him or met him?

1 **A** Never seen him or met him. I only know
2 his name because of the news.

3 **Q** Okay. So when you look up, what's the
4 first thing you see as you look straight ahead.
5 Could you see through the car windshield?

6 **A** Yes, ma'am.

7 **Q** Even though you're sitting directly behind
8 your mom, you could still see through the car
9 windshield?

10 **A** Yes, I could.

11 **Q** What did you see when you looked straight
12 ahead?

13 **A** When I looked straight ahead, I saw him
14 running and I saw the officer chasing him, that was
15 the first thing I saw.

16 **Q** Was he running toward your car or away
17 from your car?

18 **A** Away from my car.

19 **Q** When I say he, I mean Michael Brown?

20 **A** Away from my car.

21 **Q** Can you use the laser point and show us
22 where he was when you looked up and saw him running?

23 **A** I guess he took off right here. When I
24 saw him take off running, he was about right there.
25 (indicating)

1 **Q** Okay. He was running away from you, so he
2 was running east?

3 **A** Yes.

4 **Q** Did he stay in the street or did he go
5 into the grass or sidewalk?

6 **A** He was in the street.

7 **Q** So when you first saw him, was he standing
8 still or was he running?

9 **A** He was running when I first saw him.

10 **Q** So his back was to you when you first saw
11 him?

12 **A** Yes.

13 **Q** And then how about the officer, could you
14 recognize him immediately as being a police officer?

15 **A** Yes, he was in uniform.

16 **Q** Okay. And do you recall was he standing
17 still or was he running or doing something else when
18 you first saw him?

19 **A** When I first seen him, he was not, he was
20 standing still and then he took off running after
21 Mike after he starts running.

22 **Q** Did you notice a police vehicle in the
23 road?

24 **A** We were sitting not too far from one, I
25 can't tell you whether it was facing us or facing

1 away from us though.

2 Q Okay.

3 A I don't remember.

4 Q So you didn't see whether he was in the
5 vehicle or getting out?

6 A I didn't see none of that.

7 Q So when you first saw the officer, he was
8 actually outside of the vehicle?

9 A Everybody was outside the vehicle.

10 Q You already heard two shots at that point?

11 A Yes, ma'am.

12 Q And so then you saw Michael Brown, the man
13 we know now as Michael Brown?

14 A Uh-huh.

15 Q Run away from you?

16 A Uh-huh.

17 Q He was running when you first saw him?

18 A Yes, ma'am.

19 Q And then when you saw him, could you tell
20 at that point if he had any injuries on his body,
21 did you notice any blood or anything?

22 A No, ma'am. I didn't notice anything.

23 Q When you first saw the officer and you
24 said he was standing, did you notice a gun?

25 A Yes, he had drew his gun then.

1 **Q** Do you recall what hand his gun was in?

2 **A** No, I think he had both hands on it.

3 **Q** Can you show us how he had the gun?

4 **A** I remember him holding it like this right
5 before he took off running.

6 **Q** Okay. So for the record you have both
7 hand together?

8 **A** Yes, ma'am.

9 **Q** And your elbows are straight and your arms
10 are extended out in front of you?

11 **A** Yes, ma'am.

12 **Q** About shoulder height or chest height?

13 **A** Yes.

14 **Q** So did you, when he had his hands out in
15 front of them like this, before he started running,
16 did you see or hear him fire any shots?
17 (indicating)

18 **A** I can't recall. I think he started
19 running first.

20 **Q** Okay. So when he started running, did he
21 keep his hands in this position or did his hands
22 drop and him run, or did he run like this?
23 (indicating)

24 **A** I can't really remember all of that.

25 **Q** Okay. So did the officer run after

1 Michael Brown, so away from you?

2 **A** Yes, ma'am.

3 **Q** What did you see happen then?

4 **A** Mike got about to the corner and then he
5 turned around like he was giving up and he started
6 coming back towards the officer. I really don't
7 know what was going on at that point. I seen him
8 get shot a couple of times and he hit the ground.

9 **Q** So now you said Mike ran to about the
10 corner.

11 **A** Yes.

12 **Q** Can you use the laser pointer and show us
13 where the corner is that you saw him run to?

14 **A** I'm guessing it was right here, around
15 right there. We was sitting right here, he didn't
16 get too far before he turned back around.
17 (indicating)

18 **Q** Okay.

19 **A** He might have got back to about right
20 there. (indicating)

21 **Q** So when you say he ran to the corner and
22 then he turned around, is this the first time then
23 that you can see the front of him?

24 **A** I couldn't really see him. I was a
25 distance away.

1 **Q** Okay.

2 **A** But yes.

3 **Q** So from what you could see, did you notice
4 if he had any blood on him or anything like that?

5 **A** I didn't notice any blood on him.

6 **Q** Did you see anything in his hand, either
7 when he was running away or after he turned around?

8 **A** No, ma'am.

9 **Q** And you said that he turned around as if
10 he was, I think you said as if he was giving up?

11 **A** His hands were up at first and when he
12 turned around and then he started moving forward
13 towards the officer.

14 **Q** All right. Can you stand up so they can
15 see you clearly. Demonstrate for us, turn your back
16 so that, show us how he turned around and what his
17 hands did?

18 **A** Um, I guess it was like he stopped and he
19 turned around like this, and then he started moving
20 towards the officer and kind of looked like he
21 picked up a little bit of speed, and then he started
22 going down.

23 He was holding his chest when he went
24 down, his hands was up here on his chest.
25 (indicating)

1 **Q** Okay. So I am going to describe this, you
2 can sit down. So, for the record, when you turned
3 around, you said he put his hands up like this?
4 (indicating)

5 **A** Uh-huh.

6 **Q** I'm going to describe that you have your
7 hands about shoulder height; is that right?

8 **A** Yes, ma'am.

9 **Q** Out to the sides of your body, bent at the
10 elbows?

11 **A** Yes, ma'am.

12 **Q** Fingers pointing towards the ceiling?

13 **A** I guess.

14 **Q** And palms forward?

15 **A** Yes, ma'am.

16 **Q** Okay. And so then you said, then he
17 started to move toward the officer.

18 **A** Yes.

19 **Q** And you said you thought he began to pick
20 up speed?

21 **A** Yes.

22 **Q** So if you can try to think or guesstimate
23 or imagine how many, are you good at judging
24 distances, like 10 feet, 20 feet, such as that?

25 **A** Kind of. Estimated that he might been

1 around 8 feet away from the officer.

2 Q When he turned around?

3 A No, when he fell.

4 Q Okay. Was he more or less than 8 feet
5 away from the officer when he turned around?

6 A He was a little bit more than 8 feet from
7 the officer when he turned around.

8 Q So when he stopped and turned around, did
9 the officer continue to run toward him or did he
10 stop or did he move in a direction?

11 A There was a point where the officer
12 stopped running after him. I think he had stopped
13 by the time he turned around and was just standing
14 in one spot.

15 Q Now, when the officer took off running
16 after Michael Brown, until Michael Brown stopped and
17 turned around, did you hear or see the officer fire
18 his gun as he was running toward Michael Brown or
19 after Michael Brown?

20 A I heard a whole lot of shots.

21 Q Okay. You heard a whole lot of shots?

22 A Yes.

23 Q And you think they were from the officer?

24 A I'm pretty sure.

25 Q Okay. Now, you know, you talked to FBI

1 agents yesterday and U.S. attorney named and a
2 woman named , right?

3 **A** Yes, ma'am.

4 **Q** And you had actually made a statement to
5 the County Police back in August when they first
6 came and talked to you; is that right?

7 **A** Yes, ma'am.

8 **Q** And do you recall when you first talked to
9 the police you said that Michael Brown had gotten
10 shot in the leg and in the hip as he was running
11 away?

12 **A** I thought he was.

13 **Q** And so now yesterday you learned from the
14 people that were talking to you that there's no
15 injury to Michael Brown's hip or leg, at least a
16 gunshot injury, correct?

17 **A** Yes.

18 **Q** So does that make you rethink about what
19 you saw, them telling you that?

20 **A** Yes, ma'am. It made me think I really
21 don't know what was going on. He made body
22 movements which made me believe that he was shot in
23 the leg or in the hip.

24 **Q** Okay.

25 **A** The way his body gestured, I don't know.

1 **Q** So you say back in August that you thought
2 he got shot in the hip and the leg was based upon
3 how his body moved or jerked, or something like
4 that?

5 **A** Yes, ma'am.

6 **Q** You didn't see --

7 **A** I didn't actually see it.

8 **Q** You didn't see a bullet go in him?

9 **A** Didn't see it.

10 **Q** Didn't see blood in those areas?

11 **A** No.

12 **Q** Now, did you ever see Michael Brown, his
13 flip flops come off as he was running?

14 **A** He had on flip flops?

15 **Q** Pardon me?

16 **A** He had on flip flops?

17 **Q** Did you ever see him come out of his flip
18 flop as he was running?

19 **A** I didn't see what kind of shoes he had on.

20 **Q** If someone were running and their flip
21 flops come off while they're running, could you see
22 him like stumbling when you thought maybe you saw
23 him getting hit in the hip and the leg?

24 **A** It might have been.

25 **Q** Okay. But you now know he wasn't shot in

1 the hip or the leg?

2 **A** Yeah.

3 **Q** Okay. And so when he stops and you say he
4 turns around and he has his hands up like this and
5 then he starts to move toward the officer, did you
6 hear anybody say anything?

7 **A** I couldn't hear anything.

8 **Q** Okay. And how much does he move toward
9 the officer in feet?

10 **A** He was about 8 feet away from the officer.

11 **Q** Okay. But for Michael Brown to stop and
12 then move forward, how far forward did he move
13 toward the officer or in steps if it is easier, he
14 took so many steps?

15 **A** I can't really tell you exactly how many
16 steps he took.

17 **Q** Okay. But you said it looked to you like
18 he was picking up speed?

19 **A** Yes, when he turned around, he took a
20 couple steps and he might have been stumbling or I'm
21 not sure exactly what he was doing.

22 **Q** Okay.

23 **A** Not too long afterwards, he fell to the
24 ground.

25 **Q** And so did you, after he turned around,

1 did you hear or see gunshots after he turned around?

2 **A** There were a lot of gunshots.

3 **Q** Okay.

4 **A** I think so.

5 **Q** All right. And so as Michael Brown was
6 moving toward the officer, did the officer stand
7 still or did he move back and forward?

8 **A** I don't believe I seen him move.

9 **Q** Okay. And so if they were 8 feet apart,
10 which is, I don't know, can you give me an idea?

11 **A** Like maybe from this table to that table,
12 maybe a little bit further.

13 **Q** And that's how far they were apart when
14 Michael Brown turned around?

15 **A** No, he was a little bit further when he
16 turned around, he came back to about that distance.

17 **Q** Okay. So then you said as he was running,
18 you said his hands changed?

19 **A** Yes, ma'am.

20 **Q** Okay. And I know you said that he grabbed
21 his chest or something?

22 **A** Yeah, he had his hand folded in like this.
23 (indicating)

24 **Q** Do you know which hand it was?

25 **A** I couldn't tell you, I'm sorry.

1 **Q** Okay. And you have your hand at about
2 your chest area?

3 **A** Yes, ma'am.

4 **Q** Okay. It wasn't down here across his
5 abdomen? (indicating)

6 **A** Maybe.

7 **Q** Okay.

8 **A** It might have been.

9 **Q** Okay. I know that it's difficult to go
10 back and try to recall.

11 **A** It all happened so fast.

12 **Q** Okay. Can you give me an idea from the
13 time you first heard the two gunshots until he, you
14 saw him fall on the ground, can you give me an idea
15 how much time elapsed?

16 **A** I want to say 10 minutes, 15 minutes.

17 **Q** 15 minutes, from the time that you heard
18 the two gunshots until he fell on the ground?

19 **A** It might not have been that long.

20 **Q** Okay. 10 minutes or 15 minutes is a
21 pretty long time?

22 **A** Yeah. Maybe eight minutes, something like
23 that.

24 **Q** Okay. And so after you saw him fall on
25 the ground, did you hear or see any more gunshots

1 being fired?

2 **A** I don't recall.

3 **Q** Okay.

4 **A** I remember seeing a lot of people sitting
5 around screaming.

6 **Q** So you saw other people in the area?

7 **A** Yes.

8 **Q** Did you see other cars around?

9 **A** There was a lot of other cars, a lot of
10 other people, everybody was standing outside
11 everywhere.

12 **Q** You said there was a girl next to your
13 car?

14 **A** Yes, she was walking down the street,
15 right there by the park, right here around the park
16 area.

17 **Q** Did you see where she walked to?

18 **A** As a matter of fact, she stopped right
19 next to the van. I didn't see where she went after
20 that.

21 **Q** Was she an adult or a child?

22 **A** She might have been high school age.

23 **Q** Was she African-American or white?

24 **A** African-American.

25 **Q** Can you describe her hair?

1 **A** I can't remember.

2 **Q** But she was on foot?

3 **A** Yes, she was on foot.

4 **Q** Was she alone?

5 **A** Yes.

6 **Q** Did you ever see another young black male
7 that was around that area where the police car was
8 and where you first saw them?

9 **A** No, I don't remember. I saw a lot of
10 people around, but I don't remember seeing anybody
11 around, police car. I don't remember seeing anybody
12 there other than Michael Brown.

13 **Q** Now, with the four of you in the car and
14 you saw some or part of this?

15 **A** Uh-huh.

16 **Q** Did you all talk about it?

17 **A** Yes, ma'am.

18 **Q** Is it fair to say that you all were kind
19 of like freaked out like right then when it
20 happened?

21 **A** Yeah.

22 **Q** Was it upsetting?

23 **A** A little bit.

24 **Q** Afterwards, did you all, your mom and your
25 dad and sister, kind of talk about what you saw?

1 **A** Yes, we did.

2 **Q** And in doing that, did you realize that
3 you all kind of saw different things?

4 **A** Yes, we did.

5 **Q** Okay. But your dad and your mom and your
6 sister, they were there to see it?

7 **A** Uh-huh, yes, ma'am.

8 **Q** After speaking to them, you realized that?

9 **A** We had different points of view.

10 **Q** And different recollections of what you
11 saw?

12 **A** Yes.

13 **Q** Do you know the officer that shot Michael
14 Brown?

15 **A** No, ma'am.

16 **Q** Do you have any police officers in your
17 family?

18 **A** No, ma'am.

19 **Q** Are you friends with any Ferguson police
20 officers?

21 **A** No, ma'am.

22 **Q** Okay. How about Michael Brown's family
23 before that or after that, did you know Michael
24 Brown's family?

25 **A** No, ma'am.

1 **Q** Since then have you become friends with
2 anybody in Michael Brown's family?

3 **A** No, ma'am, not that I know of.

4 **Q** Okay. And I actually subpoenaed you for
5 you to come in today; is that right?

6 **A** Yes, ma'am.

7 **Q** You didn't want to come in?

8 **A** No, ma'am.

9 **Q** And you told me you didn't want to be
10 involved in this; is that right?

11 **A** I really don't remember a lot, you know.
12 I wasn't very sure of a lot.

13 **Q** Okay. Sheila, do you have any questions?
14 MS. WHIRLEY: Yes.

15 You talked to, I guess, the police back in
16 August, August the 21st, does that sound about
17 right?

18 **A** Yes, ma'am.

19 MS. WHIRLEY: And your recollection was
20 better then than it is today?

21 **A** Yeah, it was a little bit better.

22 MS. WHIRLEY: And they actually taped your
23 statement; is that correct?

24 **A** Yes, ma'am.

25 MS. WHIRLEY: Recorded it. Did you record

1 this incident at all on your phone or anything?

2 **A** No, as a matter of fact I didn't. It
3 happened so fast, I didn't even think to do that.

4 MS. WHIRLEY: Do you know anybody who has
5 a recording of it?

6 **A** No.

7 MS. WHIRLEY: You said you first heard two
8 shots and then you notice Michael Brown taking off
9 running and the officer chasing after him?

10 **A** Yes, ma'am.

11 MS. WHIRLEY: Was the officer shooting at
12 him while he was chasing him?

13 **A** There were a couple of shots fired.

14 MS. WHIRLEY: While Michael Brown's back
15 was to him?

16 **A** While they were running, yeah.

17 MS. WHIRLEY: And then you said when you
18 turned around he had his arms up, was it as if he
19 was surrendering?

20 **A** Yeah, like shoulder high.

21 MS. WHIRLEY: Like giving up?

22 **A** Yeah.

23 MS. WHIRLEY: That was your impression.
24 When you said he had his hand on his chest, started
25 going down, was the officer shooting at him when he

1 had his hand on his chest?

2 **A** I want to say, yes.

3 MS. WHIRLEY: Whatever you said in your
4 statement was fresher then?

5 **A** Yes.

6 MS. WHIRLEY: Um, I don't know if this was
7 asked, did you ever see Michael Brown with a weapon?

8 **A** No, ma'am, I didn't.

9 MS. WHIRLEY: Did he ever look like he was
10 trying to get a weapon when you saw him?

11 **A** I only saw him running, I didn't see
12 anything in his hands.

13 MS. WHIRLEY: That's all I have.

14 MS. ALIZADEH: Any questions?

15 : So it was just the five of
16 you?

17 **A** Yes.

18 : Were there any other people,
19 were there animals in the car, were there anybody
20 else?

21 **A** You know what, we might of had a couple of
22 dogs in the car.

23 : Where were they sitting?

24 **A** On the floor.

25 What did everybody do when

1 they started hearing the shots, did they move around
2 in their seats, did they change position?

3 **A** No, not really. We heard the shots, we
4 sat there for a second to determine whether they
5 were shots or not.

6 : Okay.

7 **A** And then we turned up onto the parking lot
8 to get away from the drama.

9 : Okay. And was your father
10 sleeping when this started?

11 **A** I don't know. I don't know. I wasn't
12 looking at his face, I was sitting behind him. He
13 might have been.

14 : Okay. Was
15 scared?

16 **A** Well, yeah.

17 : That's all I have.

18 MS. WHIRLEY: I forgot one thing. You
19 mentioned that when he turned around and was coming
20 back towards the officer, did you know whether he
21 was stumbling or running?

22 **A** That's what I couldn't determine whether
23 he was running or stumbling, I couldn't tell. I
24 don't know whether he was charging or falling
25 because he hit the ground not too long afterwards.

1 MS. WHIRLEY: Okay. That's all.

2 Did you ever see a young man
3 with Michael Brown?

4 A No, ma'am, I couldn't tell whether he was
5 with somebody or not. When I saw them, they were
6 actually in the middle of running. I didn't see him
7 talking to anybody or anything.

8 When you are sitting in the
9 seats or whatever in the seats
10 there.

11 A Yes, ma'am.

12 : In the . On that
13 particular type of vehicle, the side arm rest.

14 A Yes, ma'am.

15 : Are they moved, can you move
16 them up and down?

17 A Yes.

18 : So then you have a clear,
19 where you can swing your legs over or lean over?

20 A Yes, ma'am.

21 : Okay. Thank you.

22 MS. ALIZADEH: Anyone else?

23 (End of the testimony of .)

24 MS. ALIZADEH: We just took a break in
25 between or after that last witness. It is

1 2:01 p.m., and at this time we still have a couple
2 of witnesses to try to get through this afternoon,
3 but at this time I'm going to pass out a transcript
4 and we are going to play the tape recorded statement
5 from the last witness. It is about 20 minutes long.
6 I will tell you that in our, in my questioning of
7 her, I believe you all understood me to say she was
8 interviewed yesterday by federal agents, and I did
9 get a copy of that interview last night. It won't
10 play, I've contacted County Police, they have a copy
11 and their copy won't play.

12 I don't know if I will have a copy of that
13 interview from yesterday or not.

14 So at this time we're just going to hear
15 the interview from August 21st, 2014. And this is
16 contained on Grand Jury Exhibit Number 24. I'm
17 going to pass out a transcript, so you do not need
18 to transcribe. If you will pause the recording and
19 then we'll get started.

20 (Playing of the interview of Witness 64.)

21 MS. ALIZADEH: It is 2:23. We just
22 concluded listening to a taped statement of a
23 witness. And the next witness I'm going to call is
24 , who is an investigator at my office.
25 And he had a conversation with someone in relation

1 to this case, so he's going to testify about that.

2 So we'll pause right now, I have to tell we're

3 ready for him.

4

5

6

7

8 of lawful age, having been first duly sworn to

9 testify the truth, the whole truth, and

10 nothing but the truth in the case aforesaid,

11 deposes and says in reply to oral

12 interrogatories, propounded as follows, to-wit:

13 EXAMINATION

14 BY MS. ALIZADEH:

15 Q Would you state your name and spell it for
16 the court reporter?

17 A ,

18 Q And now, sir, the grand jurors are
19 acquainted with you because you've been assisting me
20 and them with their comings and goings on the day
21 that they are in grand jury; is that right?

22 A That's correct.

23 Q They probably know you as

24 A Some of them may now, have known my name.

25 They certainly knew who I was.

1 **Q** And so what do you do?

2 **A** I'm a criminal investigator. I'm
3 assigned, I work for the prosecutor's office. I'm
4 assigned to a team of attorneys to assist them in
5 their investigations and to fill in from time to
6 time with other attorneys as is needed.

7 **Q** Am I am one of your attorneys that you
8 assist in my cases?

9 **A** You are.

10 **Q** Okay. And you've been doing that for
11 quite a while?

12 **A** Thirteen years.

13 **Q** All right. And so ever since, well,
14 shortly after I got this investigation, I from time
15 to time have asked you to help me with things or do
16 things in regard to this grand jury investigation;
17 is that right?

18 **A** I've been given assignments, yes.

19 **Q** And one of the things that you have been
20 helping me with all this time is to arrange for
21 witnesses, their transportation, meeting them
22 downstairs, getting them upstairs, you had to run
23 out and get lunch or food for witnesses in the past,
24 so that's one of the things I've asked you to help
25 me do; is that right?

1 **Q** And I told you that she had informed me
2 , that she needed to have the
3 transported?

4 **A** That was the other issue, yes, not only
5 her, but you know, her primary mode of mobility we
6 could get that and had that brought with her as
7 well.

8 **Q** Do you recall that sometime before we
9 actually brought in to testify, do
10 you recall me coming to you and telling you that
11 had informed me that he actually didn't see
12 what he had told the police he had seen?

13 **A** You relayed that information to me, yes.

14 **Q** Okay. And you and I and Sheila Whirley
15 had discussions and have had discussions in the past
16 about whether or not if witnesses say they didn't
17 see anything when they previously had made a
18 statement that they saw something, whether or not we
19 were going to bring that witness anyway and testify?

20 **A** Correct.

21 **Q** And have them say they didn't see
22 anything?

23 **A** That is correct.

24 **Q** Okay. And we talked about doing that in
25 this case, but we talked about the fact that because

1 there were, there were unusual transportation needs
2 with s mother, that I asked you to just call
3 and try to do a telephone interview with
4 him?

5 **A** Correct.

6 **Q** And so did I give you the phone number to
7 contact

8 **A** Right, you gave me the mom's name,
9 s name and the phone number.

10 **Q** Okay.

11 **A** And when would be the best time to get
12 ahold of them, when would be home from
13 school, and in order to facilitate speaking with him
14 on the phone.

15 **Q** Okay. Did you contact by
16 telephone?

17 **A** Yes, I did.

18 **Q** And what day was that?

19 **A** It was on October the 13th.

20 **Q** Okay. And just for you grand jurors, if
21 you look back on your notes, prior to this date I
22 had already played for you a recorded statement that
23 the police had taken from

24 And so when you spoke on the phone,
25 did you identify yourself as an investigator for the

1 prosecutor's office?

2 **A** Yes, I did.

3 **Q** And did you talk to about whether
4 he actually saw what he says he saw?

5 **A** Correct, I asked him to explain to me what
6 exactly occurred that morning.

7 **Q** Okay. And then after this, did you tape
8 that telephone conversation?

9 **A** I did.

10 **Q** Okay. And after you had finished that
11 telephone conversation, did you realize that it
12 actually had not recorded?

13 **A** The first phone call with him, yes.

14 **Q** Okay. Did you call him back and ask him
15 to go over that with you again?

16 **A** Right. I explained that there was a
17 mistake on my part, that I wanted to record the call
18 and it didn't happen. If he would be patient with
19 me, I apologize for having him have to explain to me
20 once again what he had told me ten minutes earlier.
21 And he acknowledged he was okay with that, so we
22 again talked about it a second time.

23 **Q** The second phone call was actually
24 recorded by you then?

25 **A** Correct.

1 **Q** And you then burned that call onto a disc
2 for me?

3 **A** Yes, the next day.

4 (Grand Jury Exhibit Number 97
5 marked for identification.)

6 **Q** (By Ms. Alizadeh) I'm going to show you
7 Grand Jury Exhibit Number 97?

8 **A** Yes.

9 **Q** This disc, is that your handwriting on
10 there?

11 **A** Yes, it is.

12 **Q** Is that the second phone call that you
13 did?

14 **A** Yes.

15 **Q** And now you wrote on here 10/14/14, is
16 that the day that you talked to him?

17 **A** It was the day I burned the disc.

18 **Q** Okay. So you actually spoke to him on the
19 13th?

20 **A** Correct.

21 **Q** Okay. So in this second phone call with
22 him, did he reiterate what he had said in the first
23 phone call?

24 **A** Yes, he did.

25 **Q** Did anything change in his statement from

1 the first phone call to the second phone call?

2 **A** No, it was all the same.

3 **Q** Okay. So at this time I'm just going to
4 play Grand Jury Exhibit 97. It is about a 15 minute
5 long conversation. And so if you would pause the
6 recording, I do not have a transcript. So if you
7 can take it down, please.

8 (Playing of the phone interview of Mr.
9 and following is a transcription of that
10 interview.)

11 : Hi, Ms. , this is
12 from the prosecutor's office.

13 Yeah

14 I'm sorry, if I could talk to
15 again?

16 : Hold on

17 : Thank you.

18 : Hello.

19 : Hi , it is
20 again. I'm sorry to bother you, but I was asked to
21 record the conversation and I didn't do that the
22 last time.

23 Yes.

24 : I do have a recorder on now
25 and it is recording our conversation. I was

1 wondering if we could go through it again?
2 : Okay.
3 : What you had already told me?
4 : All right.
5 : I apologize for that.
6 : It's okay.
7 : This will be a little quicker
8 since we have already gone over this once again.
9 , you explained to me you are years old?
10 Yes, sir.
11 Okay. And we're talking
12 about the incident at Ferguson involving the death
13 of Mr. Brown?
14 Yes.
15 Explain to me, you were at
16 home on this particular day and you had been, you
17 were inside the apartment, you and your brother left
18 the apartment; is that correct?
19 : Yes, sir.
20 : Okay. And you live over on
21 correct?
22 : Yes, sir.
23 : So then you and your brother
24 left the apartment and what time of the day or
25 morning was this.

1 : No, no, no, not , my
2 street is .
3 I'm sorry, I got that wrong
4 then.
5 : Yeah.
6 : Spell that for me.
7 : .
8 : .
9 : Yes, sir.
10 : Okay. So you and your older
11 brother left the apartment and you went outside, and
12 where did you go when you left the apartment?
13 : Well, we went from my house,
14 went over the stone wall.
15 : There's a stone wall there at
16 the circle?
17 : Yes, sir.
18 Okay. And what were you
19 doing when you and your brother were hanging out
20 there at the stone circle?
21 : (Inaudible.)
22 : And you were using your phone
23 and Wi-Fi and going through Facebook; is that
24 correct.
25 Yes, sir.

1 Okay. And so you're outside
2 with your brother and you are doing what you're
3 doing, what happens after or while you are outside?

4 : We hear gunshots.

5 : Okay. And you recognize them
6 right away as gunshots; is that correct.

7 Yes, sir.

8 What was your thought at the
9 time when you heard that?

10 Somebody's shooting a gun in
11 the air like they always, like they do once in
12 awhile.

13 : Okay. That's something that
14 you have heard before in the past; is that correct.

15 Yes, sir.

16 Okay. And so when you heard
17 this, what do you and your brother do?

18 : We sit and think should we be
19 quiet for a second.

20 Uh-huh.

21 In case they go shooting
22 again. We sit back down and go back to Facebook.

23 : So you go back to Facebook
24 and you go ahead and you do that and then what
25 happens after you go back to Facebook?

1 A little later we hear three
2 or four more gunshots.

3 Okay.

4 Then that's when we got up,
5 start walking up the street. We join them and walk
6 up the street with them.

7 Okay. When you say you
8 walked up the street, are you talking about the
9 street that you live on ?

10 No, the street that Michael
11 got shot on.

12 Okay.

13 It is a long street. The
14 street is from West Florissant all the way down to
15

16 : Okay.

17 : The end of .

18 : Okay. So where you and your
19 brother were sitting at when you heard these
20 gunshots, you couldn't, could you see what was going
21 on?

22 : No, sir. It's a building in
23 Canfield that blocks it. You really couldn't see
24 anything until you actually got around that corner,
25 around the corner of that building.

1 : Uh-huh.

2 : You couldn't see.

3 : Okay. And after the second
4 set of gunshots, you and your brother, there were
5 other people that started walking over towards that
6 way?

7 : Yes, sir.

8 : Okay. And that's when you
9 and your brother got up and walked with them?

10 Yes, sir.

11 Okay. And I believe you
12 already told me, what's your brother's first name?

13

14 Okay. How old is ?

15

16 So he's years older
17 than you?

18 : Yes, sir.

19 : So then you and get
20 up and you are walking with these other people. And
21 then tell me what you see or what happens after you
22 get up and you start walking with these people?

23 : We see other people walking
24 and then when we get to where he got shot at, you
25 could see a body laying there, but you can't really

1 tell who it is.

2 Right.

3 We are walking up on it where
4 he got shot when I got close, I (inaudible). He
5 stays up the street, his grandmother's house is
6 across the street from my house. So he stays
7 from my little cousin's house.

8 You were familiar with
9 Mr. Brown?

10 **A** Yes, sir. I knew his cousin.

11 : Okay. What is his cousin's
12 name.

13 :

14 :

15 : Yes, sir.

16 : Okay. So you knew them from
17 the neighborhood?

18 Yes, sir.

19 And you see, at the time you
20 didn't know who it was, you see this person laying
21 down in the street. And then what else do you see
22 in the street?

23 : I see flip flops.

24 : I'm sorry, I couldn't hear
25 you?

1 : You could see his shoes.

2 : Oh, that's better, okay. You
3 said you saw a police vehicle somewhere?

4 : Yeah, it was like in the
5 grass.

6 : It was in the grass?

7 : Yeah, then they moved it and
8 put it in the street.

9 Okay. When you got up there,
10 was there something that kept you from walking
11 around or getting close?

12 Yeah. They had a traffic
13 tape going around two trees and the vehicle and the
14 car.

15 When you got there, was there
16 yellow tape already up?

17 Yes, sir.

18 It was. Okay. You are
19 getting a little hard to hear again with the phone.

20 : My fault.

21 : That's all right, you're
22 fine. So you get there and you see what you saw and
23 there's some yellow tape that keeps you kind of away
24 from things. And then what happens after you get up
25 there?

1 : It is like people are just
2 standing around looking.

3 : Uh-huh.

4 : I could see two police
5 officers in the street talking to each other.

6 : Okay.

7 : And then after that, more
8 police officers came.

9 Okay.

10 And then after more police
11 officers came. The crowd of people got bigger and
12 bigger and kept getting bigger.

13 Okay.

14 And more police cars started
15 coming, they got so far that they had run the
16 canines out too.

17 : Okay. And at some point in
18 time they did something different with the tape; is
19 that correct.

20 Yes, sir. They took the tape
21 down and they put it and they made us walk back
22 farther and put the tape back further from the body.

23 They had you all back up a
24 little further away, but you could still see what
25 was going on?

1 : Yes, sir.

2 : Okay. And you had mentioned
3 before at some point in time his mom came by?

4 : Yes, sir.

5 : And --

6 : His mom and his dad came by.

7 : What did you hear the
8 conversation to be?

9 : His dad was mad.

10 : Uh-huh.

11 : His dad was angry, screaming,
12 why y'all do this, why y'all do this, and then his
13 stepfather came.

14 Right.

15 His stepfather was mad too,
16 like you didn't have to do this to my son and all of
17 this.

18 I understand.

19 He got there, he was mad,
20 people were like, no, don't try to fight them. He
21 was like (inaudible.) They finally got him, they
22 took him in the house. They made him leave for a
23 little while. They didn't want him to get mad, walk
24 off or go back a little bit. (inaudible)

25 When mom first got there,

1 she was asking people, what was she asking people?

2 : What happened to my son?

3 : Right, okay. And then there
4 were people talking about, you heard people talking
5 about what they, what had happened?

6 Yes, sir.

7 Okay. And at some point in
8 time, you had told me earlier that there was an
9 older person that came by and can you explain to me
10 again what that older person was saying or asked you
11 or was asking?

12 : The older person, he said, do
13 you know anything? Come talk to me about it, don't
14 talk to the police or anybody.

15 Okay.

16 (Inaudible.)

17 Right. And then at some
18 point in time the police later came to you and asked
19 you about what had happened, correct?

20 Yes, sir.

21 Okay. And had you told them
22 that you were inside your apartment and saw what
23 happened from your window?

24 : No, no.

25 : You didn't tell the police

1 that?

2 No, I saw the people came to
3 the house after that happened people came, I didn't
4 know anything. The day before I really thought,
5 okay, I'm going to do it today.

6 : Okay.

7 : That's (inaudible). And tell
8 me what you know.

9 Was that the conversation
10 that you had with the people inside the car?

11 Yes, sir.

12 Okay. And I had asked you
13 this before, but I'm going to ask it again.

14 , has anyone, you know, pressured you or
15 threatened you or made you any promises of any kind
16 about talking about what happened?

17 **A** No, sir.

18 Okay. you
19 understand that if you wanted to, we could, you
20 know, you could come here and you could talk to the
21 grand jury and explain to them what you saw that
22 day, do you understand that?

23 Yes, sir.

24 If you wanted to do that, you
25 certainly, we would certainly make sure that you can

1 have that chance?

2 Yes, sir.

3 What you would tell them,
4 would that be any different than what you've told me
5 on the phone today?

6 No, sir.

7 Okay. Because, you know, we
8 would certainly afford you that opportunity just
9 like we have with other people.

10 : Yes, sir.

11 : And, again, you had talked
12 before, you know, somebody had mentioned to you
13 about a subpoena and to come and talk to these
14 people; is that correct?

15 : Yes, sir.

16 : Okay.

17 : And then she called back,
18 they said they wasn't going to do that any more.
19 She said it was a possibility that they might end up
20 doing it, but they never did.

21 That's correct. There was a
22 possibility, we weren't sure how things were going
23 to proceed and it was certainly, certainly a
24 possibility, but we didn't know for sure how things
25 were going to go.

1 : Yes, sir.

2 : Okay. All right. I think
3 that pretty much covers it. I apologize for having
4 to go over this again.

5 That's all right.

6 That was a mistake that I
7 made and so that's why I called back and once again,
8 I thanked you before, I just thank you again for
9 your time. I appreciate, you know, dealing with
10 this and explaining to me exactly what you saw or
11 what you didn't see.

12 : Yes, sir.

13 : All right. Again, thank your
14 mom and tell her I appreciate all of her help as
15 well.

16 All right.

17 All right. Listen, thank you
18 very much, , have a good evening.

19 : You too.

20 : All right. Bye-bye.

21 : Bye.

22 (End of the phone recording.)

23 MS. ALIZADEH: We just concluded the
24 playing of the conversation between and
25 . Does anybody have any questions of

1 , now is your chance.

2 All right.

3 (End of the testimony of)

4 MS. ALIZADEH: This is Kathi Alizadeh, it

5 is November 13th, 2014, it is 3:04 p.m. We just

6 took a brief break. We are resuming this afternoon

7 with a new witness, not a new witness, a returning

8 witness, but since it has been several days or weeks

9 since he testified, I'll go ahead and have you sworn

10 in.

11 ,

12 of lawful age, having been first duly sworn to

13 testify the truth, the whole truth, and

14 nothing but the truth in the case aforesaid,

15 deposes and says in reply to oral

16 interrogatories, propounded as follows, to-wit:

17 EXAMINATION

18 BY MS. ALIZADEH:

19 Q Could you state your name, please?

20 A .

21 Q And where are you employed?

22 A I'm a detective with St. Louis County

23 Police Department.

24 Q And you've previously testified before

25 this grand jury in relation to the investigation

1 into the shooting of Michael Brown, correct?

2 **A** Yes, ma'am.

3 **Q** Okay. And you testified previously just
4 on the issue of having been present during the
5 interview of one of the eyewitnesses to this
6 incident, a ?

7 **A** That's correct.

8 **Q** So for this afternoon, what I'd like to do
9 is explain to the grand jurors how this
10 investigation began, the scope of the investigation,
11 and how it progressed over time. And we have some
12 demonstrative pieces of evidence that we're going to
13 show them and then, of course, Sheila will ask
14 questions, the grand jurors will ask whatever
15 questions that they need to ask you to explain how
16 the investigation proceeded, okay?

17 **A** Okay.

18 **Q** So back on August 9th of 2014, you were a
19 detective in the Crimes Against Persons Bureau?

20 **A** Yes, ma'am.

21 **Q** And that was a Saturday, correct?

22 **A** It was.

23 **Q** Earlier that day, do you recall where you
24 were, were you working?

25 **A** I was.

1 **Q** Where were you earlier?

2 **A** I was directed to respond to St. Anthony's
3 Hospital for a robbery with a potential barricaded
4 individual in a hospice portion of the hospital.

5 **Q** And so about what time did you, were you
6 on call that day or were you on duty already when
7 that happened?

8 **A** I was called about the time I was
9 scheduled to come on duty, which was 8:00. It may
10 have been shortly before 8:00, sometime around 8:00.

11 **Q** Sometime around 8:00 a.m. you proceeded to
12 South County to the hospice care facility at St.
13 Anthony's Hospital?

14 **A** Yes, ma'am.

15 **Q** And did you remain on that scene until
16 sometime after noon on that day?

17 **A** I did.

18 **Q** And at some point in the day, you know
19 what, let's back up, let me back up.

20 So can you explain for the grand
21 jurors how your, how the Crimes Against Persons
22 Bureau works.

23 In other words, how many supervisors,
24 how many detectives are in a squad and so forth?

25 **A** Sure. The unit consist of one lieutenant

1 who is the commander, and then there are four
2 sergeants who supervise various specialties within
3 the Crimes Against Persons Unit.

4 There is the child abuse unit,
5 there's the family crime or domestic violence unit
6 and then there is the homicide, robbery, sexual
7 assault, you know.

8 One supervisor is responsible for
9 supervising detectives in each of those units with
10 the exception of the homicide, robbery, sexual
11 assault unit.

12 There are two supervisors and two
13 squads of detectives. There are seven detectives on
14 one squad and eight detectives on the other squad.
15 One squad works during the day, one squad works
16 during the afternoon for the homicide, robbery,
17 sexual assault aspect.

18 **Q** So typically a squad would be on-call or
19 working for 12 hour shifts; is that correct?

20 **A** Eight hour shifts. One squad usually
21 works from 8:00 a.m. to 4:30 p.m. and then the
22 second squads usually works from 4:30 p.m. to
23 1:00 a.m.

24 **Q** Okay. If there is an incident that
25 occurred that is not during the hours that either

1 squad is working, are detectives always on call?

2 **A** We are always subject to callback, yes.

3 **Q** So you indicated you were, you believed
4 you were already scheduled to work that day when you
5 went in at 8:00 a.m.?

6 **A** I was, yes, ma'am.

7 **Q** And then there was a call about an
8 incident occurring up in Ferguson; is that right?

9 **A** That's correct.

10 **Q** So when you were up, when you were down in
11 South County at the St. Anthony's Hospital, was your
12 supervisor present on scene?

13 **A** He was.

14 **Q** Were all of the detectives from your squad
15 on scene at St. Anthony's Hospital?

16 **A** All of them, no. Most of them, yes.

17 **Q** All right. What about other units from
18 the St. Louis County Police Department. Were there
19 other units down in South County at St. Anthony's at
20 the time?

21 **A** There were.

22 **Q** The TAC unit was there?

23 **A** They were there.

24 **Q** Were there any other squads there from
25 Crimes Against Persons?

1 **A** Several detectives from the other squad,
2 which would have been the squad that had been
3 working on the afternoon shift the previous evening
4 had been called in early, roughly around the same
5 time, 8:00 a.m. to assist with the investigation at
6 St. Anthony's.

7 **Q** And were there a number of uniformed
8 patrolmen that were also at the scene on that
9 morning?

10 **A** I couldn't say how many, but there was
11 quite a few, yes.

12 **Q** Okay. So this was an incident or
13 something that was bigger than the ordinary that was
14 occurring down in St. Anthony's that day?

15 **A** This was a significant event, yes.

16 **Q** Significant?

17 **A** Yes, ma'am.

18 **Q** Okay. And so at some point were you
19 notified that your supervisor or someone else had
20 been notified that Ferguson was calling St. Louis
21 County to assist in an investigation of an officer
22 involved shooting?

23 **A** I was.

24 **Q** Were you still down at St. Anthony's when
25 you heard about that call?

1 **A** I was.

2 **Q** And at this point, had the incident at St.
3 Anthony's resolved or was it wrapping up or was it
4 still ongoing?

5 **A** It was still ongoing.

6 **Q** And so what happened when you learned that
7 there was a call for assistance up in Ferguson?

8 **A** Essentially a skeleton crew of detectives
9 from the bureau of Crimes Against Persons remained
10 at St. Anthony's and the remainders of the
11 detectives got in their cars and drove up to
12 Ferguson.

13 **Q** So drove directly to Ferguson?

14 **A** Directly.

15 **Q** So you didn't stop and get any riot gear
16 or anything that might be necessary for, you know,
17 dealing with an unruly crowd?

18 **A** No, ma'am.

19 **Q** Were you advised that you were needed for
20 crowd control or were you advised that you were
21 needed to assist in the investigation or to take
22 over the investigation?

23 **A** We were made aware that the Ferguson
24 Police Department was requesting St. Louis County
25 conduct an investigation into the incident. And so

1 our sole purpose for going up there was for the
2 investigation aspect of it.

3 **Q** Okay. Were you aware that Ferguson, prior
4 to them requesting the County take over the
5 investigation, were you aware that Ferguson had
6 called St. Louis County as well as some neighboring
7 municipalities for the purpose of crowd control?

8 **A** Initially, no.

9 **Q** Okay. You now know that; is that right?

10 **A** Yes, ma'am.

11 **Q** Okay. About what time did you arrive up
12 in Ferguson?

13 **A** About 1:30.

14 **Q** And did your supervisor arrive up there as
15 well?

16 **A** About the same time, yes.

17 **Q** And how many detectives from your squad
18 were up there?

19 **A** About ten.

20 **Q** And now, so that's more than your squad,
21 correct?

22 **A** It is.

23 **Q** So there were about ten County detectives
24 on scene?

25 **A** Yes.

1 **Q** Did you observe a number of Ferguson
2 police officers on scene?

3 **A** I did.

4 **Q** Did observe a number of St. Louis County
5 uniformed patrolmen on the scene?

6 **A** I did.

7 **Q** So when you went up there that day, you
8 and all the other detectives, as well as your
9 supervisor, were you wearing police uniforms or were
10 you dressed in street clothes?

11 **A** Street clothes, shirt and tie.

12 **Q** And did you, were you wearing a bullet
13 proof vest?

14 **A** Initially, no.

15 **Q** So describe for the grand jurors the scene
16 when you arrived on Canfield on the 9th?

17 **A** Sure. I drove up by myself, however,
18 other detectives were arriving at the same time in
19 their vehicles. I came in off of West Florissant
20 and drove east on Canfield. I was unable to drive
21 even into the apartment complex itself. There was
22 quite a few cars, police cars and police officers
23 and then a crowd of individuals who blocked my way.
24 So I parked, I think it is 3000 block
25 of Canfield, and walked up to the scene, as did most

1 of the other detectives who were arriving at that
2 time.

3 **Q** So when you turned onto Canfield Drive off
4 of West Florissant, initially you're in a single
5 family home, residential area; is that correct?

6 **A** That's correct.

7 **Q** So the place where you said you had to get
8 out and walk, can you see it on the map, which is
9 Grand Jury Exhibit Number 25?

10 **A** It would have either been 3027 Canfield or
11 possibly even beyond 3720 Canfield to the west, so
12 further off the map.

13 **Q** So from when you got out of your car you
14 walked on foot, where did you go on to?

15 **A** I walked up and contacted the other
16 detectives from my unit who are arriving on the
17 scene and then we made brief contact with Chief
18 from Ferguson Police Department who was
19 already on the scene.

20 **Q** About what time was this when you arrived?

21 **A** About 1:30.

22 **Q** And at this time, was your supervisor on
23 the scene?

24 **A** I may have arrived a few minutes before
25 him, all within a relatively close period of time.

1 **Q** Okay. Now, at that time was the body of
2 Michael Brown still lying in the street?

3 **A** Yes.

4 **Q** Was he covered with a sheet at that time?

5 **A** Yes.

6 **Q** Did you see any emergency vehicles that
7 were nonpolice officers vehicles at that time
8 firetrucks, ambulances or anything of that nature?

9 **A** In the scene itself, no. I couldn't say
10 outside of the scene, there may have been.

11 **Q** Okay. Was the scene already taped off
12 when you got up there?

13 **A** It was.

14 **Q** And you said there were a number of people
15 on foot, or pedestrians that were in the area?

16 **A** Correct.

17 **Q** Can you describe how many and what the
18 mood or the, what was going on when you got up
19 there?

20 **A** Sure. The area was essentially taped off
21 using yellow crime scene tape.

22 **Q** You can use this laser pointer.

23 **A** For example, if you look here at Building
24 18, and you look at Building 17, the tape would have
25 been draped from 17 to 18. And then I believe from

1 17 up to the north and then again from Building 5
2 across this general direction where Canfield Drive
3 and the circle area of Canfield Drive meet, and then
4 down roughly, again, down around to Building 18.

5 Now, if a building was able to be
6 used, sometimes vehicles were used, sometimes trees
7 were used, or signs, whatever was available to
8 secure the area.

9 Q To affix the tape onto you mean?

10 A Correct.

11 Q Was Darren Wilson's vehicle still on the
12 scene?

13 A It was.

14 Q Was his vehicle in the crime scene?

15 A It was.

16 Q And to your knowledge, was his vehicle in
17 the same place where it was when he stopped the
18 vehicle and eventually got out of the car?

19 A Yes.

20 Q All right. And so was there any
21 discussion amongst your squad and your supervisor
22 about how, well, how was it decided that you would
23 be assigned to be the primary case officer on this?

24 A I volunteered. My caseload was at the
25 time what I considered lower than the other

1 detectives who were working, so I volunteered to
2 take it.

3 **Q** You said I'll handle this?

4 **A** Yes, ma'am.

5 **Q** So from that point on, are you directing
6 the investigation?

7 **A** For the most part, yes.

8 **Q** And as the primary officer, do you get
9 information from other detectives about what they
10 are doing?

11 **A** Yes, ma'am.

12 **Q** And do you assign other detectives or
13 other police officers tasks or responsibilities or
14 duties in the investigation?

15 **A** Yes.

16 **Q** And do you relay information that you are
17 learning to your supervisor?

18 **A** I do.

19 **Q** And so how long were you up at the scene
20 that day?

21 **A** I would say I left roughly 7:00 p.m.

22 **Q** And you're aware that the shooting
23 actually took place shortly, and I mean within
24 minutes after the noon hour that day, correct?

25 **A** Correct.

1 **Q** And so, and you're aware that the body of
2 Michael Brown actually laid on the roadway for
3 several hours, as much as four or four and a half
4 hours before it was eventually removed and
5 transported to the Medical Examiner's Office,
6 correct?

7 **A** Correct.

8 **Q** In your experience as a crime scene, well,
9 as a detective, is that longer than usual?

10 **A** No.

11 **Q** Was there anything going on at the scene
12 that inhibited or complicated the crime scene
13 investigation that was going on?

14 **A** Absolutely, yes.

15 **Q** And what was that?

16 **A** The crowd who essentially was standing
17 around the crime scene tape on all points was upset,
18 they were yelling obscenities on a regular basis at
19 police, they were threatening to kill the police.

20 At one point gunshots were fired from
21 an area relatively close to the crime scene and I
22 couldn't say exactly, but I would say it came from
23 roughly this area right in here around Building 16
24 and 17.

25 There were people who were attempting

1 to breach the crime scene, meaning go under the
2 crime scene tape for whatever reason. That happened
3 on several occasions. It was a very chaotic scene.
4 It was a scene that I had never experienced anything
5 like that.

6 **Q** Now, you mention that when you got there,
7 you didn't have a bulletproof vest on. Was there a
8 decision at sometime for you and your fellow police
9 officers to put on a bulletproof vest?

10 **A** After those gunshots were fired, we all
11 returned to our cars where we keep our vest and we
12 put our vest on.

13 **Q** Other than the vest, did you have any
14 other protective gear, like did you have those riot
15 helmets with the face shields?

16 **A** I did not.

17 **Q** Any batons that you were carrying?

18 **A** No.

19 **Q** Did you see other officers on the scene
20 that were dressed in riot gear?

21 **A** Riot gear, no.

22 **Q** Did you see, and you've heard people talk
23 about that there were dogs on the scene?

24 **A** Initially, no. As the incident
25 progressed, yes, dogs were requested.

1 **Q** And I assume these are police dogs?

2 **A** They were.

3 **Q** And so officers have canines that they
4 train with and that they partner with; is that
5 right?

6 **A** That's correct.

7 **Q** Why were dogs requested to respond to the
8 scene?

9 **A** In an attempt to secure the scene.

10 **Q** Okay. At about what time was it that the
11 decision was made to request canine units respond?

12 **A** I couldn't say exactly, but at the time
13 the gunshots went off we realized that we were
14 dealing with a very volatile situation and request
15 from several different units within the police
16 department were made for assistance in securing the
17 scene and in protecting the officers who were out
18 there.

19 **Q** Now, we've already heard testimony from
20 officers who were involved in processing the crime
21 scene and in your, how many years have you been a
22 detective?

23 **A** Roughly eight.

24 **Q** And how many homicides have you been a
25 part, not the primary, but been a part of

1 investigating?

2 **A** It would be a complete guess, 60, 70,
3 maybe.

4 **Q** So you're familiar with the job and the
5 duties that a crime scene, or we call them the ID
6 unit, you're familiar with what they do when they
7 arrive at a crime scene, correct?

8 **A** I am.

9 **Q** And would it be fair to say that they, as
10 the crime scene investigator, they consider that,
11 that that's their scene to control, correct?

12 **A** Correct.

13 **Q** Did you make the decision on who was to be
14 the crime scene detective in charge of that scene
15 that day?

16 **A** I did not.

17 **Q** So how is it that that, we know that
18 Officer was the primary crime scene
19 investigator. How was it that it was decided that
20 Detective would be the crime scene
21 investigator?

22 **A** The crime scene detectives have areas that
23 they are assigned and if an incident happens within
24 their given area, typically they are responsible for
25 that, however, the decision ultimately rests with

1 the crime scene supervisor to delegate out who is
2 responsible for, for example, the Crime Scene Unit.

3 Q Okay. So you all just called for Crime
4 Scene to respond and then they determine, the Crime
5 Scene supervisor determines who is going to respond
6 that day, correct?

7 A Yes, ma'am.

8 Q Okay. When you first arrived around
9 1:30-ish, was St. Louis County ID Unit on the scene?

10 A I believe they had just arrived.

11 Q And when you arrived initially, did you
12 notice that there were cones that had been placed at
13 various locations in the street and within the crime
14 scene itself?

15 A I did.

16 Q Okay. Did you ever, prior to the Crime
17 Scene Unit getting there and beginning their
18 investigation, did you ever walk the crime scene?

19 A Before they began their investigation?

20 Q Correct.

21 A Yes, briefly.

22 Q Okay. Did you walk in the street between
23 the vehicles, the officer's vehicle and the body?

24 A I did.

25 Q Did you see other detectives walking and

1 other police officers walking in the street and in
2 that area?

3 **A** I did.

4 **Q** Okay. Now, is that something that is,
5 well, given that the crime scene unit had not yet
6 arrived to begin processing the scene or had not
7 begun to process the scene, would that be something
8 that in hindsight or is that something that
9 shouldn't happen, people walking through the crime
10 scene before it is processed?

11 **A** Ideally, no. In this particular instance,
12 the scene was, obviously, an outdoor scene. There
13 was a need to take an overall assessment of what the
14 situation was at that point, and so without
15 disturbing any evidence or without walking near
16 evidence, yes. There was some walking that had
17 taken place just to get an overall assessment.

18 **Q** Okay. And so at this point then Detective
19 arrived and began processing the crime scene.
20 Was his job interrupted at any point?

21 **A** It was.

22 **Q** While he was on-scene?

23 **A** It was.

24 **Q** And what happened that interrupted his
25 job?

1 **A** Essentially the same instances that I had
2 previously mentioned. The threats coming from the
3 crowd, people trying to, as I said, breach the crime
4 scene, meaning come under the tape and come into the
5 crime scene and then, of course, the gunshots.

6 **Q** All right. Was this scene complicated
7 because it was outdoors, just in general, does that
8 complicate a crime scene?

9 **A** No, not necessarily.

10 **Q** Okay. So you believe that the primary
11 factors that complicated your job on-scene that day
12 was the crowd?

13 **A** Yes, I do.

14 **Q** Um, did you make any attempts, well, all
15 right, so detectives, describe for the grand jurors
16 then, once the crime scene was in the process of
17 beginning their processing of the scene, what did
18 you do to further the investigation?

19 **A** As I said, I originally spoke with Chief
20 who indicated that the best person from the
21 Ferguson Police Department to talk to would be
22 Sergeant . I then went over and spoke with
23 Sergeant , as long as with several other
24 detectives that I worked with, and we again, had a
25 brief conversation with Sergeant who indicated

1 to us, I'm sorry, who provided to us the information
2 that he knew at the time.

3 And then from there based on the
4 information that Sergeant had provided, we
5 initiated the investigation.

6 Q So did Sergeant tell you that the
7 police officer involved in the shooting was Darren
8 Wilson?

9 A He did.

10 Q And now, did you know when you volunteered
11 to take this assignment that the officer's name was
12 Darren Wilson?

13 A I did not.

14 Q Okay. Are you in to
15 Darren Wilson?

16 A Absolutely not, no.

17 Q After you learned that Darren Wilson was
18 the officer involved, did you make attempts to see
19 if there was
20 ?

21 A I'm very familiar with in the
22 St. Louis area, , no.

23 Q Okay. Have you ever met Darren Wilson?

24 A I've never met him.

25 Q Okay. And so did Sergeant tell you

1 what Darren Wilson had told him happen?

2 **A** He did.

3 **Q** Did you then assign detectives to go to a
4 different location?

5 **A** I did.

6 **Q** Where did you assign detectives to go?

7 **A** I assigned Detective , also of the
8 Bureau of Crimes Against Persons, to go to the
9 Ferguson Police Department where officer Darren
10 Wilson had driven to after the incident.

11 **Q** So you learned that Darren Wilson had gone
12 back to the Ferguson station?

13 **A** I did.

14 **Q** And so what about, was there any decision
15 to send a different crime scene investigator to go
16 and seize Darren Wilson's weapon and to collect any
17 other evidence he might need to collect at the
18 station?

19 **A** There was, yes, ma'am.

20 **Q** Who did that?

21 **A** Detective .

22 **Q** Okay. So now did you remain at the scene
23 and during this entire afternoon until you left
24 around 7:00?

25 **A** I did.

1 **Q** And so was it from the scene that you were
2 making decisions and directing various aspects of
3 the investigation?

4 **A** Yes, ma'am.

5 **Q** And all along the way were other
6 detectives contacting you or giving you information
7 about what they were finding, what they were
8 learning and so forth?

9 **A** They were.

10 **Q** Okay. And so when you were on the scene,
11 Detective, did you learn that there were individuals
12 who were residents or who had been down on Canfield
13 that day who had scene some or part of the incident
14 involving, between the officer and Michael Brown?

15 **A** Yes.

16 **Q** And were there, was there a decision to
17 direct a couple of the crime scene officers to
18 actually take, I don't know, I'm calling them
19 perspective videos, do you know what I mean when I
20 say perspective videos?

21 **A** I do.

22 **Q** Describe for the grand jurors what a
23 perspective video is?

24 **A** The video simply consist of a, it is a
25 video documenting where a person would have been

1 standing when a particular incident happened.

2 So, for example, if an incident
3 happened in this room, my perspective would be from
4 this chair right here, we would simply take video
5 from the chair that I'm sitting in.

6 Q And so during your investigation and, you
7 know, we know that this is a complex with several
8 buildings, several units in each building. We know
9 that the incident occurs, there's several yards in
10 between the beginning of the incident and the
11 furthest east portion of where the incident
12 occurred.

13 And so did you learn that there were
14 people in various buildings who had claimed to have
15 scene part of this?

16 A I did.

17 Q Okay. And so during that afternoon, did
18 you learn that there was oh, gosh, a woman named
19 who claimed to have scene something
20 from, I guess, Building is that correct?

21 A That's correct.

22 Q And so did you ask, I can't remember which
23 one is which, was it or was it that took
24 the view from

25 A Detective took the view from

1 .

2 Q Okay. So Detective went to
3 's apartment and took video from the
4 apartment and looking down toward Canfield to see
5 what someone standing there might be able to see, is
6 that fair to say?

7 A Yes, ma'am.

8 Q So from her apartment Building and
9 there's video that's shot down in that direction; is
10 that right?

11 A That's correct.

12 Q And then Detective is also another
13 crime scene detective that was at the scene that
14 day, correct?

15 A Yes, ma'am.

16 Q What's his first name?

17 A .

18 Q Did he also take perspective video based
19 upon what some witnesses had told you?

20 A He did.

21 Q And how many perspective videos did he
22 take?

23 A He took two.

24 Q And from whose perspectives are these
25 videos?

Page 200

1 **A** and .

2 (Grand Jury Exhibit Number 99
3 marked for identification.)

4 Q (By Ms. Alizadeh) So I'm going to hand you
5 Grand Jury Exhibit Number 99. Is that the
6 perspective video that Detective [REDACTED] took from
7 [REDACTED]'s apartment?

8 **A** Yes, ma'am.

9 Q And you now know at the time
10 was living with , correct?

11 **A** Correct.

12 (Grand Jury Exhibit Number 100
13 marked for identification.)

14 Q (By Ms. Alizadeh) And then Grand Jury
15 Exhibit 100, is that the video that Detective
16 took from [REDACTED] and [REDACTED]'s
17 perspective?

18 **A** Yes, ma'am.

19 Q These are fairly short. I'm going to play
20 these right now for you.

21 MS. ALIZADEH: I'm going to turn the
22 lights down so you can see it better.

23 This would be from 's
24 apartment?

25 **A** Yes, ma'am.

1 MS. ALIZADEH: And she is in Building
2 Number on the map?

3 A Building correct.

4 (Playing of the video.)

5 Q (By Ms. Alizadeh) Okay. That just shows
6 the placard.

7 (Playing of video.)

8 Q Okay. I'm going to a certain point in
9 this. So now, Detective , we've heard some
10 testimony and I know you were not present for that,
11 in your investigation you were also aware that there
12 were some witnesses who testified that they were, I
13 mean, witnesses who stated that they were actually
14 by a dumpster. And this would be the dumpster and
15 this could be the dumpster

16 A .

17 Q stated she was next to; is
18 that right?

19 A Correct.

20 Q And there's no other dumpster along this
21 area, correct?

22 A Correct.

23 Q And now this firetruck is right here. If
24 this firetruck was not here, is there anything, I
25 mean, I would assume that anybody looking from this

1 perspective would be able to see a little bit more
2 into the roadway than what we're seeing because the
3 end of this fire truck is in the way, correct?

4 **A** Correct.

5 **Q** So there's not another dumpster back there
6 or anything like that?

7 **A** There is not.

8 **Q** Okay.

9 (Playing of the video.)

10 **Q** So now, Detective, we have heard testimony
11 from witnesses about how their front entrances to
12 the units would be right there and then there's like
13 a wooden balcony with sliding glass doors and each
14 two units share that balcony, correct?

15 **A** Yes, ma'am.

16 **Q** So is this perspective that we're seeing
17 from 's apartment but on the, I guess,
18 as you're looking toward Canfield, is this
19 perspective, is this Canfield out here?

20 **A** Yes, ma'am.

21 **Q** So this, from this perspective, the person
22 is on which side of the balcony?

23 **A** Would be the western, I'm sorry, eastern
24 end.

25 **Q** Okay. And so from this angle, you see

1 this, this partition here kind of blocks your view
2 looking farther down Canfield, correct?

3 **A** Correct. That partition would be the
4 front of the stairway, you could say that you would
5 see, for example.

6 **Q** Like right here? (indicating)

7 **A** Correct.

8 **Q** Okay. And we saw in the beginning of the
9 video a letter E and F, those are the unit letters,
10 correct?

11 **A** Yes, ma'am.

12 **Q** And the person taking the video just from
13 there, from in front of the front door turns around
14 and films what you can see from the front door,
15 correct?

16 **A** Correct.

17 **Q** All right. I think this is just the
18 placard again, but let us see.

19 So this clip documents the building,
20 the address of s apartment?

21 **A** Yes, ma'am.

22 **Q** So she lives at

23 **A** Correct.

24 MS. ALIZADEH: Anybody want to see any of
25 those clips again? They'll be available to you to

1 look at.

2 So I'm going to play some clips that are
3 Grand Jury Exhibit Number 100.

4 (Playing of the video.)

5 MS. ALIZADEH: So now whose perspective is
6 this?

7 **A** This would be .

8 MS. ALIZADEH: And the police car in the
9 background there, that's Officer Wilson's car?

10 **A** Yes, ma'am.

11 MS. ALIZADEH: Is there a better way to
12 play this? Am I not --

13 **A** Maybe with a different player, that's the
14 only thing I can think of.

15 MS. ALIZADEH: So let me stop there. Can
16 you see on the left side of the screen, there is a
17 police car with flashing lights right here, is that
18 right.

19 **A** That's correct, yes.

20 **Q** (By Ms. Alizadeh) And the body of Michael
21 Brown is still on the scene at this time, correct or
22 is it?

23 **A** No, ma'am.

24 **Q** Is where the body was to the east of that
25 vehicle?

1 **A** It is to the west where --

2 **Q** From this perspective detective is what
3 I'm trying to get at, if the body was there, could
4 you see it in the street from this perspective?

5 **A** Yes, you could.

6 **Q** So it would have been someplace down in
7 this area?

8 **A** That's correct.

9 **Q** And then the place where some witnesses
10 have reported seeing him run to and then turn
11 around, being at a corner near a light pole, from
12 this perspective, can you see that area?

13 **A** No, you cannot.

14 **Q** Okay. And again, this is where
15 would have been standing?

16 **A** Correct. I believe this is actually a
17 moving shot moving to the east.

18 **Q** So the officer holding the video camera is
19 walking is that right?

20 **A** Correct (playing the video.)

21 **Q** An this clip now is this again the officer
22 walking from the perspective or ?

23 **A** Yes, ma'am.

24 **Q** I'm going to let it play again once it
25 goes through one time it plays smoothly after that.

1 (Playing the recording.)

2 Is he on the ground or is he
3 on her balcony?

4 **A** The individual taking the video?

5 : Yes.

6 **A** He's standing on the ground.

7 Oh, okay.

8 **Q** (By Ms. Alizadeh) So now this next clip we
9 see is a building with the number ?

10 **A** Yes, ma'am.

11 **Q** Whose perspective is this going to be?

12 **A** .

13 **Q** And I took the pointer, but can you see
14 what number the building is over there?

15 **A** Building .

16 **Q** So this would be?

17 **A** Building .

18 **Q** I can't see that far away, but this
19 pointer goes all the way there.

20 **A** Yes, ma'am, that's correct.

21 **Q** So says he was in one of
22 the front units on Building ?

23 **A** Correct.

24 **Q** Okay. My recollection is was he inside of
25 his apartment?

1 **A** He was, yes.

2 (Playing the video.)

3 **Q** Is this clip inside 's
4 apartment?

5 **A** It is.

6 **Q** So Detective from this vantage
7 point you see the fire hydrant, which is right here
8 on the corner of this little island; is that right?

9 **A** That's correct.

10 **Q** And then there is a partition, is that
11 that wall that is in front of the staircases off of
12 all of these units?

13 **A** Yes, ma'am.

14 **Q** If Michael Brown and the police officer
15 ran in this direction, there's going to be a time
16 where if you are standing here, this blocks your
17 view, correct?

18 **A** There would be.

19 **Q** And then as the camera looks toward the
20 east, well, that's looking toward the west we see
21 Officer Wilson's car there, correct?

22 **A** That's correct.

23 **Q** And as it looks toward the east, you can
24 see part of the roadway further down east on
25 Canfield, right?

1 **A** Correct.

2 **Q** Can you see from that vantage point, can
3 you see where the body came to rest?

4 **A** I don't believe so, no.

5 MS. ALIZADEH: Does anybody want to see
6 any portion of those again?

7 : I just have a question. If
8 the video of , the video from her
9 view was on the ground, I can't remember, did you
10 take any from her apartment?

11 **A** was originally in a car,
12 she had pulled up to.

13 MS. ALIZADEH: Here you go.

14 : She was never in an
15 apartment?

16 **A** No, ma'am.

17 : You were just doing her from
18 her view. She was there to .

19 **A** Yes. She originally pulled up in the
20 parking spot and pulled right here, exit her vehicle
21 and we had one so that's why you see originally
22 stationary shot but then the detective begins to
23 move and he's moving in the general direction he was
24 moving in.

25 : Okay.

1 **Q** (By Ms. Alizadeh) Now during your
2 investigation, in the early days, now this all
3 happened on the same day of the shooting; is that
4 right?

5 **A** That's correct.

6 **Q** And at this point in your investigation,
7 the FBI, the federal authorities were not involved
8 in the investigation; is that right?

9 **A** That's correct.

10 **Q** But within a day or two you learned that
11 the FBI was going to either assist or co-investigate
12 with the County?

13 **A** Correct.

14 **Q** Was there some confusion between St. Louis
15 County and the federal authorities what role they
16 were taking or whether they were assisting you were
17 you going to share information, and so forth?

18 **A** It took a little bit to coordinate the
19 logistics of how the investigation would be run
20 parallel to one another, yes.

21 **Q** And so the Saturday after the shooting, so
22 one week from the time of the shooting there was
23 talk or decision about the detectives going to the
24 Canfield Apartment Complex and doing a canvas?

25 **A** We discussed that, yes.

1 **Q** What's a canvas?

2 **A** Essentially going to a given area and
3 knocking on doors or meeting people walking through
4 the area and asking them if they had witnessed
5 anything that had taken place at a given time.

6 So, for example, in this particular
7 investigation, it would have been for August 9th,
8 the previous Saturday.

9 **Q** Okay. Now, had the County done some
10 canvassing on the day of the shooting?

11 **A** Yes, it had, yes.

12 **Q** You had not canvassed the entire complex?

13 **A** We canvassed a majority of the buildings
14 that would of had a direct line of sight to where
15 the incident took place. Either being where the
16 police vehicle stopped, or where we could say what
17 would be the furthest point to the east right around
18 here. Any building with a direct line of sight we
19 would have made attempts to canvas.

20 **Q** Of course you're knocking on doors?

21 **A** Yes, ma'am.

22 **Q** If nobody is home, you note that in your
23 report?

24 **A** Correct.

25 **Q** And if somebody is home and says I was at

1 work during the shooting, I didn't see anything, you
2 note that, correct?

3 **A** We note that as well, yes.

4 **Q** If somebody says, yeah, I heard gunshots
5 but I didn't see anything, you would note that?

6 **A** Correct.

7 **Q** And if there was somebody who says I saw
8 what happened and I saw parts of it, then you would
9 interview that person, correct?

10 **A** That's correct.

11 **Q** And when you say you, you had other
12 detectives doing that on this day; is that correct?

13 **A** Yes, ma'am.

14 **Q** And in the days to follow, did you learn
15 that there were other witnesses that maybe weren't
16 home during the canvas, were you leaving cards at
17 houses where there was nobody home?

18 **A** We were not, no.

19 **Q** But as the days progressed you learned
20 that there were people that were there, claimed to
21 have been there but you didn't talk to that day for
22 one reason or another, correct?

23 **A** Yes, ma'am.

24 **Q** And, in fact, did you learn early on in
25 the investigation that there was a person, a young

1 man who had been with Michael Brown walking down the
2 street with him and had been right beside the police
3 vehicle when the initial encounter took place?

4 **A** We did learn that, yes.

5 **Q** Now, did Darren Wilson know the name of
6 that person?

7 **A** He did not.

8 **Q** Had he ever seen him before?

9 **A** He had not.

10 **Q** And during your interview with Darren
11 Wilson, did you, well, strike that. Did you later
12 during the early days of your investigation, are
13 there officers that were monitoring the news, and
14 websites, Facebook pages and so forth just trying to
15 see if there were other witnesses to this?

16 **A** Yes.

17 **Q** And did you learn the identity of the
18 young man that was with Michael Brown?

19 **A** We did.

20 **Q** And when did you learn who it was?

21 **A** Late evening hours of August 9th, we saw
22 a, when I say we, a detective that I worked with,
23 saw a video of Dorian Johnson being interviewed by
24 one of the local media outlets.

25 **Q** And Dorian Johnson in the interview

1 claimed he was with Michael Brown and he had seen
2 what happened?

3 **A** Correct.

4 **Q** Did you then make attempts to try to
5 contact Dorian Johnson?

6 **A** Yes.

7 **Q** This was when the last Dorian Johnson?

8 **A** I'd have to check my notes for sure, but I
9 would say it was roughly, I don't know, I'd have to
10 check my notes.

11 **Q** Let me just, we'll check in a minute. So
12 you learned where he lived, correct?

13 **A** We did.

14 **Q** And did you go to his residence?

15 **A** We did.

16 **Q** And was he there?

17 **A** He was not.

18 **Q** Were there other people there?

19 **A** We left a card there. There was no one at
20 his particular residence, no. So we did leave a
21 card for him.

22 **Q** Did you learn he had a girlfriend?

23 **A** We did.

24 **Q** Did you contact her?

25 **A** We attempted to, yes.

1 **Q** And did she tell you, was he with her?

2 **A** We learned through someone that knew her
3 that they were together, yes.

4 **Q** Were you able to locate him through his
5 girlfriend?

6 **A** We were not.

7 **Q** Did you go to her place of employment to
8 try to talk to her?

9 **A** We did.

10 **Q** So there were various attempts over the
11 day to try to contact Dorian Johnson; is that right?

12 **A** We made multiple attempts, yes.

13 **Q** Did you talk to any family members of his?

14 **A** We attempted to.

15 **Q** Okay. You made it known out and about in
16 that community that you were looking to talk to him?

17 **A** Yes, ma'am.

18 **Q** And so can you check, if I give you a
19 copy, did you interview Dorian Johnson the first
20 time you met him?

21 **A** I did.

22 **Q** And where did that interview take place?

23 **A** The interview was Wednesday, August 13th
24 and the interview took place at the law offices or
25 Bosley and Associates in St. Louis City.

1 **Q** So at some point prior to that date you
2 learned that Dorian Johnson was represented by
3 Freeman Bosley, Junior and that there were, they
4 would make him available for the police to talk to;
5 is that right?

6 **A** That's correct.

7 **Q** So on the 13th you went and interviewed
8 Dorian Johnson?

9 **A** That's correct.

10 **Q** And you recorded that interview?

11 **A** I did.

12 **Q** Now, prior to that, had you interviewed
13 Darren Wilson?

14 **A** I had.

15 **Q** When did that interview take place?

16 **A** I interviewed him Sunday, August 10th at
17 roughly 10:00 a.m. at my office at the County Police
18 headquarters.

19 **Q** You taped that interview, correct?

20 **A** I did.

21 **Q** At that time were you aware or did you
22 believe that Dorian Johnson was the man who was with
23 Michael Brown on the day of the shooting?

24 **A** I had a suspicion based on his statement
25 to the media, but I couldn't say for sure.

1 **Q** Okay. Did you obtain a photograph of
2 Dorian Johnson and put it in a photo lineup to show
3 Officer Wilson?

4 **A** I did, yes.

5 **Q** I'm going to show you Grand Jury Exhibit
6 Number 19. I know this is not the original, but is
7 this the copy of the photograph lineup that you
8 prepared?

9 **A** It is.

10 **Q** And showed to Officer Wilson?

11 **A** Yes, ma'am, it is.

12 **Q** And did you make it clear to him that you
13 were wanting to see if he could recognize someone in
14 that photo lineup as being involved somehow in this
15 investigation?

16 **A** I made that clear to Officer Darren
17 Wilson.

18 **Q** Was he able to identify somebody in this
19 photo lineup or did he identify someone?

20 **A** He identified the incorrect person.

21 **Q** Do you recall which photo he identified?

22 **A** I believe 2.

23 **Q** Okay. And number two is not the picture
24 of Dorian Johnson, correct?

25 **A** It is not.

1 **Q** What position is Dorian Johnson?

2 **A** Position four.

3 **Q** So Officer Wilson misidentified the person
4 as the person in Photograph Number 2?

5 **A** He did.

6 **Q** And so you conducted an interview with
7 Darren Wilson at TCI headquarters here in Clayton?

8 **A** Yes, ma'am.

9 **Q** Did you read him his Miranda rights before
10 you interviewed him?

11 **A** I did not.

12 **Q** Was he in custody when you interviewed
13 him?

14 **A** He was not.

15 **Q** Did he have an attorney present with him?

16 **A** He did.

17 **Q** Was the attorney present during the
18 interview?

19 **A** He was.

20 **Q** Did, was there anyone else present in the
21 interview?

22 **A** Detective was also present.

23 **Q** Was this done in an interview room or in a
24 conference room?

25 **A** It was in a conference room.

1 **Q** Now, we've seen some video of interviews
2 of and ?

3 **A** Yes, ma'am.

4 **Q** And those were in interview rooms?

5 **A** That's correct.

6 **Q** Now Darren Johnson (sic) was potentially a
7 suspect in a homicide investigation, correct?

8 **A** He could have been, yes.

9 **Q** He had shot and killed somebody, correct?

10 **A** Yes.

11 **Q** Wouldn't you normally interview a suspect
12 in a homicide investigation?

13 **A** Just for clarification, you say Darren
14 Wilson, I'm sorry, you said Darren Johnson, we are
15 talking about Darren Wilson; is that right?

16 **Q** How many times have I done that, I've
17 called you and I've called Darren
18 Wilson, , I'm sorry. So, yes, I'm sorry.
19 We're talking about Officer Wilson?

20 **A** Yes.

21 **Q** And he potentially was a suspect, were you
22 treating him as a suspect at this point?

23 **A** He had an attorney present. He was viewed
24 as the subject of the investigation at this point.

25 **Q** Okay. And so you hadn't arrested him at

1 this point; is that right?

2 **A** That's correct.

3 **Q** So your investigation was about what, at
4 this point you knew that Darren Wilson had shot and
5 killed Michael Brown; is that correct?

6 **A** That's correct.

7 **Q** Did you feel that you had probable cause
8 at that time to arrest Darren Wilson?

9 **A** No.

10 **Q** And so what further information did you
11 need to make that determination?

12 **A** Well, obviously, the purpose of the
13 interview would be to gather Darren Wilson's
14 statement of what took place that day.

15 **Q** Okay. But Darren Wilson had already been
16 interviewed by

17 **A** That interview is considered a,
18 essentially a public safety statement where we are
19 obtaining brief information to gather the most basic
20 facts of the incident to insure we're not looking
21 for suspects, victims, to make sure that we don't
22 have any errant rounds into any buildings, things of
23 that nature.

24 That initial interview with
25 Detectives was not a full-on recorded

1 interview, was more of a safety statement or safety
2 interview, I should say.

3 Q All right. So we heard the term cursory
4 interview used, would you consider '
5 interview on that to be more cursory interview?

6 A That's an appropriate terminology, yes.

7 Q So now what was the purpose of your
8 interview then?

9 A My interview would have been to gather a
10 detailed statement from Officer Darren Wilson and
11 then obviously to have that statement recorded.

12 Q And have you ever been involved in
13 investigations of officer involved shootings?

14 A I have, yes.

15 Q Have you ever been involved in
16 investigations of excessive force used that maybe
17 didn't involve shooting?

18 A I have.

19 Q And did you treat this investigation any
20 differently than you would have or have in the past
21 treated any other officer involved shooting
22 investigation?

23 A No.

24 Q So after you, so when you spoke with
25 Darren Wilson, he had an attorney present, is that

1 unusual when an officer is involved in a shooting?

2 **A** There are instances where officers request
3 to have an attorney and there are instances where
4 they do not request to have an attorney, and that is
5 purely up to the officer.

6 **Q** All right. So you've seen it both ways?

7 **A** I've seen it both ways, yes.

8 **Q** Of course, if Darren Wilson wanted to
9 refuse to be interviewed, he could do that, correct?

10 **A** He could.

11 **Q** And you couldn't compel him to give a
12 statement, could you?

13 **A** I cannot.

14 **Q** So after the interview with Darren Wilson,
15 did you place him under arrest?

16 **A** I did not.

17 **Q** Why not?

18 **A** I did not believe there was probable cause
19 to arrest him.

20 **Q** And this was on the midmorning of the day
21 after the shooting; is that right?

22 **A** Yes, ma'am.

23 **Q** Was the investigation in its early stages?

24 **A** It was.

25 **Q** In fact, does the investigation still

1 continue as we talk?

2 **A** It does.

3 **Q** And you're aware that there are other
4 witnesses out there that we are trying to locate in
5 relation to what they may or may not have seen that
6 day, correct?

7 **A** I'm aware of that, yes.

8 **Q** You are still working on this case; is
9 that right?

10 **A** That's correct.

11 **Q** Um, and so after speaking with detective,
12 or I'm sorry, with Officer Wilson, you allowed him
13 to leave with his attorney?

14 **A** That's correct.

15 **Q** And as the days and weeks continued on
16 with this investigation, have you always been the
17 primary on this investigation?

18 **A** I have.

19 **Q** And can you give, now, let's go back. Now
20 we are talking about the FBI getting involved. Some
21 days after in the first week of the shooting?

22 **A** Okay.

23 MS. ALIZADEH: You have a question okay?

24 : If Officer Wilson wasn't an
25 officer, even though he done the shooting, would

1 that civilian had been arrested considering there
2 was a deceased on the ground?

3 **A** Well, the circumstances between a civilian
4 and a police officer are somewhat different. So I
5 don't know that without the specifics, all the
6 specific facts of an incident like that I could give
7 you a fair answer.

8 I will tell you that I have conducted
9 investigations in the past on civilian shootings,
10 other civilians and it has been deemed justified.
11 Is that what you are kind of asking?

12 : Well, yes and no, but a
13 shooting, just a shooting, you caught the person who
14 shot, so that person is arrested. The shooter
15 didn't flee and there's a deceased on the ground,
16 would that person have been arrested right then and
17 there.

18 **A** I think without being in a particular
19 situation like that, I don't think I could answer
20 that question. There is too many variables that go
21 into something like that.

22 MS. ALIZADEH: So let me see if I can
23 clarify.

24 Officer's allowed to use force and even
25 deadly force to affect an arrest in Missouri, you

1 are aware of that, correct?

2 **A** Yes, ma'am, I am.

3 **Q** (By Ms. Alizadeh) It all depends on the
4 circumstances, correct?

5 **A** That's correct.

6 **Q** And then you're also aware that
7 individuals, whether they be police officers or even
8 private citizens are allowed to use force to defend
9 themselves?

10 **A** I am aware of that.

11 **Q** Even deadly force under certain
12 circumstances?

13 **A** That's correct.

14 **Q** I'm going to give you a what if scenario.
15 If a woman is at home by herself and asleep in her
16 bed and somebody unknown to her breaks into her
17 house and attacks her and she obtains a weapon and
18 shoots him dead. She calls the police and the
19 police arrive. And if you had this basic
20 information that this person had broken into the
21 house. This woman didn't know him, she's in her
22 night clothes, it is 2:00 in the morning and he's
23 dead on the ground, would you have arrested that
24 person for a homicide at that point?

25 **A** Probably not, no.

1 **Q** And so you're determination on whether or
2 not to arrest somebody you feel that you need more
3 facts, or in this case at least as of the 10th of
4 August, did you feel you needed more facts before
5 you made a determination on whether he should be
6 arrested?

7 **A** I feel that it is critically important in
8 any case, including this case, to gather as many
9 facts as I can before any kind of determination be
10 made in terms of arrest, yes.

11 **Q** Now, and for purposes of educating the
12 grand jurors, you might know some of this from your
13 prior experiences with other cases on the grand
14 jury, when a police officer arrests a suspect and
15 places him in custody, he has the option of
16 releasing him pending a warrant application,
17 correct?

18 **A** That's correct.

19 **Q** And he also has the option of holding him
20 in custody and making a warrant application within
21 24 hours of him being placed in custody, correct?

22 **A** That's also correct, yes.

23 **Q** Okay. And so you chose not to do either
24 of those, you just let Darren Wilson walk out of the
25 police department?

1 **A** I did.

2 **Q** Did you discuss that decision with your
3 supervisor?

4 **A** I did not.

5 **Q** That was your decision to allow him to
6 leave?

7 **A** That was my decision, yes.

8 **Q** Did you feel that he was a threat to the
9 community?

10 **A** No.

11 **Q** Did you believe that he was a flight risk
12 at that time?

13 **A** No.

14 **Q** Did his attorneys give you assurances that
15 they would produce him if need be at a later date,
16 whether it be for further questioning or in the
17 event that charges were issued, he would surrender
18 him to you?

19 **A** They did, yes.

20 **Q** And so flight risk, danger to the
21 community, are those some of the considerations that
22 you have when you determine whether you should
23 arrest somebody and hold them in custody and make a
24 warrant application?

25 **A** They are.

1 **Q** So in this particular case on the 10th you
2 needed more information?

3 **A** Yes.

4 **Q** You didn't think he was a flight risk?

5 **A** Correct.

6 **Q** You didn't think he was a danger to the
7 community, correct?

8 **A** Yes, ma'am.

9 **Q** Now, on that date, and certainly on the
10 days to follow, you became very aware, didn't you,
11 Detective that the public was very intent,
12 not the public, but there were people in the public
13 eye and people that were making their voices known
14 that they wanted to have Officer Wilson arrested and
15 charged with an offense; is that right?

16 **A** I was aware of that, yes.

17 **Q** So that didn't happen?

18 **A** Correct.

19 **Q** And why not. Why has Officer Wilson never
20 been arrested or charged with an offense?

21 **A** Again, I don't feel that there was
22 probable cause for an arrest.

23 **Q** At some point prior, now, the grand jury
24 first heard evidence on this matter on August 20th.
25 This happened on August 9th. So are you aware, and

1 you and I talked from like maybe day one about the
2 investigation; is that correct?

3 **A** That's correct.

4 **Q** I was the attorney on-call when this
5 happened?

6 **A** Yes.

7 **Q** And so at some point was there a decision
8 made between my office and County Police that there
9 would be a grand jury investigation into this
10 matter?

11 **A** There was.

12 **Q** Okay. And so at that point is there a
13 decision made that the evidence presented to the
14 grand jury, it will be their decision on whether or
15 not charges should be brought against Officer
16 Wilson?

17 **A** At that time, yes.

18 **Q** And if this grand jury determines that
19 Officer Wilson should be charged with an offense and
20 if they sign an indictment in this case, will you
21 arrest Darren Wilson for the offense?

22 **A** I will.

23 **Q** And would you cooperate with my office in
24 the prosecution of Darren Wilson if charges are
25 brought?

1 **A** I will.

2 **Q** Now, I didn't want to cut you off. You
3 want to ask him any more?

4 No.

5 MS. ALIZADEH: If anybody has questions
6 about procedure or that nature, you know, you want
7 to ask questions about either of Detective or
8 Sheila or I, chime in.

9 So Detective , the first week of the
10 investigation we knew that the FBI was getting
11 involved, correct?

12 **A** That's correct.

13 **Q** And initially you said that there was some
14 confusion about what role they were taking if they
15 were there to assist the county or if they were
16 going to conduct their own investigation, whether or
17 not information was going to be shared, whether or
18 not investigations were going to be coordinated.
19 And there was talk the following Saturday that there
20 was going be a canvas of the entire apartment
21 complex, correct?

22 **A** That's correct.

23 **Q** And as of Friday, the plan was that the
24 FBI and County Police together were going to canvas
25 the apartment complex?

1 **A** That's correct.

2 **Q** Okay. And at some point on Friday evening
3 was there, were you advised that there was a
4 decision made that the County would not be involved
5 in that canvas of the apartments?

6 **A** I was.

7 **Q** Okay. So St. Louis County did not play a
8 role in the canvas that took place on the 16th of
9 August involving numerous FBI agents?

10 **A** That's correct.

11 **Q** When the FBI would identify people who
12 claim to have witness some part of this, would they
13 share that information with you?

14 **A** They would.

15 **Q** And when they would interview people, now,
16 on the day of the canvas, they interviewed a lot of
17 people actually in their apartments; is that right?

18 **A** That's correct.

19 **Q** Most of these interviews were recorded?

20 **A** Yes, some of them.

21 **Q** Some of them?

22 **A** Yes.

23 **Q** People that said they didn't see anything
24 or just heard shots or I was working that day, to
25 your knowledge, did they record those type of

1 statement or do you know?

2 **A** They did not.

3 **Q** So people that said they saw something of
4 substance or pertinent to the investigation, most of
5 those interviews were recorded, but they were
6 recorded on the scene by the agents, correct?

7 **A** That's correct.

8 **Q** Okay. And, in fact, when the county was
9 investigating, a lot of their interviews were done
10 at various locations, county libraries?

11 **A** Yes.

12 **Q** The NCAA headquarters?

13 **A** NCAA?

14 **Q** Did I say that wrong? What did I say?
15 You know what I meant, I'm sorry. Attorneys, some
16 of these witnesses had attorneys and interviews were
17 done at attorney's office, correct?

18 **A** That's correct.

19 **Q** So basically you would go wherever you
20 needed to go to talk to witnesses?

21 **A** Correct.

22 **Q** And same thing with the FBI, you are aware
23 that they were interviewing witnesses during their
24 investigation?

25 **A** That's correct.

1 **Q** And when they would interview witnesses at
2 FBI headquarters, would they advise you in advance
3 that they were going to be interviewing a witness?

4 **A** They would.

5 **Q** And so would you participate in that
6 interview?

7 **A** We would.

8 **Q** And would you be asking witnesses
9 questions during that interview as well?

10 **A** Yes.

11 **Q** Were there times when they conducted
12 interviews where you did not participate in the
13 interview?

14 **A** There were.

15 **Q** And on those occasions, would they get you
16 the copies of the recordings of those interviews?

17 **A** Yes, they would.

18 **Q** Okay. And so I'm going to characterize
19 some of these witnesses as FBI witnesses. You and I
20 talk about the fact that we say, oh, so and so was
21 an FBI witness. That would be somebody that the FBI
22 had identified as a witness and that they had
23 conducted the interview, correct?

24 **A** Correct.

25 **Q** So when I talk about all witnesses that

1 were interviewed, and not just the witnesses who
2 said I wasn't home, or I was home but I didn't hear
3 or see anything. But out of all the witnesses that
4 were actually talked to that heard or saw something,
5 between County Police and the FBI, can you give me
6 an estimate how many people were interviewed?

7 **A** Roughly 80.

8 **Q** And then regarding other witnesses that
9 may have been interviewed, from paramedics --

10 **A** I'm sorry, would you repeat your last
11 question? Maybe I misunderstood here.

12 **Q** Between the FBI and the County Police, can
13 you give me an idea or an estimate about as to how
14 many witnesses were interviewed, and I'm talking
15 about eyewitness type people that said they saw or
16 heard something that day?

17 **A** I'd like to clarify that. That number is
18 closer to 50.

19 **Q** Okay. So when you say 80, were you
20 including a different type of witness or other
21 people?

22 **A** I was. The 80 number is essentially those
23 roughly 50, and then in addition to those roughly
24 50, there would have been other people who have been
25 in some form or another involved in some aspect of

1 the incident itself, or someone who we during the
2 course of the investigation felt it would have been
3 important for us to talk to.

4 **Q** So the 50 relates to civilians who maybe
5 said they were eyewitness to some part of this?

6 **A** Correct.

7 **Q** So the additional witnesses are people
8 like paramedics, the hospital personnel that treated
9 Darren Wilson, correct?

10 **A** Correct.

11 **Q** You spoke to the owners of the Ferguson
12 Market?

13 **A** Correct.

14 **Q** At some point in your investigation did
15 you learn that prior to the shooting, Michael Brown
16 was involved in an incident that occurred up at the
17 Ferguson Market?

18 **A** Yes.

19 **Q** And at some point did you obtain the video
20 of that incident?

21 **A** We did.

22 **Q** And at some point did you interview the
23 owner and other people who were present during that
24 incident,?

25 **A** Yes, ma'am.

1 **Q** And during your interview of them, did
2 their statements, let me ask you this. In the video
3 we see that there's a bunch of people there?

4 **A** That's correct.

5 **Q** There's the shopkeeper who is in the video
6 and we see his interaction with Michael Brown, but
7 there's other people you can see in the video?

8 **A** That's correct.

9 **Q** Were you able to identify everybody who
10 appears in the video?

11 **A** We were not.

12 **Q** So were you able to identify some people
13 who appear in the video?

14 **A** Yes.

15 **Q** And when you spoke to, when you spoke to
16 the owner of the shop, the man who appears, the
17 shorter man in the video, he doesn't speak fluent
18 English; is that correct?

19 **A** He does not.

20 **Q** So you interviewed him with the assistance
21 of an interpreter?

22 **A** Yes, ma'am.

23 **Q** And then you spoke to another witness who
24 was present in the Ferguson Market for that incident
25 is that right?

1 **A** That's correct.

2 **Q** The statements of those people do they,
3 were their statements consistent with what you see
4 in the video?

5 **A** Their statements were consistent, yes.

6 **Q** Okay. Now, during the interviews, and
7 we've seen in the video that there is no audio to
8 the video, correct?

9 **A** That's correct.

10 **Q** And during the interviews of those people,
11 and backing up a little bit, since your interview of
12 these people, has there market been looted and
13 burglarized and damaged during the riots that took
14 place afterwards?

15 **A** It has, yes.

16 **Q** And do you know, do the people who own
17 that market feel that is because the citizens in
18 that surrounding area talk, because they talk to the
19 police?

20 **A** I believe so, yes.

21 **Q** And have they expressed a reluctance, a
22 huge reluctance to actually be assisting in the
23 investigation?

24 **A** Very much so, yes, very reluctant.

25 **Q** And so when you spoke to the man in the

1 video through an interpreter, did you get any
2 additional information about what was said or what
3 was heard during that incident?

4 **A** The male clerk, again, did not speak very
5 good English and he couldn't necessarily recall what
6 was being said, but he identified that curse words
7 were being said by the individual he identified as
8 Michael Brown.

9 **Q** Okay. So he doesn't, he didn't know what
10 the curse words were?

11 **A** He did not.

12 **Q** But he was able to, but he knows that
13 there were curse words?

14 **A** He does, yes.

15 **Q** Was there another person present at the
16 Ferguson Market who also heard words being
17 exchanged?

18 **A** Yes.

19 **Q** All right. And what did that person say,
20 if anything, does that person speak fluent English?

21 **A** Yes.

22 **Q** What, if anything, do you recall that
23 person saying about what was heard between Michael
24 Brown, Dorian Johnson, you know, any conversation
25 between them or anything that was heard during the

1 incident?

2 **A** This person missed the initial portion of
3 the encounter, however, at the end of the encounter,
4 the person indicated that they observed Michael
5 Brown pushing the store clerk and begin to walk
6 away. The clerk then, I'm sorry, the clerk was
7 pushed and Michael Brown took essentially one more
8 step back towards the clerk after having been pushed
9 and the individual said that they heard Michael
10 Brown make a comment to the effect of, what the fuck
11 are you going to do about it.

12 **Q** Okay. And that person that heard that
13 speaks English fluently?

14 **A** Yes.

15 **Q** Okay. And now during the course of the
16 investigation, getting back to this, you've
17 interviewed, you said hospital personnel, ambulance
18 people, you've interviewed people up at the Ferguson
19 Market, did you check for video surveillance in the
20 apartment complex?

21 **A** We checked several different ways. And we
22 were able to determine that there was no video in
23 the complex.

24 **Q** Um, at some point during the investigation
25 did you hear a rumor or were there people that were

1 talking about the fact that there were video cameras
2 on the buildings in the Canfield Green Apartment
3 Complex and that police officers were observed to
4 have been taking those cameras down on the day of
5 the incident?

6 **A** I did hear that, yes.

7 **Q** And after having heard that, did you
8 investigate that whether or not there were cameras
9 that had been up there?

10 **A** Well, during the initial investigation at
11 the scene on the 9th, obviously, one of the things
12 we do in this, and in every investigation, is look
13 for cameras. So that was the top of our list of
14 things to do to see if there was any video cameras.

15 A lot of apartment complexes in the
16 St. Louis area do have video cameras that they
17 maintain themselves or there is other companies that
18 come in and provide video security systems for the
19 complex.

20 So we thoroughly checked ourselves to
21 see if there was any cameras on light poles or
22 buildings or stairways, or whatever. We did not
23 find anything.

24 In addition to that, we contacted the
25 on-site property manager for the Canfield Green

1 Apartment Complex and clarified with her our beliefs
2 that there were no visible cameras, she said there
3 were not. She said that they didn't have any other
4 than one particular camera and that was an interior,
5 inside the building in a basement camera that faced
6 the laundry room that watched essentially the
7 laundry area to make sure people weren't taking
8 change out of the washing machines.

9 In addition to that, we also
10 contacted the, what I would call the corporate
11 offices for the complex and we spoke with the owner
12 of the complex who also confirmed there were no
13 cameras in the complex.

14 Q All right. You've never discovered that
15 there were ever any cameras on the 9th, at least
16 that were up in the complex that might have recorded
17 any of this incident on Canfield?

18 A That's correct.

19 Q Now, you learned during your investigation
20 that there were several people that had used their
21 phones or their personal electronic devices to
22 record portions of what happened on that day,
23 correct?

24 A That's correct.

25 Q Have you ever learned that there was a

1 recording that actually captured any part of the
2 incident from the time the officer sees the two men
3 walking down the street until after the shooting is
4 over?

5 **A** No.

6 **Q** So the videos that you discovered and seen
7 all deal with the aftermath, after Michael Brown is
8 already been shot and is dead in the street?

9 **A** Yes, ma'am.

10 **Q** Um, and you're aware that there are a
11 number of, still a number of witnesses or people who
12 have given statements either to law enforcement
13 officers or to other people that they have seen
14 something to do with this, and yet they have not
15 appeared before the grand jury?

16 **A** That's correct.

17 **Q** And that might be because we can't
18 identify them. For example, there was a witness
19 who said he was with somebody named
20 Were we able to identify that person?

21 **A** We were not, no.

22 **Q** And then talks about having
23 a female in his car, but he doesn't know her name.
24 Were we able to identify that opinions?

25 **A** We were not.

1 **Q** There is a person who talks about somebody
2 named who maybe saw something, did we ever
3 identify who was?

4 **A** Not positively, no.

5 **Q** Then there were a number of people who
6 called, whether they called into the tip line,
7 whether they made 911 calls, whether they made calls
8 into radio, media, like the Tommy Sotomayor show,
9 were there attempts to find out who those people
10 were?

11 **A** Multiple attempts, yes.

12 **Q** And there were times when you were
13 successful in finding out who those people were, for
14 example, who is the person that called into Tommy
15 Sotomayor?

16 **A** .

17 **Q** . But there are still
18 other people that you were never able to identify
19 who those persons were, correct?

20 **A** Yes, ma'am.

21 **Q** And then are there still a few witnesses
22 who you have been able to identify who have said
23 that they saw something, who refuse to make a
24 statement to law enforcement officials?

25 **A** Yes, that's correct.

1 **Q** And are there still a number of witnesses
2 who actually have made statements to law enforcement
3 officials and who refuse to come in to testify to
4 the grand jury, either because we can't find them
5 now, they're hiding, they're out of state, or they
6 might, we just can't get them in even if we serve
7 subpoenas, they refuse to come in?

8 **A** That's true, yes.

9 **Q** And so you and I and Sheila Whirley have
10 been working very closely with the presentation of
11 evidence during the investigation that began, the
12 grand jury investigation that began on August 20th;
13 is that right?

14 **A** That's correct.

15 **Q** And at times have I asked you to do
16 various things that the grand jury has asked for?

17 **A** Yes.

18 **Q** Such as locate who Darren Wilson's field
19 training officer was in Jennings?

20 **A** Yes.

21 **Q** And during your investigation did I ask
22 you to go down to Canfield and take a number of
23 photographs that again, I'll call perspective
24 photographs that were, might show what somebody,
25 what various witnesses might have seen on the day of

1 the shooting?

2 **A** Yes.

3 **Q** I'm going to show you a series of
4 photographs that are in Grand Jury Exhibit Number
5 98.

6 And you and I have gone over these
7 photographs before and looked through them; is that
8 right?

9 **A** That's correct.

10 **Q** And were you actually one of the, were you
11 with the detective who actually took these
12 photograph?

13 **A** I was, yes.

14 **Q** So describe for the grand jurors what you
15 were doing here and what the goal was?

16 **A** So essentially we made the decision to
17 identify three particular points, specific points on
18 Canfield, and stand in one particular spot of those
19 three points. Take a series of consecutive
20 overlapping photos in a 360-degree manner.

21 So you could essentially put those
22 photos together and you would get a 360-degree view
23 of your surroundings.

24 We decided to do that with three
25 points. Those points would have been essentially at

1 the police car where the police car was originally
2 located, at essentially the intersection of
3 Coppercreek Court and Canfield Drive, this point
4 right here. And then based on measurements that we
5 took, again, this is all based on measurements,
6 where Michael Brown's foot would have been the day
7 of the incident, we used those three points of
8 reference.

9 Q Michael Brown's foot when he was laying in
10 the street?

11 A Yes.

12 Q Those were measurements that you got from
13 the crime scene diagram that was done by Detective
14 on the day of the shooting?

15 A That's correct.

16 Q So really we're going to go through some
17 of these and we'll get through as many as we can. I
18 think at this point it will probably be we will see
19 Detective back on Friday just to finish up
20 with him. I know Sheila has got some more with him,
21 you all may have some questions and, of course, we
22 have evidence for you to look at and view as well.

23 So in this first image, which on the
24 back I've marked as 1A. So all of the images that
25 have a one, these are images from what vantage

1 point?

2 **A** Uh, this would have been from Officer
3 Wilson's police vehicle.

4 **A** Okay.

5 **Q** And so the detective photographed the cone
6 in the street and this is where he was going to
7 stand on top, not physically stand on top of the
8 cone, but stand over the cone and turn while he made
9 his photographs, correct?

10 **A** That's correct.

11 **Q** And so this image 1B, is that you can see
12 the cone in this photograph and is this just to get
13 a perspective of which view this is?

14 **A** It is.

15 **Q** So this is not a perspective shot?

16 **A** That's a preparatory shot to identify
17 where we're at.

18 **Q** Okay. And so on 1C, this would be the
19 first photograph that is a perspective shot from
20 where Officer Wilson's vehicle was, correct?

21 **A** Correct.

22 **Q** And what direction is this looking?

23 **A** This is looking primarily south.

24 **Q** Okay. And so if we know that the
25 officer's vehicle was right about here and you can

1 see the front of the building says 2964, that's this
2 location right here, correct?

3 **A** That's correct.

4 **Q** All right. And did you during your
5 investigation identify if there was any witness that
6 would have been in this photograph that would have
7 said they witness something?

8 **A** No.

9 **Q** And then in photograph 1D, is this, now
10 the detective who is taking the photographs, if he
11 started out by looking south on Canfield, is he
12 turning clockwise?

13 **A** He is.

14 **Q** So now from this perspective, is he
15 looking down which direction on Canfield?

16 **A** He's looking west on Canfield.

17 **Q** Okay. And so that would be looking in
18 this direction, correct?

19 **A** Correct.

20 **Q** And from this photograph which is where
21 the police vehicle would have been, can you see a
22 location where an eyewitness said that saw
23 something?

24 **A** Yes.

25 **Q** And I want you to get up and help me with

1 this. I'm going to hand you a Sharpie. What
2 witness are you talking about?

3 **A** Would have been .

4 **Q** Okay. Now, looking west from here, the
5 police officer's vehicle, we heard a number of
6 people who said they were in vehicles that were
7 actually west of the officer's location, correct?

8 **A** That's correct.

9 **Q** So , and , and
10 , and whoever was in
11 his car, ?

12 **A** Yes.

13 **Q** So those people would be somewhere on this
14 roadway, correct?

15 **A** That's correct.

16 **Q** Can you use the Sharpie and put for
17 to show where he says he was when he
18 saw that?

19 **A** (Witness marking on the exhibit.)

20 **Q** So now you see a in
21 the distance here, is tha where
22 says he was?

23 **A** It is.

24 **Q** You actually spoke to the of that
25 is that right?

1 **A** I did, yes.

2 **Q** Did confirm that had somebody
3 working, wasn't sure what day it was, but
4 had somebody who worked that day?

5 **A** did confirm that had somebody work
6 on .

7 **Q** Okay. If you're at Officer Wilson's car
8 where this photograph is, can you see the location
9 where said he was standing?

10 **A** Yes.

11 **Q** And presumably if you had taken a
12 photograph from that location, would you be able to
13 see where the police car was?

14 **A** Yes.

15 **Q** Okay. And then Exhibit 1E, in this
16 grouping is again turning clockwise so. What
17 building are we seeing in this photograph?

18 **A** We are looking at this third photograph
19 right here. This is 2973, which is part of Building
20 2 and 2969, which is also part of Building 2. We
21 can see a little bit of Building 3 on the far
22 right-hand side.

23 **Q** Okay.

24 On that
25 photo, you're saying the car would have been about

1 right at the end of the picture?

2 **A** Right. So the detective when he was
3 taking the photograph would have been standing where
4 the car was when he took that photograph.

5 : Okay. What about where the
6 body laid at?

7 MS. ALIZADEH: That's in another group of
8 photographs. There's the car photographs, there's a
9 point where he may have turned around by that pole
10 and then there's where the body laid.

11 What's the estimated
12 distance from the car to where was?

13 **A** From the car, I'm not sure I'd have to
14 look it up.

15 A couple hundred yards,
16 100 yards, someone with good eyesight would be able
17 to see clearly in your opinion?

18 **A** Yes. I would say maybe not even
19 100 yards.

20 This is 1D, that photo is
21 1D?

22 MS. ALIZADEH: Yes, 1D.

23 : That , if you were
24 standing where the detective took the picture from
25 with the naked eye would that look closer than

1 it does through the camera? Would you be able to
2 see more of it or would it be larger?

3 **A** Um, I think that is probably pretty
4 consistent with what you would see.

5 **Q** (By Ms. Alizadeh) You were out there on
6 that day, correct?

7 **A** I was.

8 **Q** When they were taking photographs?

9 **A** I was, yes.

10 **Q** And did you discuss with, was there
11 discussion between myself, my office, and you guys
12 that we wanted to have, we didn't want zoom
13 pictures?

14 **A** That's right.

15 **Q** We wanted to have a lens that would be as
16 close to the human, what an eye would see?

17 **A** Correct.

18 **Q** So none of these pictures are zoomed in to
19 what they are focused on?

20 **A** Right, that's by design.

21 : That begs a question for me.

22 When was in here, whatever that is, the is
23 right here. He said he moved over here. So he was
24 a little bit closer than the , correct, or not
25 correct?

1 MS. ALIZADEH: Well, regarding your
2 recollection of his testimony, y'all can compare
3 notes on that or look back on the transcript. I'd
4 rather not comment on where I think was or, you
5 know, and we have a map here too that is also done
6 for your assistance that also puts points where the
7 detectives involved in the investigation believe
8 people were, but that's only to assist you. These
9 are just to assist you.

10 So if your recollection is different or if
11 you do not agree with what the pictures show or what
12 the testimony is, that's your prerogative to agree
13 or disagree or have different recollections, okay.

14 So detective looking at this photograph 1E
15 and you said now in this photograph we can see
16 Building Number 2 and part of Building Number 3, can
17 you, do you know who lived in Building Number 2 that
18 said they were witness to this, do you need to look
19 at the map?

20 A In Building Number 2 would have been
21 and and .

22 Q (By Ms. Alizadeh) They testified, I don't
23 know you guys are going to have to be looking back
24 on your notes. They testified that they lived on
25 various floors in these buildings, correct? So from

1 the police car, someone who is on the balcony here
2 very well could have seen what happened at the
3 police car, is that fair to say?

4 **A** That's fair to say.

5 Who lived here, who did you
6 say?

7 **A** , and

8 . Can I look at the map just to clarify that?

9 **Q** (By Ms. Alizadeh) Just so we can make the
10 record clear, I'm going to just, I don't have
11 another easel yet today, we're going to get one for
12 you, but this is a map that has --

13 (Grand Jury Exhibit Number 101
14 marked for identification.)

15 MS. ALIZADEH: Grand Jury Exhibit Number
16 101 is the same map that has little stickers that
17 show where various people say that they were,
18 correct?

19 **A** Yes, ma'am.

20 **Q** (By Ms. Alizadeh) And you prepared that
21 for me; is that right?

22 **A** I did.

23 **Q** And I'm going to show you Grand Jury
24 Exhibit Number 102.

25 (Grand Jury Exhibit Number 102

1 marked for identification.)

2 Q (By Ms. Alizadeh) Is this a legend that
3 you prepared that corresponds with the number you
4 gave those people?

5 A It is.

6 Q Just so that you all know, you know, I've
7 been numbering witnesses as we go. The numbers that
8 he assigns here have nothing to do with the order
9 that they testified, so don't go by a witness
10 number, you know, 43 is where, okay.

11 The legend, I might as well pass it
12 all out to you, but this helps you to recall who was
13 in that Building Number 2, correct?

14 A It does.

15 Q All right. And on your little markings
16 you have Number 25, who is Number 25?

17 A It is, as I said, it is , and
18 Number 10 is and Number 9 is

19

20 Q And now looking at the corner here of
21 Coppercreek Road, there's a , who is that?

22 A .

23 Q There is also a that's over here by
24 the mailboxes?

25 A That's correct.

1 **Q** And why do you have a and .

2 **A** Individuals who we identify during the
3 course of the incident to any significance we
4 identify as best we could their starting point with
5 an A. So, for example, you are ,
6 and then to their end point as best we could again
7 who is identified by B, so , so she
8 is both and .

9 **Q** In these videos, can you see the corner
10 where would have been at

11 **A** Yes.

12 **Q** Okay. So from her location at the corner,
13 she would have been able to see the police car?

14 **A** , yes.

15 **Q** Yes, okay. And then -- all right. This
16 is F, 1F. Again, this is a perspective looking,
17 turning to the right slightly from the previous
18 photo, correct?

19 **A** That's correct.

20 **Q** And what building do you see in that
21 photo?

22 **A** There's again a segment of Building 2 and
23 it shows Building 3 and Building 4.

24 **Q** All right. And so Building 3, who was in
25 Building 3?

1 **A**

2 **Q** And so he is Number 27 on the map that
3 you've marked?

4 **A** He is.

5 **Q** Can you point with the the Sharpie, put
6 for where he was?

7 **A** Sure. (Witness marking on the exhibit.)

8 **Q** All right.

9 I've got a question. Those
10 trees we see on the left side of the road, are they
11 cut up six, seven foot off the ground if you are
12 standing under there you can see through them?

13 **A** You can walk under these trees without any
14 problem.

15 : It is hard to tell from this
16 photo.

17 **A** Yes.

18 **Q** (By Ms. Alizadeh) So Image 1G, and we are
19 going to conclude as soon as we get done with the
20 first round of photos of the police car if that's
21 okay. So, again, from the police vehicle now the
22 photographer has turned a little more clockwise,
23 what building did you see in that shot?

24 **A** Far left-hand side you can see a portion
25 of Building 4 and then it moves onto the side and

1 front portion of Building 5.

2 Q And so from these two photographs from,
3 what was this one, F and G, can you see where
4 would have been?

5 A Yes.

6 Q Okay. And so in those two photographs,
7 presumably she would be able to see the police car,
8 correct, based on what she had said where she was?

9 A Yes, ma'am, yes.

10 Q And then in 1G we see 's
11 building, correct?

12 A Correct.

13 Q And she said she was inside, but then I
14 can't remember if she says she came outside, but
15 from her building, if she were looking out a window,
16 she could see the police car, correct?

17 A Yes, ma'am.

18 Q And on 101, Grand Jury Exhibit 101, you
19 have 1A and 1B, that's because was walking
20 when this happened, correct?

21 A Yes, ma'am.

22 Q So in Grand Jury Exhibit H -- that is from
23 the police vehicle looking west or east on Canfield,
24 correct?

25 A That's correct.

1 **Q** And so from that location, what buildings
2 do we see?

3 **A** We again see Building 5 on the left-hand
4 side. And further down in the background you can
5 see a portion of Building 9. And then if we move
6 over to the right-hand side of the street, you can
7 see Building 17, a portion of Building 17 and a
8 portion of building 16 and a small portion of 15.

9 **Q** Okay. So based upon the images that we've
10 seen so far, would somebody in Building 6, for
11 example, be able to see the police car?

12 **A** No, ma'am.

13 **Q** Building 6?

14 **A** No.

15 **Q** Okay. How about a person who was in
16 Building 4?

17 **A** Yes.

18 **Q** And that was who?

19 **A** That was?

20 **Q** Sixteen?

21 **A** .

22 **Q** And so if was looking outside
23 her window, she could have seen what happened at the
24 police car?

25 **A** You will see here we were talking about

1 Building 4. A majority of Building 4 and whatever
2 photograph this is, 1G is visible, so yes.

3 Q Okay. And Image 1I. And again, from the
4 police vehicle, what buildings and what can we see?

5 A We're again looking at starting from left
6 to right. We're looking at a portion of Building
7 15, a portion of Building 16, Building 17, and then
8 in the far right-hand side is Building 18.

9 Q So in Image 1J, again, this is turning a
10 little more clockwise. What building do we see in
11 1J?

12 A We're primarily looking at Building 18.

13 Q Okay. An in Building 18 we talk about
14 that being where was?

15 A That's correct.

16 Q And then Number 30, this would be where
17 says she was standing smoking a
18 cigarette with somebody in a green shirt or black
19 shirt?

20 A Yes.

21 Q Photograph 1K. We can see this is also a
22 portion of Building 2964, which is 18, correct?

23 A That's correct.

24 Q And we can see the mailboxes in this
25 photograph where said she was

1 crouching by?

2 **A** Yes.

3 **Q** And even more so in 1L. See the mailboxes
4 in that photograph?

5 **Q** And this is the last one and then we'll
6 break. This is 1M, which again takes you full
7 circle or almost full circle. And here you can see
8 where said he was working.

9 Is that right here?

10 **A** Yes, ma'am, yes.

11 **Q** So that's something around full circle,
12 okay.

13 MS. ALIZADEH: We'll conclude for today.
14 What I would propose doing is that before next
15 Friday, I'll mount all of these on a similar board
16 and you understand the progression of the
17 photographs. I don't know that it is necessary that
18 we say what is seen. I think combined with using
19 the board there, the legend and these photographs,
20 but I will also ask Detective to return on
21 Friday to finish. I maybe just have a wrap-up to do
22 with him. Sheila will have some questions and then
23 you --

24 MS. WHIRLEY: I just have one concluding
25 question and that's it. Because I wasn't real clear

1 on something you said, I just wanted to make sure
2 I'm clear. Would it be correct to say that you're
3 not here today making a decision about probable
4 cause or telling the grand jury there's no probable
5 cause to charge Darren Wilson?

6 **A** No, I am not, absolutely not.

7 MS. WHIRLEY: That would be a
8 misstatement?

9 **A** I am not here making that statement.

10 MS. WHIRLEY: Okay. That's all I have for
11 today.

12 (End of the Grand Jury Hearing Volume
13 XXIII.)

14

15

16

17

18

19

20

21

22

23

24

25

1

2 State of Missouri

3 SS.

4 County of St. Louis

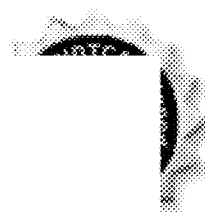
5 I, a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

5 I further certify that I am not of counsel or
6 attorney for either of the parties to said suit, not
7 related to nor interested in any of the parties or
8 their attorneys.



1 COURT MEMO
2
3
4
5 State of Missouri vs. Darren Wilson
6
7
8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10
11 DEPOSITION OF Grand Jury, Volume XXIII
12
13 11/13/2014
14 Name and address of person or firm having custody of
15 the original transcript:
16
17 St. Louis County Prosecuting Attorney's Office
18 100 S. Central Ave.
19 Clayton, MO 63105
20
21
22
23
24
25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

19

20

21

22

23

24

25

Grand Jury - Ferguson Police Shooting

**Testimony of
Grand Jury**

11/21/2014



515 Olive St., Suite 300
St. Louis, MO 63101
(314) 241-6750 fax (314) 241-5070
www.goreperry.com
schedule@goreperry.com

1

2 STATE OF MISSOURI

3

4

5

6 VS.

7

8

9 DARREN WILSON

10

11

12

13 GRAND JURY

14

15 November 21, 2014

16

17 VOLUME XXIV

18

19

20

21

22

23

24

25

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3
4 STATE OF MISSOURI

5
6
7 vs .

8
9 DARREN WILSON

10
11
12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 21st day of November, 2014,
17 before xxxxx x. xxxx, RPR, CRR, CCR MO #xxx.

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	INDEX	
2		PAGE
3	EXHIBITS	
4	Grand Jury Exhibit 103 (CV)	15
5	Grand Jury Exhibit 104 (photos)	29
6	Grand Jury Exhibit 105 (photos)	30
7	Grand Jury Exhibit 106 (photos)	35
8	Grand Jury Exhibit 107 (photos)	116
9	EXAMINATION	
10	DETECTIVE	
11	QUESTIONS BY MS. ALIZADEH	19
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 GRAND JURY HEARING VOLUME XXIV

2 MS. ALIZADEH: Good morning. It is
3 Friday, November 21st, it is 9:24 a.m. This is
4 Kathi Alizadeh, Sheila Whirley is present, all 12
5 grand jurors are present, as is the court reporter.

6 And we've spent about an hour kind of
7 talking about some procedural issues and matters and
8 concerns that the grand jurors had.

9 We did not discuss any of the evidence or
10 testimony so that discussion was had not on the
11 record.

12 I do want to tell you that as, since you
13 last met, which was on Thursday, last week, I've
14 taken this week to go through every transcript that
15 has been produced, which we are up-to-date. We have
16 the transcript from last Thursday and what I've done
17 is I made a chart and I made a chart that had the
18 name of every witness who testified and whether or
19 not that witness made statements prior to their
20 testimony.

21 As you know, it was originally our plan
22 that we would put on witness statements prior to the
23 witness testifying. We play statements, we provide
24 transcripts when we had them, but over the weeks
25 because of scheduling issues and problems getting

1 witnesses in, we kind of got away from that. We'll
2 put the witness on now and we'll listen to their
3 statements later.

4 I wanted to make sure that I had put
5 everything on and, of course, I discovered that I'm
6 not perfect and we have not, so I want to make this
7 representation to y'all.

8 And, again, names of witnesses will be
9 redacted from the transcripts, so I'm just going to
10 go ahead and say their names. But if you will
11 recall, there was a witness testified, her name is

12 She is the ,
13 and she did testify and I did play a statement of
14 hers that was taken on the date of the shooting by
15 the St. Louis County Police Department and that
16 statement was three minutes long.

17 Apparently there is another statement of
18 hers that was given to the FBI on September 2nd and
19 that statement is 11 minutes and 58 seconds. I did
20 not play that, but I have it hear, all right.

21 So I'm going to go through each of these
22 and then we will discuss whether or not you want us
23 to play or give you just the transcripts of what
24 have you.

25 There was another witness or another young

1 man who did not testify, but you'll recall
2 he originally made a statement
3 to St. Louis County Police on the day of the
4 shooting. It was a ten-minute recorded statement
5 that we played for you where he described having
6 witnessed the incident.

7 testified last week about a
8 phone call and we played a phone call for you from
9 that witness where he said, no, he really didn't see
10 it, he just said he saw it. So there is another
11 statement of that was given to the
12 joint investigators, so United States attorney,
13 Justice Department attorney and FBI people, that was
14 given on September 26th. It's 15 minutes and 58
15 seconds long, and I did not play that one for you.
16 I have listened to it and actually that's how I knew
17 was recanting the story. The essence
18 of that statement he says, I didn't really see it.

19 But that statement is also, I have it in
20 here. So we can play that for you if you want to
21 hear that one.

22 There was a woman testified named
23 , she's the one who, I believe, was taking
24 her trash out when she heard the shots. She made
25 two statements, one on August 9th on the date of the

1 shooting and one on August 16th to the FBI. During
2 their canvas, remember the week after they did a
3 knock on door canvas?

4 I have given you those two transcripts
5 already, and at the time you all said you didn't
6 need to hear the statement, the statement played
7 because you have the transcripts.

8 But again, I have those statements here
9 and if you desire to hear them, we can play them.

10 Then there's , you will
11 remember she's the woman from who was
12 taking a drive into Canfield Apartment Complex and
13 testified that she witnessed the shooting. I've
14 already played for you a statement that she made to
15 the joint investigators, the U.S. attorney,
16 Department of Justice attorney and FBI agents. That
17 statement was on October 22nd. It was an hour and
18 38 minutes long and there was no transcript of the
19 statement at that time, but the court reporter took
20 down the statement as we played it, and so you've
21 heard that statement.

22 There is another statement that was made
23 previously by her on September 11th to the St. Louis
24 County Police Department, that statement is 44
25 minutes and 52 seconds long. I don't have a

1 transcript of that statement, but I have that audio
2 if you want to hear that as well.

3 There was witness if you
4 recall, he was kind of like, he said he was kind of
5 like the godson to . He was on his
6 balcony trying to make a cell phone call because he
7 gets better reception out on his balcony.

8 He made a statement that I played for you
9 on September 30th. It was a statement made to joint
10 investigators. It was 33 minutes and 14 seconds
11 long. And you've already heard that one and have a
12 transcript of that.

13 He also made a statement on the day of the
14 FBI's canvas on August 16th and that statement is 22
15 minutes and 31 seconds. And I have that statement,
16 but I have not played it for you, nor do I have a
17 transcript.

18 I don't know if you recall
19 , she's the witness who says she likes
20 her gospel music and she was rocking to the gospel
21 music in her car when she pulled into the complex
22 that day and witnessed the shooting from behind,
23 from inside her vehicle.

24 She made a statement to joint
25 investigators that statement was made on

1 August 15th, 2014.

2 At the time I asked you if you wanted to
3 hear y'all told me you didn't think you wanted to,
4 but I have the transcripts already prepared at that
5 time because I was thinking we would play it. So at
6 this time I'll pass out the transcripts for her
7 statement and y'all can have those and if you want
8 to hear her statement, we can play that one as well.

9 Then there was , he's the
10 gentleman who was making internet kind of video
11 phone call to a female friend and he unwittingly
12 recorded the sounds of gunshots, and I didn't play
13 his statement. His statement was given to the FBI
14 on August 18th, it is ten minutes and 41 seconds
15 long. I don't have a transcript, but I do have that
16 statement if you want to listen to it.

17 There is , he's the
18 witness who had called into that POD cast show, that
19 and had made statements that
20 seem to indicate that he had seen the shooting. And
21 he came in and testified to you about what he saw.

22 He made a statement to St. Louis County
23 Police and the FBI actually on the day that he
24 testified in the grand jury because he would not
25 make a statement to the police he actually was

1 subpoenaed to come into grand jury to testify.

2 So when he arrived at our office, FBI
3 agent and then sat down with him and
4 took his statement and that's recorded. I don't
5 have a transcript, but I do have the statement, that
6 statement is 53 minutes and three seconds, so if you
7 want to hear that one you can.

8 , she was the physician
9 assistant who treated Officer Wilson on the day of
10 the shooting.

11 She made a statement to joint
12 investigators on August 27th of 2014. Her statement
13 was recorded and is 16 minutes and 29 seconds long.
14 I don't have a transcript, but I have a statement if
15 you want to hear that.

16 made a statement to joint
17 investigators on the 9th before he testified in this
18 grand jury. So that would have been on
19 November 12th and his statement is two hours and 40
20 minutes long if you would like to hear that.
21 Actually, I do have a transcript, they delivered the
22 transcript to me as well. So I have a transcript
23 and that statement.

24 I didn't print out the transcript because
25 obviously it is quite voluminous. If you need it, I

1 will certainly print out copies for everyone.

2 And then finally , she was
3 the woman who was in the vehicle with her mom and
4 dad and sister and her daughter, she made two
5 statements. Neither of which have been played to
6 you. One was on August 21st to the St. Louis County
7 Police, that's 19 minutes and 15 seconds long. And
8 the other one was to joint investigators and that
9 was made, I think, the day before she came in and
10 testified here, that would be November 12th. And
11 that statement is 35 minutes and 45 seconds long.

12 And maybe at a morning break, I'm going to
13 give this chart to the foreperson. I've highlighted
14 the ones missing statements so you guys can talk
15 amongst yourselves if there is any need to hear
16 those statements or get transcripts for those
17 statements, we can do that before you deliberate.

18 GRAND JUROR: Whatever happened to the
19 witness somebody who didn't want to come?

20 MS. ALIZADEH: we never were
21 able to get him subpoenaed. He's hung up on me
22 twice, he hung up on the Department of Justice
23 attorney twice, they've not been able to get him in
24 for an interview.

25 I've had an investigator to his home, to

1 his mother's home, and either people don't answer
2 the door or when they answer the door they say
3 isn't here.

4 Police are not authorized to go into a
5 house and look for somebody unless they have a
6 search warrant. And given that he's not, he hasn't
7 committed a crime, we really can't get a search
8 warrant to go into a house to find him.

9 So, you know, I did play his statement for
10 you to take into consideration the fact that he is
11 unwilling to come in and give live testimony to you.

12 When you consider how many witnesses have
13 given different statements after they come in and
14 testify, just keep that in mind, that you were able
15 to question him and observe him and judge his
16 credibility live, okay.

17 GRAND JUROR: I have one more question.
18 What would be the reason that a police department or
19 the FBI or the civil rights will get a statement at
20 the 9th hour before the witness comes in to testify?

21 MS. ALIZADEH: Well, that would be a
22 question that you would have to ask them. You know,
23 as you know, they're running their own
24 investigation, independent investigation and as you
25 probably, you might be able to tell even by looking,

1 I didn't give you the whole list. I left out a
2 page.

3 A lot of these witnesses who were spoken
4 to were spoken to by either county police officers
5 on the day of the shooting or the day after the
6 shooting and then sometimes on that following
7 weekend when the FBI did their canvas they were
8 spoken to.

9 Some of these interviews are as short as
10 three minutes. As an example, I'll use

11 . She was interviewed by a county detective
12 on the date of the shooting. I think her interview
13 was something like three minutes. Not very
14 detailed. Not very, you know, there isn't even
15 anything in her statement at that time as to what
16 car she was driving.

17 As you know, that kind of became an issue.
18 She testified she had the and that
19 kind of is an issue. I'm only speculating as to the
20 reason that they were conducting their own
21 interviews. I think that definitely witnesses
22 needed more in depth interviews and they determined
23 they were going to do those, but I can't really tell
24 you, it would be speculating on my part if they had
25 any other kind of motive or desire, but they are

1 running their own investigation. They will, they
2 are preparing a report with recommendations of their
3 own so they feel a need to actually talk to every
4 witness themselves.

5 Okay. Also we did not have it at the
6 time, but actually emailed a copy of his
7 CV after he testified, so I marked that as Exhibit
8 103.

9 (Deposition Exhibit Number 103
10 marked for identification.)

11 MS. ALIZADEH: And at this time we'll
12 proceed with who I anticipate may be the last
13 witness and that's who started
14 last Thursday.

15 GRAND JUROR: I have one quick question.
16 referenced his report, do we not
17 anticipate getting one from his autopsy?

18 MS. WHIRLEY: We don't have one currently.

19 MS. ALIZADEH: I don't even know if it's
20 done.

21 GRAND JUROR: Okay.

22 MS. ALIZADEH: You know, honestly, during
23 the break we can try to contact him if it is done,
24 he maybe can email it to us, and if it is not done.

25 GRAND JUROR: I asked about

1 report. He mentioned finishing up his report and we
2 never saw anything. If that is of interest of
3 people to inquire into it or not?

4 GRAND JUROR: What do you mean he didn't
5 saw everything?

6 GRAND JUROR: He never submitted his
7 report from his autopsy. He referenced he looked at
8 some pictures when.

9 GRAND JUROR: He should have written his
10 report by now.

11 GRAND JUROR: This is it, he didn't submit
12 his autopsy report.

13 MS. WHIRLEY: We'll contact and see.

14 MS. ALIZADEH: It is worth us reaching out
15 if he's got it and can email to us we'll get it. If
16 he doesn't, you know, the only thing would be y'all
17 would have to discuss if you want to hold up your
18 deliberations until you get it. This is, again,
19 your investigation and if there is something you
20 think you need, we're going to get it for you.

21 MS. WHIRLEY: Another question?

22 GRAND JUROR: We need to decide even if we
23 need to ask for it.

24 GRAND JUROR: I thought the only reason
25 that we would have it is because he was, he had a

1 difference of opinion as to one of the wounds as
2 opposed to the medical examiner for St. Louis
3 County, is that my understanding? Was that my
4 understanding?

5 MS. WHIRLEY: That's something you need to
6 figure out.

7 MS. ALIZADEH: We can't --

8 GRAND JUROR: I'm sorry?

9 MS. ALIZADEH: We've got email.

10 MS. WHIRLEY: I can reach out to him.

11 MS. ALIZADEH: We can make quick inquiry.
12 If he's got it, we'll get. If he doesn't have it,
13 you guys are going to have to decide if you want to
14 hold up deliberations until you get it. It is easy.

15 GRAND JUROR: I'm not sure that everything
16 that we've done so far is thorough if we would make
17 a decision before we have his report that that would
18 not reflect good on us, you know what I mean?

19 MS. ALIZADEH: Let me tell you this. In
20 any actual criminal trial, the report of the medical
21 examiner, the police reports, any reports that you
22 all have been given in your investigation, none of
23 those or admissible in a trial because the report
24 itself is considered hearsay.

25 The testimony is the evidence in the case.

1 So has now, typically we have a report
2 before the witness testifies and we may use that
3 report to prepare us for their testimony, and then
4 we may use that report if they testify differently
5 than what the report says certainly, but in this
6 case, we didn't have that report in advance.

7 If we had it and it was a trial, we
8 couldn't let the jury see it anyway, but that's
9 something, again, you guys are going to have to talk
10 about. During this break, we'll go and do, we'll
11 contact somebody right now. If we get it great, if
12 we don't get it, you are going to have to decide if
13 you want to wait for the report, okay. And that
14 will be the decision you all can make amongst
15 yourselves during the break or lunch or what have
16 you. Okay.

```
17         Anything else before we take a bathroom
18 break or stretch your legs?
```

19 (Recess)

20 MS. WHIRLEY: This is Sheila Whirley.
21 There was a request regarding autopsy
22 report. Fortunately I was able to reach him by
23 telephone during our break. He said that he was
24 waiting on some information and hadn't completed the
25 report, but he could have it ready by Monday.

1 So he wanted me to get back to him and
2 he'll work on it over the weekend. He wanted me to
3 get back to him and let him know if that would be
4 okay, should he work on it or what.

5 MS. ALIZADEH: Why don't you guys talk
6 about it during your lunch break. We'll let him
7 know after lunch whether he needs to chop-chop, get
8 that done for you guys, okay.

9 So at this time, we're going to recall
10 Detective

11 DETECTIVE
12 having previously been sworn, retakes the stand for
13 further questioning.

14 EXAMINATION
15 BY

16 Q Good morning, Detective

17 A Good morning.

18 Q This will be your third time appearing on
19 this matter in the grand jury and I will just remind
20 you, you are still under oath to tell the truth and
21 also that you are under oath not to divulge or
22 disclose anything that happens in the grand jury or
23 to even discuss that you were appearing at the grand
24 jury or any matters or for the fact that they have
25 this matter under consideration.

1 **A** Yes, ma'am.

2 **Q** So, I first want to clear something up,
3 and this actually came about at the conclusion of
4 your day on Thursday, and we were not done with your
5 testimony, but there was a question asked by Sheila
6 Whirley and I wanted to clarify something.

7 Last Thursday I had asked you
8 questions about your investigation, about your
9 questioning of Officer Wilson, your reasons for not
10 placing him under arrest after you had interviewed
11 him, the reason you did not place him under arrest
12 sometime subsequent to that and I asked you if you
13 felt that you had probable cause after you had
14 interviewed him, if you felt that at that time that
15 you had probable cause to arrest him, and your
16 answer I believe was no.

17 At that time you did not feel that
18 you did and I want to clarify for the grand jurors
19 and Sheila brought up the fact, you are not saying,
20 are you, Detective, that you do not feel that
21 there's probable cause to indict Officer Wilson of
22 any offense in this case?

23 **A** Correct, I'm not giving that opinion.

24 **Q** In fact, in preparation for your
25 testimony, did we discuss whether or not any

1 questions about your opinion would be answered by
2 you?

3 **A** We did discuss that, yes.

4 **Q** And I told you that I would not want you
5 to give your own opinion if you have one, nor would
6 I want any of the grand jurors to ask you your
7 opinion because that is actually their decision and
8 not yours?

9 **A** That's correct, yes.

10 **Q** So just to clarify for everybody, your
11 answer about not arresting Officer Wilson after he
12 was interviewed, which was less than 24 hours after
13 the actual shooting incident was not a comment on
14 your part as to whether you feel that there's
15 probable cause to indict, is that fair to say?

16 **A** That's fair to say.

17 **Q** And you all understand that at no time do
18 I think would it be appropriate for you to ask his
19 opinion as to whether there is probable cause to
20 indict.

21 Also, you may recall that during
22 testimony of certain witnesses they may have been
23 asked questions about their opinion as to whether
24 there was excessive force used and in those cases,
25 those witnesses, if you recall, were all actual

1 eyewitnesses to the incident. And so whether they
2 have an opinion or not I think might be relevant,
3 but given that Detective is not witness to
4 the incident, I don't feel it is appropriate for you
5 to ask him his opinion as to any of the issues in
6 this case.

7 He's here to testify about the
8 investigation and the facts that he's discovered and
9 I leave it to you to determine the issues of law in
10 this case.

11 Also, Detective after your
12 testimony you indicated to me that I had asked you a
13 question about whether or not the investigation you
14 conducted in this case was any different than any
15 other investigation you've done regarding use of
16 force investigations, and I believe you testified
17 Thursday that no, you have not done anything
18 differently or something to that effect. And you
19 told me that you wanted to clarify that; is that
20 fair?

21 **A** I did, yes.

22 **Q** Why don't you explain for the grand jurors
23 about what, if anything, is different about your
24 investigation in this case?

25 **A** Sure. When I answered that question last

1 week, I was referring to the fact that Darren Wilson
2 was treated no differently in this investigation
3 than other officers have been treated in any other
4 investigation we have conducted or that I have
5 conducted.

6 He received no special treatment and
7 in terms of the investigation, the same legal and
8 general procedural guidelines were followed in this
9 investigation as they were in any other officer
10 involved incident that I have conducted.

11 Having said that from the beginning,
12 there were certain aspects of the investigation that
13 were different. Typically we would do a
14 walk-through at the scene with the individual
15 involved in the incident, that wasn't possible in
16 this particular instance based off of circumstances
17 taking place at the scene. It wouldn't have been
18 safe, I felt, for him to go back to the scene and do
19 a walk-through at the scene. In a relatively short
20 period of time, there was a significant amount of
21 media attention that had been garnered regarding
22 this incident and obviously, that can impact
23 witnesses' statements if a witness sees media
24 account of it, so that would have obviously impacted
25 this investigation more so than previous

1 investigations. The FBI and Department of Justice,
2 obviously, began conducting a parallel investigation
3 within a relatively short period of time. And that
4 obviously lent itself to a variety of coordination
5 issues that needed to happen, a variety of other
6 laboratory reports that we would have needed to get,
7 other methods of doing things. In that sense, there
8 were things that we did differently.

9 And also just in terms of the sheer
10 volume of work and the amount of witnesses that we
11 contacted that was different in this particular
12 instance, based on the amount of people that needed
13 to be contacted, the amount of evidence that was
14 presented. And so in some instances, I was at the
15 same time as much a project manager as I was an
16 investigator.

17 But ultimately there were a lot of
18 things that were, I should say, different about this
19 investigation, but it is nothing that would have
20 impacted the integrity of the investigation or the
21 manner in which Darren Wilson was treated, so I just
22 wanted to clarify that.

23 Q All right. And in the course of this
24 investigation within hours of the shooting, you did
25 have a number of people who actually came forward

1 and indicated that they had witnessed the incident;
2 is that correct?

3 A That's correct.

4 Q And you learned shortly after the shooting
5 that there was an individual who was with Mike Brown
6 during the shooting and did it take several days for
7 you to identify him and to contact him?

8 A It did.

9 Q And then during this investigation were
10 there also a number of witnesses that did not come
11 forward that you were able to later identify either
12 through canvassing or through other investigative
13 techniques such as getting phone records, Facebook
14 records, Twitter records and so forth, to try to
15 locate people who might have seen something?

16 A Yes, that's correct.

17 Q And so is that something that was atypical
18 in your investigation of an officer involved
19 shooting the vast number of witnesses that actually
20 were not coming forward on their own?

21 A It was, yes.

22 Q Um, all right.

23 MS. ALIZADEH: I'm going to then kind of
24 resume with talking about this perspective picture.
25 At this time does anybody have any questions, of

1 course, you can always ask later as well. Before I
2 move on to doing these pictures again, anybody have
3 questions about the investigation itself or things
4 that were done or not done?

5 Okay, all right. So now, Detective
6 we had you testify Thursday about this map,
7 which is marked Grand Jury Exhibit Number 101. What
8 are these?

9 A Extra.

10 Q (By Ms. Alizadeh) Extra, okay, that's
11 right. And you indicated that you, along with other
12 investigators prepared this, which is your
13 interpretation based upon the statements made of
14 witnesses as to where various eyewitnesses were
15 during, when I say shooting, obviously, there was a
16 time period that goes along, the beginning of the
17 time of the beginning of the incident until after
18 the shooting had been done. And do you still feel
19 that this map accurately reflects where witnesses
20 said they were?

21 A I do.

22 Q And just for your instruction, this just,
23 this map is for your purposes in your deliberations
24 and if you disagree with anything that's on the map,
25 these little sticky things come right off. So

1 supposedly they come right off.

2 **A** They do.

3 **Q** If you feel that this witness is not in
4 the right place, you can move any of these stickers
5 that you want and put them in the places where you
6 think they belong.

7 This is just something that is
8 representative of what this witness believes where
9 people were. If you all do with this what you will.

10 Also there was a legend that was
11 provided for all of you regarding the numbers
12 because the numbers that were assigned witnesses are
13 not the same numbers as the witnesses testimony in
14 this grand jury.

15 So Witness Number 10 in the grand
16 jury is not necessarily Number 10 on this chart.
17 Actually, he's Number 6. So those numbers for the
18 map are only for the map, okay. Is that fair to
19 everybody?

20 All right. Now --

21 GRAND JUROR: I just want to clarify, the
22 red where it says Michael Brown, that is where he
23 died, that is where he fell?

24 **A** Yes, ma'am.

25 GRAND JUROR: You don't indicate anywhere

1 where he was to begin with, just where he fell?

2 A Just where he fell, yes.

3 Q (By Ms. Alizadeh) And the blue would be
4 where the police officer's car was when you began
5 your investigation, correct?

6 A Correct.

7 Q So these photographs, which we already
8 started some testimony about, I did a little better
9 job attaching them. And just so for the grand jury
10 to understand what I've done here, I have three
11 boards and each board represents a vantage point.
12 So the actual vantage point, the picture of that
13 vantage point is on the back of the board.

14 So as you see here on the back of
15 this board, there is a cone in the middle of the
16 street. That would be where the police vehicle was.
17 And so when you then look at the pictures that are
18 on front of the board, and you've heard Detective
19 testify about how the photographer stood in
20 that location over that cone, actually stood,
21 straddled the cone and would take pictures moving
22 clockwise 360, so that we would have an idea of what
23 can be seen from that vantage point to help you
24 figure out where people were, what they might have
25 seen, parts of it they might have seen.

1 And actually, when I prepared these
2 boards, I did it using what's called removable tape
3 because I wanted y'all to be able to take these
4 pictures off if you needed to or move them around if
5 you needed to. But unfortunately, removable tape
6 doesn't stay very well and the next day I came in
7 and these pictures were like all on the floor.

8 As you see they're coming off
9 somewhat and so I've provided a tape dispenser for
10 you. If you see that, see how this is coming off
11 here. This is because this tape doesn't stick well.

12 I'm taking these down so they stay.
13 You should be able to pull them off. If there is a
14 need to remove them and move them around in any way.

15 But I believe we finished up with
16 this board which I did not mark last week, but I'm
17 going to mark now.

18 (Grand Jury Exhibit Number 104
19 marked for identification.)

20 MS. ALIZADEH: Does anybody have, before
21 anybody I move onto the next board, we kind of
22 finished with the last picture. Anybody have any
23 other questions about this board?

24 And just so you all know too, you will see
25 that there are, I think, five easels in this room

1 right now. There is one in the corner that's
2 holding that flip chart, one that's in this corner.
3 The one I just put up there, there's another one in
4 the corner and one over here.

5 So when it is time for you to deliberate,
6 if you feel like you want to get all of these out
7 and put them up, it is just hard for me to move
8 around by doing it right now.

9 I'm just going to do them one at a time.

10 (Grand Jury Exhibit Number 105
11 marked for identification.)

12 MS. ALIZADEH: Next board I'm going to
13 mark Grand Jury Exhibit 105.

14 Again, I put the picture on the back of
15 the board that shows the vantage point of these
16 pictures. You see a cone in that picture, and
17 Detective looking at the photos on the front
18 of the board. Can you tell what vantage point that
19 is?

20 A This would be the far eastern point that
21 we took, the 360 degree photos from.

22 Q (By Ms. Alizadeh) And why is it that this
23 cone was placed at that location on Canfield Drive
24 or Canfield Road?

25 A As best we could tell based off of witness

1 accounts, that would have been the furthest point
2 east that Michael Brown would have went to. So that
3 intersection of roughly Coppercreek Court and
4 Canfield Drive.

5 Q If you want to point to where that is on
6 your other map?

7 A So essentially the western corner, or what
8 would be the northwestern corner, I should say, of
9 Coppercreek Court and Canfield Drive is where this
10 cone was placed roughly right about there.
11 (indicating)

12 Q And so we see in the photograph that is on
13 the back of this board, the cone there, did the
14 photographer straddle that cone and take 360
15 photographs in the same manner that she did from the
16 vantage point from where the police vehicle had
17 been?

18 A Same procedure was used, yes.

19 Q Okay.

20 GRAND JUROR: Is this from the
21 perspective, you said from the farthest point that
22 the Michael Brown got to, is this the point where he
23 stopped in the roadway and turned?

24 A Yes, ma'am. We are basing that off of
25 witness statements as best we could tell. That was

1 the point that they had made reference to and so we
2 used that as the furthest eastern point to go to.

3 GRAND JUROR: Okay.

4 Q (By Ms. Alizadeh) Now, I'm going to put
5 this up, Detective. If you want to come up here if
6 it is easier for you to see. We're going to start
7 with the top left-hand photo is the first photo in
8 the group and then we're going to move left to
9 right, and then down to the second row left to right
10 and then down to the third row left to right.

11 So the first photograph, can you
12 describe for the grand jurors where the photograph,
13 what the photographer is seeing in that image?

14 A This photograph right here would be,
15 again, if I move to this map at the intersection of
16 Coppercreek Court and Canfield Drive, the
17 photographer would have been taking a photo that
18 would have been essentially almost due east. So
19 taking a photograph due east.

20 Q And so in that photograph, can you see
21 Building Number

22 A There would be Building Number and a
23 portion of Building Number .

24 Q Can you put the laser pointer on Building
25 Number

1 **A** This would be Building Number right
2 here. And then if we move to our left that would be
3 Building Number

Q Now, from this perspective, the location
of the would, if they were,
according to their statements, can you see where
they would have been?

8 **A** They discussed being near, essentially
9 this area right here, the corner of this building
10 somewhere in this area right here. (indicating)

11 Q And there's a dumpster that you can see in
12 that photograph; is that right?

13 | **A** Yes, ma'am.

14 Q Okay. And then also there was a witness
15 in Building Number

16 **A** That 's correct.

17 Q And who was that?

18	A
----	----------

19 Q We can see Building Number from this
20 first photograph?

21	A	Correct.
----	----------	----------

22 Q And then there were also possibly two
23 witnesses that were near this dumpster?

24 **A** That 's correct.

25 Q And that would be?

1 | **A** and .

2 Q All right. Is that the dumpster that
3 appears in the top left-hand side of that first
4 photograph?

5 **A** Yes, ma'am.

6 Q Okay. Now, moving onto, well, let me ask
7 you this. Building which would have been where
8 and would have been, can
9 you see Building in this, in that first
10 photograph?

11 **A** Yes, it looks like you can see a portion
12 of Building over here.

13 Q Okay. So depending on the angle of that
14 photograph and where they would have been, it's
15 possible that someone from Building could see
16 where the photographer was standing?

17	A Yes.
----	---------------

18 Q And then the next photo, is this moving
19 clockwise or counter clockwise?

20 **A** This next photo would be counter
21 clockwise.

22 Q Yeah, did I put these up wrong?

23 | **A** I think these two are transposed.

24 Q Good thing I used removable tape, huh.

25 All right. Tell you what, let's take a pause as we

1 try to get this right.

2 (Recess)

3 Q (By Ms. Alizadeh) So we've discovered that
4 I have some photographs in the wrong order and we're
5 going to move on to the next board so that I can
6 during maybe a break we can rearrange those
7 photographs and put them up the way they should be
8 and we will revisit that after a break.

9 So the next board is going to be
10 marked Grand jury Exhibit 106.

11 (Grand Jury Exhibit Number 106
12 marked for identification.)

13 Q (By Ms. Alizadeh) Detective, looking at
14 the photograph on the back of that board, can you
15 tell me where the photographer is standing for these
16 photographs?

17 A This would be at the point where Michael
18 Brown's body was located when we arrived at the
19 scene.

20 Q All right. Before we start, can you look
21 at that real quickly and tell me did I get that
22 right or is that wrong too?

23 MS. ALIZADEH: This is what happens when
24 you do live theater.

25 A The top is clockwise. This one is

1 clockwise. This is clockwise, we're good.

2 Q (By Ms. Alizadeh) Is this supposed to be
3 there?

4 A That's correct.

5 Q All right, good. So looking at these
6 photographs starting at the top left. And what
7 direction is the photographer facing?

8 A Primarily west.

9 Q And that would be on Canfield Drive?

10 A That's correct.

11 Q And from that first photograph, is she
12 straddling the cone that appears in the photograph
13 on the back of the exhibit?

14 A Yes, ma'am.

15 Q Okay. And so from this location, can you
16 see the location where would have
17 been?

18 A You can.

19 Q And where is that?

20 A It would be at this point right here.

21 Q And in the photograph you can see kind of
22 the corner of a white house or structure?

23 A That's correct.

24 Q Is that the house where he was?

25 A That is the house where he was working.

1 GRAND JUROR: I have a question about
2 . You mentioned, I guess, when we
3 were here Thursday that you talked to the homeowner?

4 A I talked to the individual who resides at
5 that home and I also talked to the homeowner, yes.

6 GRAND JUROR: And they said, what was
7 their response to him being there?

8 A Neither one could remember exact dates,
9 but it was around that time they did both confirm
10 that there was work being done on the home around
11 that time and they both confirmed that there was an
12 individual there. They didn't know names, there was
13 an individual there that was doing some sort of
14 drywall and painting work at the house.

15 GRAND JUROR: I kind of find that a little
16 strange because when he sat down with us, he told us
17 that he specifically told whoever was at that house
18 what had happened?

19 A I asked her about that, and she said that
20 she remembered talking to him briefly, didn't
21 remember what they had talked about and that she
22 ultimately left for work.

23 Q (By Ms. Alizadeh) Let me ask you this,
24 given that you actually have been to that residence,
25 did you make any attempts for yourself to stand in

1 the location where you believe stood
2 and look down Canfield to see for yourself what
3 someone in that position might be able to see?

4 A I did.

5 Q And from where, from your observation,
6 would a person standing at the location where
7 said he was, could they see where the
8 police vehicle was?

9 A They could.

10 Q And could they see where the farthest
11 easterly point where Michael Brown, witnesses say he
12 may have stopped and turned around?

13 A Yes, he could.

14 Q Could you also see the place where Michael
15 Brown's body came to rest?

16 A Yes.

17 Q Are there any obstructions between where
18 from your observation from that vantage point to any
19 of those locations is there any obstructions that
20 would be in your way?

21 A The only obstruction would have been the
22 trunk of this tree right here. I don't know if
23 everyone can see that. There is a tree right there
24 and the trunk of that tree would have been the only
25 obstruction.

1 GRAND JUROR: How big is that trunk, how
2 wide?

3 A I don't know specifically, but clearly the
4 only reason I mention that is in the interest of
5 full disclosure, that's the only --

6 GRAND JUROR: According to your judgment,
7 it is not a big, wide tree?

8 A No, it is a grown --

9 GRAND JUROR: Full grown tree?

10 A It is clearly a grown tree, but in the
11 grand scheme of looking at a particular incident,
12 one tree that is at a distance, I didn't view it as
13 something that would have impeded my ability to see
14 the entire incident.

15 GRAND JUROR: Thank you, sir.

16 A Yes, ma'am.

17 GRAND JUROR: From his distance where he
18 was standing, could he actually see
19 the movements, you can see a person standing, but
20 could you actually physically see the movements of
21 Michael Brown?

22 A So just by chance when myself and another
23 detective were at this home right here, there was
24 quite a few people walking around in this general
25 area and up to and including someone walking what

1 would be roughly, again, at the intersection of
2 Coppercreek Court and Canfield Court. And you can
3 clearly see that individual and I could clearly see
4 that individual and I could see hands moving and I
5 could see where they were moving their hands if
6 walking like this, I would be able to see the
7 movement of their hands, yes. (indicating)

8 GRAND JUROR: Could see their facial
9 expressions?

10 A I don't remember.

11 GRAND JUROR: Okay.

12 A I don't remember.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Any other questions?

15 GRAND JUROR: How soon after the incident
16 were these photos taken?

17 A I don't, I could check for you and get you
18 an exact date.

19 GRAND JUROR: Okay.

20 A But I don't remember.

21 MS. ALIZADEH: The dates the photos were
22 taking, is that what was asked?

23 GRAND JUROR: Right uh-huh.

24 MS. ALIZADEH: I'm guessing that might be,
25 you know what, it might be the date they were

1 printed that's on the back, we'll find out.

2 Do you have your report on your laptop?

3 A I do.

4 Q (By Ms. Alizadeh) He brought that so he
5 could answer questions if there were questions like
6 this.

7 A So we were out there at roughly 8:30 a.m.
8 and it would have been on Wednesday, October, yes
9 October 1st.

10 GRAND JUROR: The 1st?

11 A The 1st of October, yes, ma'am.

12 GRAND JUROR: Could I make another
13 comment? Conceivably the abundance of foliage
14 during that course of time from August until October
15 when the photos were taken, so there may not have
16 been as much foliage? I know you are not a
17 botanist, I understand that.

18 A That was a consideration that we took, we
19 took that into consideration in doing those photos.
20 We wanted to get it, obviously, before the leaves
21 started to change. If you look in these photos
22 here. The foliage is still green. I'm not saying
23 that, obviously, there are leaves in these photos
24 right here, but the foliage is clearly green at that
25 point when photos were taken.

1 MS. ALIZADEH: Any other questions? Okay.

2 Q (By Ms. Alizadeh) And then, Detective,
3 also looking at this first image, if there were
4 vehicles that were coming around this bend and
5 proceeding eastbound on Canfield Drive, someone
6 looking out of their front windshield would be able
7 to see the police vehicle, correct?

8 A Yes, ma'am.

9 Q As well as the place where Michael Brown's
10 body rested?

11 A I believe so.

12 Q And could they see the corner from their
13 vehicle?

14 A Yes, ma'am.

15 Q Okay. And so then in the second
16 photograph, and this is turning clockwise, correct?

17 A Moving clockwise, yes.

18 Q So what building is this in the map?

19 A This building right here. (indicating)

20 Q Yes. Is that the same as this building
21 right here? You see a white SUV in front of these
22 buildings, this is same building, right?

23 A So we're moving clockwise so this would
24 be --

25 Q Looking west?

1 **A** Westbound, correct, you're asking about
2 this building right here. (indicating)

3 **Q** This building is the same as this
4 building?

5 **A** That's correct.

6 **Q** What number would that be?

7 **A** That would be Building .

8 **Q** What witnesses were in Building Number

9 **A** And in Building would have been

10 .

11 **Q** Okay. And so if they were on the front of
12 their building and looking toward the photographer,
13 who is standing in this grouping, this is where
14 Michael Brown's body was; is that correct?

15 **A** That's correct.

16 **Q** They would be able to see Michael Brown's
17 body in the street?

18 **A** Yes.

19 **Q** And this building right here on the second
20 photograph?

21 **A** Correct, that would be Building .

22 **Q** Who is in that building?

23 **A** In Building would have been

24 and would have resided in
25 the building. It would have been moving from that

1 building towards the, between her building and the
2 dumpster.

3 Q And then also somewhere in this area would
4 have been where parked her car and
5 walked over in an easterly direction, correct?

6 A That's correct.

7 Q And is 's apartment this
8 one right here? (indicating)

9 A It is actually, would be on this side, so
10 the western side of this stairwell right here, but
11 this balcony right here is connected and there is
12 obviously a balcony on this side that you cannot see
13 that would be consistent with this one on the
14 eastern end.

15 Q We talked about the fact that there is,
16 there's a balcony that's connected on the fronts of
17 these buildings, but there's a wall that will at
18 some point block somebody's vision depending upon
19 where they are on their balconies and what they are
20 looking at, is that fair to say?

21 A That's fair to say.

22 Q So depending on where somebody is on these
23 balconies would depend on whether or not they could
24 see something in the street?

25 A Right.

1 Q Okay. And so in the third image now,
2 again, moving clockwise, you see 's
3 apartment?

4 A Yes.

5 Q Okay. And then were there any other
6 people in Building Number ?

7 A Not in the building, no.

8 Q Okay. And then on the fourth photograph,
9 again, moving clockwise, we can see this memorial
10 here that's by a light pole. Is this close to the
11 area where witnesses said he had stopped and turned
12 around?

13 A It is.

14 Q And from this photographer's vantage
15 point, again, you can see that dumpster in the
16 background?

17 A That's correct.

18 Q And you can see 's building?

19 A Right.

20 Q This Building Number , would this be this
21 building back in the background?

22 A That would be Building .

23 Q Who was in Building ?

24 A Uh, and .

25 Q Okay. And then looking at the next

1 photograph, again, moving clockwise then, now we are
2 looking down Canfield Road and east down Canfield;
3 is that right?

4 A That's correct.

5 Q And, again, you can see the place here,
6 correct?

7 A That's correct.

8 Q And you can see 's building?

9 A Correct.

10 Q And what buildings are back here?

11 A That would be buildings, in terms of where
12 witnesses were located, Buildings and then closer
13 to that you can see a portion of Building and it
14 looks like possibly a portion of Building .

15 Q And so what witnesses were in Building
16 Number or near Building ?

17 A Building would have been
18 and .

19 Q All right. In Building , we didn't have
20 anybody from Building that said they were near or
21 in Building ; is that correct?

22 A That's correct.

23 Q And then the sixth photograph in the
24 group, again, turning clockwise. What building
25 number is this in the left-hand side in the

1 background here?

2 **A** I believe that is a portion of Building
3 and then in the front here would be Building .

4 **Q** And then is this a different building
5 right here?

6 **A** Same, different address, same building.

7 **Q** Okay.

8 **A** So it is and , which are both
9 part of Building .

10 **Q** Were there any witnesses in Building ?

11 **A** Yes.

12 **Q** Who is that?

13 **A** or .

14 **Q** He said he was in like the first floor,
15 which is basically slightly below street level,
16 correct?

17 **A** Correct. As a frame of reference, I would
18 say roughly about that high below street level.

19 **Q** So if he were on his patio right outside
20 his front door street level would be about three a
21 and a half, 4 feet?

22 **A** Roughly.

23 **Q** And then clockwise, again, looking at
24 Photograph Number 7, I think?

25 **A** We're looking at the same building,

1 primarily Building there.

2 Q All right. And then Number , or the next
3 photograph?

4 A Sure. Now this photo essentially is
5 facing south. And we can see, again, a portion of
6 Building and unrelated building off in the
7 distance where we didn't identify any witnesses and
8 then in the far right-hand side of the photograph we
9 can see building, a portion of Building .

10 Q All right. Would this parking lot that we
11 see here, I'm not sure on this, thinking from my
12 vantage point, would that be where
13 said that she parked her vehicle?

14 A Yes.

15 Q Okay. And she indicates that she was
16 standing in front of Building smoking a cigarette
17 with some unidentified man?

18 A Identified as building, not building,
19 Number on the map here.

20 Q Okay. And then is there another witness
21 in Building Number ?

22 A Yes.

23 Q And who is that?

24 A .

25 Q Or

1 **A** I'm sorry,

2 Q So , and he said he was
3 inside the building and looked out his window and he
4 saw some or all of this incident, correct?

5	A Yes.
---	---------------

6 Q And so then in the next photograph,
7 turning clockwise still, is that also Building
8 Number ?

9 **A** That's also Building , yes.

10 Q And then the final photograph you come
11 full circle again, now west down Canfield Drive; is
12 that correct?

13 **A** That 's correct.

14 MS. ALIZADEH: Any questions about this
15 grouping or witnesses?

16 GRAND JUROR: I didn't get the very first
17 white van?

18	A	This one here?
----	---	----------------

19 GRAND JUROR: Uh-huh.

20 | A This is Building , which is right here.

21 GRAND JUROR: Okay.

22 GRAND JUROR: Where was
23 apartment here in Building .

24 A His apartment would have been, it is hard
25 to see.

1 GRAND JUROR: Okay.

2 A So the second, yeah.

3 MS. ALIZADEH: Any other questions about
4 this group of photographs?

5 And, of course, you can always ask later.
6 At this time let's take a quick break while the
7 detective and I redo the photographs and put them in
8 the correct order and then we'll finish with that
9 board and then we'll probably just go on to your
10 questions about the investigation.

11 (Recess)

12 MS. ALIZADEH: This is Kathi Alizadeh and
13 Sheila Whirley is present, we took a short break
14 while the detective and I rearranged the photos in
15 the top row. The rest of them, apparently, were
16 right, but I had gotten the top row wrong. So let's
17 start over with this board, which is 105. And
18 again, based on the photograph that's on the back of
19 the board, you can tell what perspective these
20 photographs were from which is from where,
21 Detective?

22 A Again, this is from the eastern most point
23 that witnesses had identified Michael Brown's
24 traveling on Canfield Drive. So, again, we are
25 talking about the intersection of Coppercreek Court

1 and Canfield Drive and the northwest, northern
2 portion of the intersection right there.

3 Q (By Ms. Alizadeh) Okay. So the first
4 photograph, again, all of these photographs are the
5 photographer standing or straddling the cone that
6 was placed there, and these cones that you placed
7 for the photographer's benefit, were these based on
8 measurements that you did that day?

9 A They were based on measurements that were
10 taken on August 9th and then measurements, again,
11 that we did on the day that these photographs were
12 taken, yes.

13 Q And so you are talking about the
14 measurements that were taken by Detective on
15 the day that he documented the crime scene?

16 A Yes.

17 Q Okay. And so you used those measurements
18 and then measured for yourself to determine exactly
19 where the police car was, and exactly where the body
20 was, and of course, the exact location of where
21 Michael Brown stopped and turned around is just
22 based upon various witness accounts; is that right?

23 A That's correct.

24 Q And so for these photographs, this is the
25 best of your information that this would have been

1 the farthest east that he went before turning
2 around?

3 A The best information we had at that time,
4 yes.

5 Q Okay. Is there any change in that? You
6 said at that time?

7 A No, no.

8 Q Okay, all right. So in the first
9 photograph, again, we're looking down Canfield
10 Drive, correct?

11 A That's correct.

12 Q And the, in the background somewhat, maybe
13 midrange in that photograph, you see the memorial
14 where there is another cone and there's flowers and
15 candles and stuffed animals, is that the location
16 where Michael Brown's body was?

17 A That cone has nothing to do with the cone
18 that we placed. That cone was there when we arrived
19 and that cone was left there, obviously, when we
20 left. We brought our own cone. I would discount
21 the meaning of that cone.

22 Q Okay. But that general location, so
23 someone who was standing where the photographer is,
24 you can get a feel of how far away Michael Brown's
25 body came to rest in this first photograph, correct?

1 **A** Correct.

2 **Q** Okay. And then the second photograph is
3 moving clockwise?

4 **A** Yes, ma'am.

5 **Q** And what building is that that we see?

6 **A** Building right here. (indicating)

7 **Q** And I think we talked about it, but let's
8 recap, looking at the first photograph there, can
9 you see the corner of that white house where
10 says he was?

11 **A** You can.

12 **Q** Okay.

13 **A** It is right there. (indicating)

14 **Q** Now looking at the second photograph you
15 said you see what building number is that?

16 **A** And the second photograph that's Building
17 .

18 **Q** And that would be where lives,
19 correct?

20 **A** That's correct.

21 **Q** And I'm just going to really quickly go
22 through these again. Three, you are moving farther
23 clockwise?

24 **A** Yes.

25 **Q** And you see the dumpster where the

1 | were close to, correct?

2	A	Correct.
---	----------	----------

3 Q And that would have been where

4 | and possibly were, correct?

5	A	Correct.
---	----------	----------

6 Q And then in the fourth photograph, again,
7 turning a little more clockwise. In the background,
8 can you see what buildings?

9 **A** That is Building right here. And then
10 if we move to the left, we moved onto Building and
11 this is a portion of Building right here.

12 Q All right. And then the fifth photograph
13 now you are looking east on Canfield Drive, correct?

14 **A** That's correct.

15 Q And again, you see a number of buildings
16 in the background there?

17	A Yes.
----	---------------

18 Q Those would be?

19 **A** Building .

20 Q I'm sorry. , which is on the north
21 side of the street?

22 | **A** Yes.

23 Q And then what are the buildings on the
24 south side of the street that are visible?

25 **A** Building , Building , and that may be

1 a portion of Building right there.

2 Q Put your laser pointer on Building
3 again?

4 A Building .

5 Q And that was where the and
6 were, correct?

7 A Right.

8 Q And then turning a little clockwise. In
9 the 6th photograph in the group. What building's
10 visible there?

11 A This right here would be Building , and
12 this right here would be Building , a portion of
13 Building .

14 Q And Building is where
15 lives?

16 A Right, yes.

17 Q And then on Photograph Number ?

18 A We've moved onto it. This is entirely
19 Building right here.

20 Q And then building, I'm sorry, photograph
21 the 8th photograph?

22 A This is Building here again, and now we
23 see a portion of Building right here.

24 Q And that parking lot that is seen between
25 those two buildings, that is the parking lot where

1 says she parked her car; is that
2 right?

3 **A** Yes, ma'am.

4 **Q** And then in the 9th photograph, moving
5 clockwise?

6 **A** We are essentially seeing that is all
7 Building right there.

8 **Q** And that would have been where
9 was?

10 **A** Correct.

11 **Q** And then also in that image, let me see.
12 We talked about seeing the mailboxes in one of these
13 images. I hope it is in these. Pointing here, can
14 you put your laser pointer right here. There is a
15 black vehicle that appears to be parked there and
16 then there's something behind the black vehicle.
17 Would that be about where those mailboxes, those
18 metal rows of mailboxes were?

19 **A** It is. If you look at Photo 1 here, you
20 can see the top, you will have to take my word for
21 it, that's the top of the mailboxes right there.

22 **Q** And that would be where said
23 she was near the mailboxes where she ended up. She
24 traveled from one point to another, correct?

25 **A** Yes, ma'am.

1 **Q** Okay. And then finally in the 10th
2 photograph, again, we have come 360. You are
3 looking back down west on Canfield Drive, correct?

4 **A** That's correct.

5 MS. ALIZADEH: Anybody have any questions
6 about this group of photographs? Did I confuse
7 everybody by redoing them? Are you all okay with
8 this?

9 GRAND JUROR: I just have a quick question
10 about the photographs that were taken from the
11 vantage point of the officer's vehicle. Is this
12 taken from like where his, the door of his vehicle
13 was, you know what I'm saying, or was it like midway
14 of the vehicle?

15 **A** It was taken from the driver's side front
16 tire.

17 GRAND JUROR: Driver's side front tire.

18 **Q** (By Ms. Alizadeh) So where the cone was
19 from that perspective, was from where the left front
20 tire of Officer Wilson's vehicle was on the street?

21 **A** Yes.

22 GRAND JUROR: I just want to clarify for
23 everybody and myself, the only cones we should pay
24 attention to are the ones that are orange and white,
25 the solid color orange someone else put there.

1 A The only cone that I would pay attention
2 to is the cone that identifies in that first
3 photograph where the detective would have been
4 taking the photographs from. So I guess on the back
5 here where we've identified is where we were
6 actually taking the photographs from.

7 So, yes, you are correct, these cones
8 here, both of these cones here and this cone right
9 here were obviously already there, we didn't place
10 those there and those have no bearing in terms of
11 the measurements that we took.

12 Q (By Ms. Alizadeh) So when you would move
13 from one location to the next to take pictures,
14 would you remove the cone that you had previously
15 placed?

16 A Yes.

17 Q So any cones that appear on the front of
18 these boards are not cones that you have placed?

19 A That is correct.

20 Q All right. And then if you look on the
21 back of those photographs, the cone that appears in
22 those, on the back of the boards, the photograph
23 that appears on the back of each board shows the
24 cone where you placed it. Do show where the
25 photographer was going to stand?

1 **A** Correct. Had I known there was going to
2 be cones out there already I probably would have
3 taken something different for us to bring, but I
4 didn't know that.

5 MS. ALIZADEH: Any other questions about
6 these photographs?

7 **Q** (By Ms. Alizadeh) Just briefly talk a
8 little bit more about in this particular case the
9 investigation and about the taking of witness
10 statements.

11 Virtually, not virtually, but almost
12 all of the witness statements in this case that were
13 taken were audio recorded, correct?

14 **A** Yes.

15 **Q** And was there any reason for that, was
16 there a decision why you were going to audio record
17 certain statements or all of the statements?

18 **A** By and large when we conduct homicide
19 investigations, we record anybody with any pertinent
20 information. And that's in this particular case or
21 any other homicide investigation we are conducting.
22 So it is essentially standard procedure for us to do
23 that and so we did that in this particular instance
24 too.

25 **Q** And many of these recorded statements that

1 we've heard that other officers have taken have been
2 at libraries. Detective was at a library when
3 he talked to , correct?

4 A Yes.

5 Q Different officers or detectives went to
6 people's home to interview them. There was a
7 witness interviewed at the NAACP headquarters and so
8 would each detective have available to him a digital
9 audio recorder to take with him if he were going to
10 interview witnesses?

11 A They are assigned by the departments their
12 own recorders and we essentially carry those with us
13 everywhere we go.

14 Q I believe it was Detective and
15 Detective who talked to , and
16 , the , I think
17 it was that took the first statement from
18 them that was audio recorded, correct?

19 A That's correct.

20 Q And then Detective took another
21 statement from them later, what was the reason for
22 his second statement?

23 A The second statement was taken because we
24 had received information that both and
25 had shortly after the incident took

1 place written notes or written a document outlining
2 what they had witnessed. And, obviously, that would
3 be something that we would want to view if they
4 would give us permission. So we went out and
5 contacted them and asked for permission to view
6 those items.

7 Q So the fact that they both made written
8 statements, they did not disclose that to you when
9 you first, when Detective first talked to
10 them, would that be correct?

11 A That's correct.

12 Q So there was a decision made once you
13 found out about these written statements, somebody
14 else needed to go out there, talk to them again and
15 try to get these statements from them, correct?

16 A Yes.

17 Q Okay.

18 GRAND JUROR: How did you find out about
19 the statements.

20 A I believe it was their supervisor had made
21 reference to it when we were contacting him. So
22 they were originally told by their supervisor to
23 write down their comments or write down their
24 account of what they witnessed. So they did that
25 and that was ultimately conveyed to us and so then

1 we went out and talked to and
2 and asked that it was true, and they
3 indicated it was and we obtained those.

4 Q (By Ms. Alizadeh) Now, there was yet again
5 another interview conducted of and
6 after Detective had talked to
7 them a second time?

8 A That's correct.

9 Q What was the reason for the third
10 interview?

11 A During the course of the investigation,
12 obviously, it is an evolving investigation and we've
13 we're learned things on a daily basis. If I can go
14 back in time to when we were contacting Dorian
15 Johnson.

16 Q And that would have been on the 13th?

17 A Yes, ma'am. So during the course of
18 Dorian Johnson's interview, he talked about speaking
19 with, he didn't mention them by name,
20 and . And during the interview with
21 Dorian Johnson he made reference to
22 and talking with Michael Brown about
23 marijuana and about waxing.

24 I had no idea what waxing was. We
25 later learned that waxing delivers essentially a

1 high concentration of THC to an individual in a very
2 short period of time. So THC is the active
3 ingredient in marijuana.

4 That didn't necessarily mean much to
5 me until we learned from the autopsy report that
6 Michael Brown had THC in his system and we learned
7 that after speaking with Dr. from the St. Louis
8 County Medical Examiner's Office, that his level was
9 elevated to the point where it could have
10 potentially caused a loss in perception of space and
11 time and there was also the possibility that there
12 could have been hallucinations. He couldn't say
13 that for sure, but that is a potential effect of
14 high levels of THC in an individual.

15 So knowing that waxing delivers a
16 high level of THC to an individual in a relatively
17 short period of time and knowing that from Dorian
18 Johnson, Michael Brown had had conversations with
19 and about waxing, we
20 thought it worth exploring the possibility that
21 either gave, or
22 provided, or sold wax to Michael Brown. And if that
23 was the case, it could have potentially explained
24 some of the behavior that we witnessed from Michael
25 Brown on the audio, I'm sorry on the video at the

1 Ferguson Market and help explain some of the things
2 taking place in this particular incident.

3 Q All right. Now, had either
4 or in their first two statements to
5 County Police said anything about having discussions
6 with Michael Brown about waxing?

7 A No.

8 Q All right. Did you make a decision that
9 you were going to attempt to reinterview both of
10 those gentlemen?

11 A We did.

12 Q Now, on this occasion though, you did not
13 go out to their homes or their places of employment
14 or a library, you actually brought them into the
15 county police department and put them in an
16 interview room where you often interview suspects,
17 correct?

18 A We contacted at his home and
19 requested he accompany us back to our office and he
20 agreed to do so. We contacted at a
21 job site that he was working on and we did the same
22 thing for him. We asked him to accompany us back to
23 our office for an interview and they both
24 voluntarily agreed to do so.

25 Q So they were not under arrest?

1 **A** They were not.

2 **Q** And when they were brought to your
3 headquarters, did you bring them in during the same
4 evening?

5 **A** Yes.

6 **Q** Okay. Did you interview them separately?

7 **A** Yes.

8 **Q** And those interviews we seen were video
9 and audio recorded; is that right?

10 **A** Yes.

11 **Q** Prior to interviewing them you advised
12 each one of them of their Miranda Rights?

13 **A** We did, yes.

14 **Q** And that wouldn't be something that you
15 have done with other witnesses in this investigation
16 giving them Miranda Rights, is that fair to say?

17 **A** That's fair to say.

18 **Q** And so why is it that you felt that you
19 needed to advise these two of their Miranda Rights?

20 **A** Miranda applies if there is an incident
21 where there is custody and meaning individuals in
22 custody, and there is a potential that we're going
23 to ask guilt seeking questions. They were obviously
24 not in custody, however, we were going to be asking
25 them a series of questions and the purpose of the

1 interview was to bring them in and ask them about
2 this waxing.

3 So we were going to be asking them a
4 series of questions regarding waxing and the use of
5 it and whether they had provided or sold or done
6 anything to give Michael Brown and/or Dorian Johnson
7 marijuana or wax.

8 And so based on that, I felt it was
9 in our best interest to error on the side of
10 caution, be safe, there is nothing wrong with doing
11 this and just Mirandize them just in the sense of we
12 are going to be asking them guilt seeking questions.
13 That could potentially impact future situations if
14 they were to provide us information that could
15 implicate them in a crime.

16 Q All right. And so now when you brought
17 each of those individuals in and began your
18 questioning of them, you know, we've seen the
19 videos, they both deny having anything to do with
20 giving Michael Brown or Dorian Johnson any control
21 substances, is that fair to say?

22 A Yes, ma'am.

23 Q And they denied it from the beginning and
24 yet you continue to question them for a substantial
25 period of time; is that right?

1 **A** We did, yes.

2 **Q** Now, this interview, how are these
3 interviews different from the interviews that you
4 have done with other witnesses because these two men
5 were eyewitnesses or claim to have been eyewitnesses
6 to a shooting?

7 **A** That's correct.

8 **Q** Not suspects in the investigation, not
9 even subjects in the investigation, but witnesses?

10 **A** Correct.

11 **Q** Why treat them differently than you did
12 other witnesses in this case?

13 **A** Well, if you've seen the video, you'll
14 notice that we stayed away from discussing their
15 accounts of the incident itself. And the incident I
16 mean with Darren Wilson and with Michael Brown.

17 Our motivation in speaking with them
18 was purely to discuss the waxing aspect of it to see
19 if there was anything that we were missing in this
20 particular instance.

21 So the reality is, when we speak to
22 people, we're not always told the truth in terms of,
23 right away in terms of what is going on. That's the
24 reality of our job, sometimes people tell us the
25 truth, but in other instances they do not.

1 I mean, very few people are willing
2 to come into an office and tell a deep dark secret
3 or tell some sort of illegal activity that they've
4 done after they have just met someone in a very
5 brief period of time.

6 So as such there are various types of
7 interviews that we can do. We can do it what I'm
8 going to call just a pure fact gathering interview
9 where we sit down with somebody and we just document
10 what they've told us.

11 There are nonconfrontational
12 interviews where we can generally discuss a topic
13 with an individual in attempt to elicit information
14 and there are what I would call a direct
15 confrontation interview where we are directly
16 confronting people and calling out those individuals
17 on any inconsistencies or anything that we may
18 believe that they may not be telling us the truth
19 on.

20 I don't have a hard and fast rule by
21 in large, I don't have a hard and fast rule how I
22 conduct one interview. A lot of it is just based
23 off of how a particular individual is reacting in an
24 interview or how a particular interview is going,
25 but ultimately we are looking for the truth and

1 sometimes it is hard to get that out of people
2 initially. So we have to press them and we ask
3 questions repeatedly and kind of like a salesman, we
4 don't take no for an answer the first time.

5 We, obviously, have an obligation to
6 get to the truth to some extent and part of that is
7 pressing people to see if they're really telling us
8 the truth.

9 Q But it is true, isn't it, Detective, that
10 throughout your interview or interrogation of these
11 two men, neither one of them ever admitted or said
12 that they have been in any way involved in providing
13 controlled narcotics to Michael Brown or Dorian
14 Johnson; is that true?

15 A Yes, that's correct.

16 Q And your investigation has failed to find
17 any information otherwise; is that true?

18 A That's true.

19 Q And I think we discussed briefly and again
20 I'm going to reiterate here, to your understanding,
21 now you've completed your police report in this
22 case; is that right?

23 A I have.

24 Q How many pages is your police report?

25 A I don't know exactly, 1,100, 1,200

1 roughly.

2 Q And so you've concluded your police
3 report, but in reality does this investigation
4 continue so long as there are witnesses who might
5 come forward or want to be interviewed?

6 A I would always add a supplement to the
7 report that has been submitted if more people came
8 forward, yes.

9 Q And isn't it true, Detective, or let me
10 ask you this, if at the conclusion of this grand
11 jury investigation if there is information that
12 comes to you regarding this investigation that is in
13 any way relevant or pertinent to this investigation,
14 would you bring that to my attention?

15 A I will.

16 Q And you're aware that there is no statute
17 of limitations for murder or for class A felonies,
18 correct?

19 A I'm aware of that, yes.

20 Q And that a prosecution against Officer
21 Wilson could be brought at any time. In other
22 words, even 50 years from today?

23 A I'm aware of that, yes, ma'am.

24 Q And if there would be, let me ask you
25 this. You've reviewed a number of videos that

1 people have recorded from various devices, cell
2 phones mainly, who claim to have recorded the
3 shooting; is that right?

4 **A** That's correct.

5 **Q** Have you ever discussed a video that
6 actually shows any part of the confrontation from
7 the beginning where from the officer stopping to
8 first confront or talk to those two boys all the way
9 to the shooting itself?

10 **A** I have not.

11 **Q** Okay. Every video that you have seen in
12 relation to this investigation, video of the
13 aftermath of the shooting?

14 **A** Every one, yes.

15 **Q** Have you heard rumors that there's videos
16 of the shooting out there?

17 **A** I have heard those rumors, yes.

18 **Q** Have you done investigation to try to
19 discover whether those rumors are true or track down
20 people that have videos of the actual shooting
21 itself?

22 **A** Yes, we have.

23 **Q** And have those leads produced anything?

24 **A** No, they have not.

25 **Q** And you're aware that even after this

1 investigation by the grand jury is concluded, we've
2 discussed this, the possibility that there is for
3 some reason somebody out there has a video that they
4 have not come forward with, if that video were to be
5 discovered by law enforcement, we could represent
6 this to a grand jury; is that correct?

7 **A** That's correct.

8 MS. ALIZADEH: All have heard the term
9 double jeopardy. Double jeopardy does not apply
10 unless there is a trial jury that considers the
11 facts. And so if a case starts, if there is a trial
12 that starts with a trial jury, that's when jeopardy
13 attaches and someone can never be tried after that
14 if there's a verdict or after that they can't be
15 retried.

16 Your decision, though, does not create
17 jeopardy. In other words, there's no reason that
18 there couldn't be additional investigation in the
19 future or another consideration by probably not you
20 all probably would be another grand jury if there
21 would be something down the road, but in this case,
22 Detective, you're aware still that the federal
23 authorities have not concluded their investigation;
24 is that right?

25 **A** That's correct.

1 **Q** (By Ms. Alizadeh) They're still looking
2 for people?

3 **A** Yes.

4 **Q** Still trying to talk to people who have
5 been unwilling to talk?

6 **A** Yes.

7 **Q** And if down the road those witnesses were
8 to come forward with relevant information that may
9 change the investigation, you would bring that to my
10 attention wouldn't you?

11 **A** I would.

12 MS. ALIZADEH: Sheila, you have questions?

13 MS. WHIRLEY: Just a few.

14 **Q** (By Ms. Whirley) Regarding the accuracy of
15 these perspective photos, you don't walk it out with
16 the witness that you gave information to test the
17 accuracy of it? How do you come up with, you may
18 have already told us, I thought you did, I want to
19 understand how accurate the photos are.

20 **A** Sure. In terms of on August 9th, one of
21 our crime scene detective's jobs was to take various
22 measurements of items of evidence at the scene. And
23 he used what starts as a baseline at Coppercreek
24 Court and Canfield Court, and used this baseline
25 here and measured items during the entire, I should

1 say, within the entire crime scene and those items
2 were documented in a diagram that he completed with
3 specific measurements, feet down to inches.

4 So when we went back out there to
5 take those 360 degree panoramic shots, we based,
6 obviously, Coppercreek Court and Canfield Drive is
7 subjective in the sense that we are basing that off
8 of where, again, witnesses were telling us is the
9 furthest point east that Michael Brown would have
10 went.

11 So that is a subjective point that we
12 use that intersection, northwest corner of that
13 intersection right there.

14 However, the point where Michael
15 Brown's body was located and the point where the
16 vehicle was located, was measured on that day based
17 off the measurements that were taken on August 9th.

18 Q And when you take photographs showing
19 where people live and what building that they would
20 have, their vantage point was, that's based on
21 statements that they gave you as to where they were
22 located?

23 A Yes, ma'am.

24 Q Okay. So if you don't have that exactly
25 right, then that's not going to be accurate?

1 **A** Correct, I am basing it only off of
2 statements that they were able to provide to us,
3 yes.

4 **Q** Okay. And then you knew that swabs that
5 were taken, evidence was gathered for DNA in this
6 case?

7 **A** Yes.

8 **Q** The officer's belt, the officer's gun,
9 some other items?

10 **A** Yes, ma'am.

11 **Q** You were part of that or your team decided
12 what to seize as evidence?

13 **A** For the most part, yes.

14 **Q** Okay. And there's been testimony that
15 Michael Brown was grabbed by the throat, was his
16 throat swabbed for DNA sample?

17 **A** Was Michael Brown's throat?

18 **Q** Throat swabbed?

19 **A** I don't believe so.

20 **Q** You may not have had that information when
21 you gathered that information. Had you ever heard
22 that before that he was grabbed, the officer grabbed
23 him by the throat?

24 **A** I had heard that and as I sit here today,
25 I couldn't tell you what day I heard that.

1 Q But you do know, no one collected a swab
2 of his throat, his neck?

3 A I don't believe his neck was swabbed, no.

4 Q Okay. And if it was, you would know about
5 that; is that right?

6 A I would have a report, yes.

7 Q Okay. Now, you actually had an interview
8 with the officer, Darren Wilson, on, was it the
9 10th?

10 A Yes, ma'am.

11 Q When you interviewed him?

12 A Yes.

13 Q And you allowed him to tell you whatever
14 he wanted to tell you, right?

15 A That's correct.

16 Q You weren't stopping him from giving you
17 information at any point; is that right?

18 A I asked clarifying questions, but I did
19 not stop him, no.

20 Q You even asked him was there anything that
21 he wanted to tell you that you hadn't asked?

22 A I do that at the end of all interviews,
23 yes, ma'am.

24 Q And it was recorded?

25 A It was, yes.

1 Q And I believe when you asked him that his
2 response was, I think we're good, does that sound
3 right?

4 A That sounds right, yes.

5 Q So he never told you that he chased down,
6 chased after Michael Brown because, and continued to
7 pursue him and eventually killed him because he was
8 in fear that Michael Brown would attack other
9 officers who were coming to the scene, did he ever
10 tell you that?

11 A He did not say that, no.

12 Q Okay.

13 MS. WHIRLEY: That's all I have at this
14 time.

15 GRAND JUROR: I know that you and, I guess
16 it was Detective and Detective ,
17 Detective , I think he was responsible for
18 collecting the duty belt; is that right.

19 A Detective collected the duty belt.

20 GRAND JUROR: Detective collected
21 the duty belt?

22 A Yes.

23 GRAND JUROR: In your interview with
24 Darren Wilson, did he tell you he wanted to use his
25 pepper spray at one time, but he didn't. He thought

1 about using it and then he thought again because he
2 didn't want it to come back in on him?

3 A I don't remember the exact phrase that he
4 used, but he made mention that he thought about
5 using his OC spray or his --

6 GRAND JUROR: Mace.

7 A Mace, as you said. But he also made
8 mention that he realized he was in a confined space,
9 meaning his vehicle and in a confined space, that
10 obviously can affect other people, not just the
11 intended target I think is what he was implying.

12 GRAND JUROR: So we later found out from
13 that mace or pepper spray is
14 assigned to each patrolman and we got our report
15 from, I guess , and no pepper spray was turned
16 in. Did you know about that?

17 A No, I did not.

18 MS. ALIZADEH: Let me clarify this, okay.
19 So, Detective, the duty belt, what's a duty belt?

20 A A duty belt is essentially a belt that
21 goes, obviously, on top of the pants and shirt that
22 you always wear above a normal belt that contains
23 the equipment that a police officer is going to wear
24 during the course of his duty.

25 So it has a place for his weapon, his

1 extra magazines, his baton if he carries one, his
2 handcuffs, his radio holders, his mace, his taser,
3 anything that would be deemed necessary for an
4 officer to use in the course of his duties.

5 MS. ALIZADEH: And you are aware, aren't
6 you, that on the night or the afternoon following
7 the shooting, Detective , who is the one who
8 went to the Ferguson Police Department and seized
9 the gun, did not seize Officer Wilson's duty belt,
10 correct?

11 A I'm aware of that, yes.

12 MS. ALIZADEH: And did not inspect the
13 duty belt or photograph the duty belt, correct?

14 A That's correct.

15 MS. ALIZADEH: And was it sometime later
16 in the investigation that you contacted me and
17 indicated that Darren Wilson's attorney asked us if
18 we wanted the duty belt?

19 A That's correct.

20 MS. ALIZADEH: And what date was that that
21 Darren Wilson's attorney contacted you, asking if
22 you wanted the duty belt?

23 A I'll look it up here to be sure. Friday,
24 September 12th.

25 MS. ALIZADEH: So more than a month after

1 the shooting, correct?

2 A Correct.

3 MS. ALIZADEH: And did the attorney tell
4 you where the duty belt had been all this time.

5 A He did. He indicated that the duty belt
6 was placed in the trunk of Darren Wilson's personal
7 vehicle when he left the Ferguson police station and
8 that is where that duty belt remained until it was
9 brought to our attention. And then from there he
10 removed the belt from his vehicle and put it in a
11 box and that box was then released to us.

12 MS. ALIZADEH: So typically, Detective, is
13 a duty belt actually the personal property of the
14 officer, is that something that they go out and get
15 for themselves and it is their duty belt or did they
16 trade duty belts with other officers.

17 A I can't speak personally but for St. Louis
18 County, St. Louis County provides those duty belts
19 to each individual officer, but obviously property
20 of St. Louis County. But in the sense of trading
21 with other officers, no, there is no trading with
22 other officers. Once that belt is assigned to a
23 particular person, it is that particular person's
24 belt.

25 Q (By Ms. Alizadeh) So at the end of their

1 duty they would, they could take that belt home with
2 them that had their gun, their handcuffs, magazines?

3 A Yes, ma'am.

4 Q Whatever is on the bet, that's goes home
5 with them?

6 A It does, yes.

7 Q They don't leave it at the station for the
8 next shift?

9 A They do not.

10 Q Okay. So now when you called me up and
11 actually talked to me about having been contacted by
12 Darren Wilson's attorney about the duty belt, we had
13 a discussion about that; is that right?

14 A We did.

15 Q And we talked about whether or not we
16 should seize that duty belt?

17 A We did.

18 Q And between you and I we decided it was a
19 good idea to get it?

20 A That's correct.

21 Q And when the duty belt was seized,
22 however, the officer's gun, of course, is not in it
23 because that was seized by Detective
24 correct?

25 A That's correct.

1 **Q** The other items that are contained in a
2 duty belt, do you recall if those were in the duty
3 belt?

4 **A** I would have to look at the photos to know
5 for sure.

6 MS. ALIZADEH: Okay. I believe, have we
7 seen photos of the duty belt, have you guys seen
8 those?

9 GRAND JUROR: We have a list of what was
10 on it and what was fingerprinted.

11 MS. ALIZADEH: Let me double check because
12 I know I didn't call the witness who seized the duty
13 belt. We have the duty belt as one of the items for
14 you all to look at, but as far as whether there was
15 anything in the duty belt, those photographs would
16 show it. When we break for lunch before you begin
17 deliberating, let me go back and check and give you
18 those photos, okay.

19 But at any rate, if there was things on
20 the duty belt after the shooting, it is obviously
21 conceivable that Darren Wilson, since he had
22 possession of that duty belt from the day of the
23 shooting until it was seized September 12th, could
24 have removed things, could have changed things
25 around and what have you, correct?

1 A That's possible.

2 MS. ALIZADEH: We also discussed whether
3 or not we would try to process the duty belt either
4 for DNA or fingerprints, correct?

5 A We did.

6 MS. ALIZADEH: And we discussed the fact
7 that if you process for DNA, then you really kind of
8 destroy the prints that might be on the item and
9 vice versa, if you actually process for prints, then
10 you might obliterate any DNA that might be on the
11 item.

12 So did we discuss and talk about having it
13 processed for prints?

14 A We did.

15 MS. ALIZADEH: And you're aware that the
16 duty belt was negative for Michael Brown's prints?

17 A It was.

18 MS. ALIZADEH: I've got the duty belt, so
19 whatever is on it, if there was anything on it when
20 it was seized that would still be on it, would that
21 be fair to say?

22 A It would still be in the same condition,
23 yes.

24 MS. ALIZADEH: And that would be police
25 procedure when something is seized, you package it

1 and document it in the condition that it was when
2 you seized it and would have been photographed in
3 that condition as well?

4 A Yes, ma'am.

5 MS. ALIZADEH: I do have photographs. If
6 I haven't given them to you, I'll go get them.

7 GRAND JUROR: Considering this is a crime
8 that we are sitting here discussing, um, wouldn't
9 everything on Police Officer Wilson be considered
10 evidence? My question is, why wouldn't his duty
11 belt be detained the day of the shooting when
12 pictures were taken of him before he went to the
13 emergency room and of his uniform, why wouldn't
14 everything be considered evidence that day because
15 that is very important?

16 A Obviously, I wasn't at the Ferguson police
17 station when the items that were originally seized
18 on August 9th were seized. I agree with you in that
19 it's important. I wasn't made aware of the fact
20 that it wasn't seized until obviously a later date
21 and I can't answer that question because I wasn't
22 there.

23 GRAND JUROR: So how could you do an
24 investigation if you haven't collected evidence?

25 A Well, clearly we collected evidence. We

1 just did not seize that duty belt on that particular
2 day meaning on August 9th. We did seize, obviously,
3 his weapon and his clothing and those things, but we
4 did not seize his duty belt.

5 MS. ALIZADEH: Let me just ask, Detective,
6 how long have you been a detective for St. Louis
7 County?

8 A Almost eight years.

9 MS. ALIZADEH: And in your experience,
10 have you ever had cases where during the course of
11 the investigation, other things are made known and
12 then you wish you would have done something that you
13 now no longer have the opportunity to do?

14 A Absolutely.

15 Q (By Ms. Alizadeh) Now, Detective, I mean,
16 Officer Wilson, was interviewed by at
17 the hospital, correct?

18 A Correct.

19 Q And we know his duty belt wasn't seized
20 that day?

21 A That's correct.

22 Q And it was the next day that you
23 interviewed him at your headquarters, correct?

24 A Correct.

25 Q And I imagine was he in street clothes

1 when you interviewed him?

2 A He was.

3 Q And so whether he had his duty belt in the
4 trunk of his car that day, regardless, you didn't
5 seize the duty belt that day?

6 A I did not.

7 Q During your interview of him, did he talk
8 about mentally doing a mental, I guess, inventory of
9 the items on his duty belt during the time he says
10 Michael Brown was assaulting him?

11 A He did make reference to that, yes.

12 Q And yet you didn't make any decision at
13 that time to seize the duty belt?

14 A I think at that point I didn't know that
15 it had not been seized.

16 GRAND JUROR: In your interview with
17 Officer Darren Wilson on the 10th, what did he
18 indicate to you as the reason why Michael Brown is
19 leaving the car, why Officer Wilson exited his
20 vehicle to begin pursuit what was his justification?
21 I know what he told you us, I'd be interested in
22 what he told you?

23 A I think two separate questions there, am I
24 correct? The first question is, would you repeat
25 the first question?

1 GRAND JUROR: What did Darren Wilson
2 explain was his reason for exiting his police
3 vehicle and pursuing Michael Brown on foot?

4 A To arrest him.

5 GRAND JUROR: That's what he told you on
6 that?

7 A Yes, sir.

8 GRAND JUROR: I know we've heard evidence
9 that Michael Brown after he turned around and
10 advanced back towards Officer Wilson, and we have
11 our diagram of the crime scene with the measurements
12 on it and I just want to make sure I'm interpreting
13 all of this right. So as far as physical evidence,
14 we have the blood on the ground that was about 21 or
15 22 feet from where Michael Brown ended up. So we
16 know for a fact that's a minimum distance he might
17 have advanced and from eyewitness testimony that
18 placed him at the corner of Coppercreek, that
19 dimension looks like it is closer to 48 to 50 feet;
20 is that correct? So that would be like an outer --

21 A I'm going to look at this diagram also
22 just so I'm sure we are on the same page here.

23 So you're saying, obviously, this
24 would be zero right here, right.

25 GRAND JUROR: The distance was 48 feet

1 2 inches according to this diagram.

2 A Correct, yes, sir. So we would say, and
3 you made reference to the blood on the ground. So
4 from this point here, the red stains in the roadway
5 are identified what was later determined to be
6 Michael Brown's blood as Items 19 and 20 on the key
7 for the diagram. So Items 19 and 20, so the zero is
8 here, identified as being 31 feet and 26 feet
9 7 inches, and this direction here, and then you're
10 correct in saying if we continue to move west on
11 Canfield Drive, Michael Brown's left foot and right
12 foot for that matter are, 48 feet 2 inches, yes,
13 sir.

14 GRAND JUROR: If I did the calculation
15 that was 21 and a half feet?

16 A Yes, sir.

17 GRAND JUROR: Physical evidence,
18 eyewitness reports would have doubled that.

19 A 21, 22 feet between the blood and where
20 Michael Brown's body was when we arrived, yes.

21 GRAND JUROR: Okay. And a second
22 question. We heard the audiotape that had the last
23 ten shots on it, can you tell us exactly what that
24 timeframe was from the first shot to the tenth shot
25 there? We tried to approximate it, it was six or

1 seven seconds, but do you know exactly?

2 A I know that that audio was sent to someone
3 at the FBI in Quantico who does testing relating to
4 audio and things of that nature. I don't have that
5 report in front of me and I wouldn't be comfortable
6 in saying what those, what that analyst identified.

7 MS. ALIZADEH: I do have the report. I
8 can give it to you. He did not time, there is
9 nothing about the duration of the shots. The report
10 just indicates that there were ten, what appeared to
11 be ten apparent gunshots and a male voice speaking.
12 It was just an analyst of the audio and it doesn't
13 really say, it says nothing about duration of the
14 shots.

15 So I'd be happy to get that report for
16 you.

17 GRAND JUROR: There wasn't a craft line
18 that showed time of duration?

19 MS. ALIZADEH: No, that wasn't done.

20 A Yes, sir.

21 GRAND JUROR: In your professional
22 opinion, I'm not a blood splatter analyst, but say
23 Michael Brown is standing around the area where we
24 know his body fell and he's shot in the head, could
25 where the blood landed potentially have been, I

1 don't know some trajectory or we to expect or
2 understand that, I don't know what my question is.

3 If he was traveling from the baseline you
4 marked as zero the corner of Coppercreek and
5 Canfield that would somehow trail, is there a way to
6 know?

7 A I'm not a blood spatter analyst either,
8 but I think 22 feet would be an extremely
9 unrealistic expectation that blood is going to
10 travel that far.

11 GRAND JUROR: Okay.

12 GRAND JUROR: Did you have occasion to
13 talk to ?

14 A I did.

15 GRAND JUROR: We heard of some testimony
16 about, but we haven't heard directly, can you give
17 us a quick synopsis of what he said happened?

18 A I guess, let me clarify first. When you
19 are talking about you are making
20 reference --

21 GRAND JUROR: To the person in the video
22 that we have seen, because what I'm trying to
23 determine is, you know, what was his demeanor in the
24 store in person versus what we are seeing on a
25 screen.

1 A The and the individual in the
2 video, obviously, we may have discussed this last
3 week does not speak English. So when we talk to
4 him, we talk to him with an interpreter.

5 GRAND JUROR: Uh-huh.

6 A And through the interpreter he indicated
7 that you're saying demeanor, meaning Michael Brown's
8 demeanor?

9 GRAND JUROR: Yes.

10 A He said Michael Brown walked in and was
11 using curse words. He couldn't recall what those
12 curse words were. There was some degree of a
13 language barrier there and he collaborated
14 essentially what you saw in the video.

15 I showed him the video during the
16 course of the interview that I conducted with him, I
17 showed him the video and he corroborated that is
18 obviously what took place from his perspective, but
19 in terms of actual language, he knew that there were
20 curse words he said, but the language barrier
21 prevented him from explaining any further what he
22 was saying.

23 GRAND JUROR: Okay.

24 GRAND JUROR: In your interview with
25 Darren Wilson, his interaction with Michael Brown,

1 that he thought Michael Brown had a weapon of any
2 kind?

3 A No.

4 GRAND JUROR: He didn't indicate or no, he
5 didn't have a weapon? He didn't mention it at all
6 or he said yes, I know he didn't.

7 A I would want to check the transcript for
8 an exact account, however, at the point that I,
9 remember, at the point that I interviewed Darren
10 Wilson, there had already been one cursory interview
11 completed with him or a safety statement completed
12 with him. And in that safety statement and in that
13 cursory interview, obviously, he made no mention of
14 a weapon. So to some degree it was implied that
15 there was no weapon involved in this on Michael
16 Brown's part.

17 MS. ALIZADEH: Detective , do you
18 recall, and his statement will speak for itself and
19 you have a transcript of his statement, but do you
20 recall in his statement to you him saying that he
21 saw Michael Brown's hand go into his waistband?

22 A He did say that, yes.

23 MS. ALIZADEH: But he never said that he
24 saw a weapon?

25 A Correct. Just in terms of seeing a

1 weapon, no, he never indicated that he saw one.

2 MS. ALIZADEH: Did he ever tell you that
3 he thought Michael Brown was going for a weapon?

4 A In the sense of when Darren Wilson is
5 making reference to Michael Brown putting his right
6 hand, he described it as he put his right hand in
7 his waistband and then started coming towards Darren
8 Wilson. That would have been an instance where it
9 could have been implied that, yes, there was a
10 weapon there.

11 MS. ALIZADEH: He never said that, the
12 interview will speak for itself, I want y'all to
13 review it if you need to.

14 But he never said to you, I thought he was
15 going for a weapon so I had so shoot him, or do you
16 recall?

17 A I'm going to check my report.

18 MS. ALIZADEH: Okay. I'm going from my
19 memory as well, I don't have copy of the transcript
20 in front of me.

21 A So in the transcript here he makes
22 reference to during his first stride, he took his
23 right hand, put it under his shirt and put it in his
24 waistband. And then as he continues, he again makes
25 reference to still charging, and again, I'm reading

1 the transcript here, still charging, hand still in
2 his waistband, hasn't slowed down. And then he
3 again makes reference to the same thing, still
4 running at me, hadn't slowed down, hands still in
5 his waistband.

6 So he makes reference to it three
7 times there and then one final time when he says,
8 when he went down, his hand was still under his
9 right hand, was still under his body, looks like it
10 was still in his waistband.

11 So in that sense does he ever
12 specifically say the word weapon? No. In that
13 conversation that I'm having with him, me, as a
14 police officer knowing that if an individual has his
15 hand in his waistband, that is of concern to me
16 personally.

17 And so it was implied, in my opinion,
18 that he was making reference, that Darren Wilson was
19 making reference to believing that there could have
20 been a weapon in Michael Brown's waistband, however,
21 as you said, he never specifically mentioned the
22 word weapon.

23 GRAND JUROR: On that same note, we know
24 that Michael Brown's hand was, had the severe injury
25 with blood, so you would be able to look at the

1 shirt and shorts to be able to see if there was
2 blood in that specific area, correct? I don't know
3 if you can to verify, did you verify that? His
4 comment that he saw him at his waistband or shorts
5 or shirt, did you look to see on Michael Brown's
6 actual shirt or shorts if there is blood in that
7 area?

8 A There is both his shirt and his shorts are
9 very bloody so.

10 MS. ALIZADEH: It may be difficult to tell
11 whether it was from that or from the body laying in
12 the street and so forth.

13 GRAND JUROR: When you interviewed Darren
14 Wilson, did he at any time tell you how many times
15 he thought he shot his weapon?

16 A He didn't recall. And realistically in my
17 experience that is a normal acceptable answer to
18 hear from a police officer who has been involved in
19 a critical incident. Very often police officers
20 either don't know, or get the number of shots
21 incorrect. And I don't see that as being something
22 that frequently occurs.

23 GRAND JUROR: Did he mention it to
24 Detective in the preliminary.

25 A In terms of how many shots? You would

1 have to ask Detective that.

2 GRAND JUROR: For some reason I got he
3 said he shot four times, four shots.

4 A I'm making reference to in terms of total
5 shots.

6 GRAND JUROR: Uh-huh.

7 A Are you making reference to something?

8 GRAND JUROR: Total shots, yeah.

9 A No. I mean, clearly, I think he probably
10 could deduce that when he went back to the station
11 that his weapon carries 12 rounds in the magazine
12 plus one in the chamber. And, you know, he can,
13 obviously, I don't know that he did, count how many
14 rounds he had left. But he didn't make reference
15 to, he didn't know when I asked him.

16 MS. ALIZADEH: If you are looking for
17 where that might come from, keep in mind that I had
18 Sergeant testify about what he first told him,
19 so you can review Sergeant 's testimony. We had
20 testify about his cursory interview at
21 the hospital, so you can review that. Neither one
22 of those were recorded interviews keep in mind. And
23 then there was the recorded interview with Detective
24 , which you have that transcript.

25 And then finally, Special Agent

1 testified that she interviewed him, but her
2 interview was not recorded as well. So you wouldn't
3 maybe, you could look back at the transcript of her
4 testimony and then also keep in mind that Darren
5 Wilson testified before this grand jury and you
6 could review his testimony to see if there's mention
7 of how many shots.

8 A Yes, ma'am.

9 GRAND JUROR: What is the policy and
10 procedure of when a police officer goes to the
11 hospital to be examined as far as who is present in
12 the room with the patient and the doctor?

13 A Well, I don't know that I can answer that
14 question. Obviously, Ferguson Police Department may
15 have their own policy in terms of how they handle a
16 situation like that. I would say with St. Louis
17 County, obviously, you would have the patient and I
18 would assume that you would probably have a
19 supervisor there who is there to provide support to
20 an injured officer. I'm just talking in general
21 terms here, provide support to an injured officer.
22 And you may have another police officer there again
23 to provide support or something needs to take place,
24 but I can't specifically answer for Ferguson Police
25 Department.

1 GRAND JUROR: And they would be present in
2 the examine room?

3 A During any kind of examine taking place?

4 GRAND JUROR: (Nods head.)

5 A My guess would be that would be up to each
6 individual officer whether they were comfortable
7 with a co-worker or a supervisor being present.

8 Obviously, if they weren't
9 comfortable, I'm sure a supervisor or co-worker
10 would leave, but if they are comfortable, I'm sure
11 they could stay too.

12 GRAND JUROR: And when the doctor is
13 examining the patient, would there be a reason for
14 the supervisor to be answering questions?

15 A I guess it would probably depend on what
16 type of questions they would be answering.

17 GRAND JUROR: But they're not the patient?

18 A There is obviously an aspect to some sort
19 of workman's comp or payment issues or any number of
20 things like that could arise that a supervisor may
21 take upon his, may take responsibility for. But
22 specifically in any specific situation, I don't
23 know. I think it would be entirely different.

24 Obviously, just as if any of us got
25 hurt in a work place environment, I'm sure a

1 supervisor and/or co-worker would be there to assist
2 in whatever way they could through the process.

3 GRAND JUROR: I have one question, I have
4 a couple of questions, one in particular is about
5 his visit to the emergency room. It says in his
6 triage report that the patient presented with St.
7 Louis County Police to the emergency room for
8 evaluation from home.

9 And when we had somebody testify here, I
10 just want, do you know if he went home first?

11 A He did not go home.

12 GRAND JUROR: Okay.

13 A He went to the Ferguson Police Department
14 at the direction of Sergeant and he waited
15 there until Detective arrived. And,
16 obviously, Detective drove, not with, but
17 followed Darren Wilson and I believe Colonel
18 from the Ferguson police station to the
19 emergency room.

20 GRAND JUROR: Do you know where Darren
21 Wilson lives, or what street, or what I'm trying to
22 determine is how far away he lives from the
23 hospital?

24 A He lives quite a ways away.

25 GRAND JUROR: I just want to make sure I

1 understand what you were trying to say earlier, I
2 know everybody has asked some questions about some
3 of the things he told us here versus some of the
4 things he told you about.

5 A Sure.

6 GRAND JUROR: I want to make sure I'm
7 understanding what you are saying because with my
8 work I'll talk a certain way with my co-workers then
9 I would with this guy right here. So I'm assuming
10 that it is acceptable for things to be inferred, I'm
11 a little nervous, it is acceptable to go unspoken
12 that you know could have happened, that he would
13 have to explain to us.

14 A Can you give me a specific example of what
15 you are making reference to?

16 GRAND JUROR: Several things. I can't
17 remember what Sheila asked, but she asked a question
18 and then he asked a question about did he say he was
19 unarmed. He said, well, several times that his hand
20 was still in his waistband and I can see where some
21 people would say that he was holding an injury or
22 something, but as a police officer, and as a fellow
23 police officer, you don't know that's what he was
24 doing, you think he could be, so you're taking as a
25 police officer that doesn't have to be explained to

1 you.

2 A Correct, I think just like it is in any
3 industry or any line of work, I think there are
4 obviously things that don't necessarily need to be
5 explained or as you said, implied in any industry.

6 And you make reference to the hand in
7 the waistband. A hand in the waistband to me in a
8 situation is an alarm in any given situation because
9 I don't know as a police officer, I'm talking in
10 general terms here now, I don't know is that
11 person's hand cold or is it that they're going to
12 pull out a knife or a gun or baton or whatever.

13 GRAND JUROR: So it is possible that the
14 difference is in things that he told you and the way
15 he explained things how he told us could simply be
16 you are a police officer and you know the situation,
17 you know the type.

18 A I think that's possible, yes.
19 Specifically in the situation with the hand in the
20 waist, I believe I knew what he was making reference
21 to when he's talking about he makes mention to it
22 four times, you know.

23 GRAND JUROR: It is a concern?

24 A It was obviously a concern to him and to
25 me as a police officer, it would be a concern to me

1 also.

2 MS. ALIZADEH: Let me ask. I'm sure your
3 lunch is here. If you want to follow-up with him
4 after lunch, we can do that or you think there's
5 another five minutes worth of questions we can try
6 to finish with him. He's sticking around.

7 If for some reason during lunch you want
8 to ask him something else, you know, we'll bring him
9 back. But I know your lunch is probably here. Is
10 there anything pressing right now that you want to
11 ask him before break?

12 GRAND JUROR: When you spoke with or
13 interviewed Officer Darren Wilson, at that time was
14 he represented by an attorney?

15 A He was, yes.

16 GRAND JUROR: At any time did his attorney
17 say that there's certain things that you cannot ask
18 him?

19 A He did not, no.

20 GRAND JUROR: He did not.

21 A No. As a matter of fact, I think during
22 the course of the interview his attorney maybe said
23 two words.

24 GRAND JUROR: So he was present there with
25 Darren Wilson?

1 A Yes, ma'am, yes. He was present in the
2 conference room when we interviewed him. So it was
3 myself, Detective , Darren Wilson, and Darren
4 Wilson's attorney in the conference room.

5 MS. ALIZADEH: Correct me if I'm wrong, I
6 believe we've heard that his attorney was also
7 present with him at the hospital?

8 A He was, yes.

9 MS. ALIZADEH: Had actually ridden from
10 the Ferguson Police Department with Colonel
11 in the car with Darren Wilson, correct?

12 A I don't remember specifically if he was in
13 the car, but he definitely was at the Ferguson
14 Police Department and he definitely was at Christian
15 Northwest Hospital with Darren Wilson, yes.

16 GRAND JUROR: A public citizen or police
17 officer walking down to the park, they're sitting in
18 a car and they are strangled and beaten to death,
19 that's a homicide and there is no weapon involved;
20 is that correct? Are physical hands ever a weapon
21 or you beat me to death?

22 A Is it a homicide? Yes. A homicide is
23 simply a manner of death, but more specifically a
24 homicide is a death at the hands of another person
25 so yes, it would be a homicide.

1 GRAND JUROR: And hands would be a weapon?

2 A Could be absolutely, yes.

3 GRAND JUROR: So I'm getting to the point
4 this officer felt he was in danger of being beaten
5 to death sitting in his car, you could almost say
6 there was a weapon involved at that point, that's
7 where I'm confused a little bit. I understand no
8 weapon in the form of a pistol or handgun, if you
9 are in danger, that your life was in danger that you
10 are being beaten to death, is there a weapon there
11 or not?

12 A Well, there's a weapon in the sense there
13 is something in a hand?

14 GRAND JUROR: Right.

15 A No. Can you use your hands a weapons,
16 yes.

17 GRAND JUROR: Right. There is no
18 requirement to see a physical weapon, gun, knife,
19 for a police officer or citizen to defend themselves,
20 or in the case of a police officer to use deadly
21 force. You don't need to see a handgun to defend
22 yourself with deadly force if you are police
23 officer, you assume your life is in danger by means
24 other than a physical weapon?

25 A If a police officer --

1 MS. ALIZADEH: Let me stop you here.
2 We're going to give you prior to your deliberations
3 what the law states when a law enforcement officer
4 can use force, when a person defending themselves
5 can use force, and when they can use deadly force.

6 And so, you know, this would be maybe his
7 understanding of the law, but we have taken great
8 pains to make sure we are going to get you the law
9 so that I don't want anybody to misinterpret it. So
10 I'm just going to stop you there and we'll give it
11 to you before your deliberations okay?

12 GRAND JUROR: Okay.

13 GRAND JUROR: Kind of a follow-up on what
14 he's saying.

15 Due to Michael Brown's size and demeanor,
16 could Darren Wilson have considered him as a person
17 as being a weapon?

18 MS. ALIZADEH: You know, these are all
19 things there are, is the definition of deadly weapon
20 including in there?

21 MS. WHIRLEY: We can put it in there,
22 deadly force is in there.

23 MS. ALIZADEH: Here is the thing. You all
24 know from being a grand jury for several months,
25 that there's, you know, for example, with armed

1 criminal action, you know, you have to have
2 committed a crime by, with, through the use of a
3 dangerous instrument, a deadly weapon and there are
4 definitely definitions as to what is a deadly weapon
5 and a dangerous instrument.

6 I believe once you see the law that we've
7 written, it talks about what a person, their
8 reasonable belief is. And so those things that you
9 are asking is, could a person reasonably believe
10 that their life was threatened, that's the crux of
11 what you all have to talk about. And again, it is
12 necessarily appropriate for him to answer those
13 questions, whether or not Darren Wilson could have
14 reasonably felt that he was, his life was in danger
15 is something you all have to decide. And be guided
16 by what the evidence is and then what the law is
17 that Sheila and I have put together based on the
18 statutes and criminal instructions and jury trials,
19 okay.

20 I don't want you to, I don't think it is
21 appropriate for him to interpret the law. That's
22 going to be your job and if you have questions about
23 the law, because under the grand jury rules, we are
24 your legal advisers. So if there are questions
25 about the law as you are deliberating, you ask us

1 those questions because we are your legal advisers.

2 GRAND JUROR: Without relation to the law,
3 have you in your dealings as a police officer, ever
4 seen anyone knocked out by one punched?

5 A Have I personally seen it? No. Have I
6 responded to calls where someone has been knocked
7 out with one punch by a neighbor, a person at a bar?
8 Yes.

9 GRAND JUROR: Everything that they are
10 talking about, I just want to get back to the basics
11 of what happened or see what happened. Necessarily
12 walking in the middle of the street is not that big
13 of a deal, but when it got to the point, I've heard
14 it described as a tussle, a struggle and everything
15 like that, so when a citizen and a police officer
16 are in a tussle, that's a crime by the person
17 tussling with the police officer?

18 MS. ALIZADEH: I'm going to stop you
19 there.

20 GRAND JUROR: Why?

21 MS. WHIRLEY: We have a rule on that too.

22 MS. ALIZADEH: Because there are issues
23 about who was the initial aggressor, whether or not
24 the officer was making a lawful arrest, those are
25 all things that the law will tell you. You can

1 consider whether you believe the officer's actions
2 were lawful, and those are things that once you read
3 the law.

4 GRAND JUROR: So you are going to give us
5 those guidelines for us?

6 MS. WHIRLEY: Right.

7 MS. ALIZADEH: We're not going to give you
8 the facts and say if he did this and then this, if
9 you believe this, then this. But we're going to
10 give you what the law says when a law officer can
11 use force to affect an arrest and when that force
12 can be deadly. And then also when a person can use
13 force to defend themselves and when that force can
14 be deadly.

15 There is all kind of things about whether
16 or not the person is an initial aggressor, you know.
17 And under the law, a law enforcement officer can be
18 an initial aggressor, unless his arrest is unlawful.
19 So there is all kind of things that go into that
20 that I don't think he can answer those questions.

21 GRAND JUROR: As long as we are going to
22 get those guidelines.

23 MS. WHIRLEY: You will get definitions
24 also and you apply the facts as you know them to the
25 law.

1 GRAND JUROR: Just in case you don't come
2 back, I need this for me. When starting your
3 investigation after you already interviewed Officer
4 Wilson, okay. You heard A of the story, there's A
5 and B, but B is deceased.

6 A Correct.

7 GRAND JUROR: My question is, you heard
8 his testimony, starting your investigation, you have
9 A in your mind and then you go interview all of the
10 other witnesses. When B doesn't have a voice, you
11 don't make that your main concern during your
12 investigation, I'm asking you as a police officer or
13 a detective.

14 A Okay. What's the question?

15 GRAND JUROR: So the question is, Officer
16 Wilson's testimony told you his scenario what
17 happened. Of course Mike Brown cannot speak.

18 A Right.

19 GRAND JUROR: You only have what part A
20 said, you don't have part B. So going off what he
21 said and you are starting your investigation, that's
22 your focus point, so do you like try to put
23 everybody's investigation towards part A or you
24 trying to put this scenario together?

25 A Absolutely not. Do I try to put

1 everyone's toward part A as you made reference? In
2 the initial phases of an investigation, it's simply
3 to, I'm summarizing it here.

4 GRAND JUROR: Okay.

5 A It is simply to find as many witnesses as
6 we can and gather the facts. There is no skewing to
7 one side or to the other. It's essentially locate
8 witnesses, obtain their statements from them, and it
9 is to gather the evidence at the scene.

10 And then in this particular instance,
11 right, I present it to you, ladies and gentlemen of
12 the grand jury, and you can make the decisions from
13 there. But there is no skewing one side either way,
14 okay.

15 GRAND JUROR: Thank you.

16 GRAND JUROR: One last question. In your
17 eight years as a detective, have you ever had to
18 arrest a police officer?

19 A I have, yes, several times.

20 GRAND JUROR: Can you give one example?

21 A I've, well, this year I arrested a St.
22 Louis County police officer for an assault.

23 Several years ago I arrested a city
24 police officer for an assault. I've conducted other
25 investigations into police officers where they have

1 been arrested for a sex crime. Those are the three
2 that are popping up right now. I'm confident there
3 are a few others one.

4 GRAND JUROR: Assault, domestic assaults
5 or they --

6 A One was an on duty assault that took place
7 at a MetroLink station and the incident was captured
8 on video. The other one was an assault that took
9 place, the officer was in uniform and he was at his
10 station, he was getting off duty or had just gotten
11 off duty and he assaulted several individuals and so
12 obviously, both of those individuals I arrested.

13 MS. ALIZADEH: Any other questions?

14 And really, he won't be going far. If
15 after lunch you think of something else you need to
16 ask him to call him back, we're not going to start
17 deliberations right now. So we'll conclude for
18 lunch at this time.

19 (Lunch recess taken)

20 MS. WHIRLEY: This is Sheila Whirley, it
21 is November 21st, I'm not sure of the time, it is
22 after 1:14 or so. I did reach regarding
23 his report and he advised me that his report would
24 be more complete and detailed, and that he could
25 have it to us by noon on Monday. I asked him what

1 would be different, you know, or significant, and he
2 said that he would be able, he can derive from the
3 photos that he viewed once he was here the bullet
4 trajectory and the position that the body was in
5 when it was shot.

6 When he was here, he basically answered
7 our questions, but a report, when he would sit down
8 and write a report it would be more comprehensive
9 and detailed.

10 He said he didn't realize, he hadn't
11 started working on it, he didn't realize he could
12 submit one after his testimony, but he could work on
13 it and have it ready by Monday noon, before noon.
14 With that in mind, I know you didn't give us your
15 answer as to what you had decided about the report,
16 what do you think, do you want the report?

17 MS. ALIZADEH: Tell them the other option.

18 MS. WHIRLEY: I thought we would go to the
19 other option if they don't want the report.

20 MS. ALIZADEH: They should know all of
21 their options.

22 GRAND JUROR: If I'm hearing you right, in
23 his report is he saying that based on the trajectory
24 of the bullets he is going to show a diagram of
25 positioning of the body that resulted in those

1 injuries?

2 MS. WHIRLEY: I didn't go into detail
3 questioning of him, and that's where the other
4 option comes in and we will talk about that in a
5 minute, but what he said basically is his report
6 will talk about the trajectory of the bullets and
7 what position the body was in when it was shot based
8 on his findings.

9 Now, the other option is, as Kathi was
10 suggesting, I could find out if you want to ask him
11 a question, like you had a pretty detailed question
12 right then, I could try and reach him again and see
13 if he is available, maybe we could do a conference
14 call and you can ask him some questions about what
15 his report would say that he didn't talk about here
16 or how it may differ or how it is more complete.
17 Was there another option? I think those were the
18 two options. Am I missing one?

19 MS. ALIZADEH: The options are continue
20 without the report or without a conference call.

21 MS. WHIRLEY: That's the third option.

22 MS. ALIZADEH: Or let's just wait for the
23 report on Monday at noon, or let's get him on a
24 conference call and see if he can explain to us what
25 might be in his report that he didn't testify to

1 when he was here, or we need to have him back live
2 and in person for you all to question him in person.
3 I'm not suggesting any of these.

4 MS. WHIRLEY: Yeah, it is up to you.

5 MS. ALIZADEH: These are all your
6 decisions. Sheila is the one who talked to him
7 that's why I told her, tell him what you said.

8 MS. WHIRLEY: That's what he basically
9 said.

10 GRAND JUROR: He said that he could tell,
11 hit report is going to be tell us what position the
12 body was in when he was shot.

13 MS. WHIRLEY: He's going to be giving an
14 opinion is my understanding is, he wasn't there.

15 A That's different than what he said when he
16 was here, so if that's the case, then I think we
17 need to wait until we have the report.

18 GRAND JUROR: What he said, is a
19 prima dona. How much time he need to do a report, a
20 final report. Every time he says something, he
21 change his mind, I'm sorry, but to me he's a prima
22 dona.

23 MS. ALIZADEH: This discussion you should
24 all have by yourself and off the record. Here is
25 the thing, and this is one thing that, I wasn't part

1 of the call, Sheila was. I'm asking her some of
2 these questions because I asked her, now, I'm
3 cross-examining Sheila.

4 MS. WHIRLEY: Not going to happen.

5 MS. ALIZADEH: Is he going to say
6 something different than what he testified to?

7 MS. WHIRLEY: And my understanding is, no,
8 not necessarily different, unless that's a
9 conclusion you may come up with. It is basically a
10 more detailed and complete report regarding the
11 trajectory of the bullets and the position that the
12 body was in when it was shot.

13 If you all recall something different that
14 he said when he testified, I'm not suggesting that
15 you are, but that's, you know, for you to decide.
16 He basically said that his report would be about his
17 findings, I'm repeating it, this is verbatim, the
18 trajectory of the bullets and the position of the
19 body when he was shot. I didn't question him any
20 further than that.

21 MS. ALIZADEH: So we have the evidence all
22 set up in the room for you. First of all, do you
23 need me to call back to answer any
24 further questions at this time? No, okay.

25 Now, you all asked about the duty belt,

1 which we do have in evidence and you will be able to
2 see it, but I have the photographs of it when the
3 duty belt was seized, and it looks like this was
4 seized by Detective , who you have already
5 heard from.

6 So I will let you look at those and I'll
7 mark the envelope that contains those photos. There
8 are six images, Grand Jury Exhibit 107.

9 (Grand jury Exhibit Number 107
10 marked for identification.)

11 MS. ALIZADEH: Obviously we had some
12 matters during the lunch hour that kind of kept me
13 busy with things. I did try to look for that
14 Quantico report about the gunshots that you hear.
15 And I know I have it, I haven't had really time to
16 search through my stuff for it. So while you are
17 looking at evidence, I will try to lay my hands on
18 that as well.

19 You want to hear the interview of
20 before you go look at the evidence? Yes.

21 So, can you tell me, can I look at my
22 little chart.

23 (Playing of the interview of
24 by the FBI. The following is a
25 transcription of that interview. The Witness will

1 be .)

2 THE FBI: Today is August 25th, 2014.

3 Time is approximately 7:12 p.m. This is Special

4 Agent of the FBI along with Special

5 Agent with the FBI. We are here to

6 talk with This is regarding the

7 Michael Brown, the death of Michael Brown. The

8 civil rights investigation with St. Louis Division

9 of the FBI. We are at the offices of his attorney,

10

11

12 , if you could just state your

13 name and spell it for me?

14 THE WITNESS: ,

15 .

16 THE FBI: If you could give me your date

17 of birth and your address?

18 THE WITNESS: . Address

19 ,

20 .

21 THE FBI: And you understand that this

22 interview is being recorded?

23 THE WITNESS: Yes.

24 THE FBI: Are you fine with that being

25 recorded?

1 THE WITNESS: Yes.

2 THE FBI: Okay. So we are here to talk to
3 you today about the civil rights investigation we
4 have regarding the death of Michael Brown. If we
5 could just start we have here at the

6 . Can you take a look at this map and
7 point out to me where you think your apartment is?

8 THE WITNESS: Uh --

9 THE FBI: would be over
10 here.

11 THE WITNESS: Okay, .

12 THE FBI: You think it was .

13 THE WITNESS: Yeah.

14 THE FBI: If you wouldn't mind just
15 circling there and if you could kind of point out
16 which side of the building you're on.

17 THE WITNESS: Would be here.

18 THE FBI: Okay. Can you put like a little
19 star there? Okay.

20 How about initialing that too? So we can
21 look at this later and know that it was you that
22 marked it and exactly where it is that you are at.

23 Is that where you were at on August the
24 9th, 2014?

25 THE WITNESS: Yes.

1 THE FBI: Were you in your apartment or
2 inside your apartment?

3 THE WITNESS: Inside.

4 THE FBI: About what time is it that you
5 think that this has happened?

6 THE WITNESS: About 12:35, it is right
7 before, about 12:35 at the earliest and the latest I
8 give 12:45.

9 THE FBI: If you could tell me what you
10 were doing that day, walk me through what happened
11 right before and right through when you heard the
12 shots?

13 THE WITNESS: I was in my room, I probably
14 (inaudible) Before 12:35 but I know I was in the
15 house. I never did anything that morning. I was at
16 home all day. And I was talking at approximately
17 12:35, the time that I gave, I heard the shots while
18 I was talking to my friend on Glad.

19 THE FBI: What is Glad?

20 THE WITNESS: Glad is a social app that
21 you can download on your phone and you can have a
22 multimedia experience through texting and video.

23 THE FBI: Okay. Is that on a Google
24 phone, iPhone, what kind of phone?

25 THE WITNESS: Android phone, Google phones

1 and iPhones, I think have the access to that.

2 THE FBI: Okay. Your phone is what kind
3 of phone?

4 THE WITNESS: Android.

5 THE FBI: Android, okay. So it is an app
6 that you downloaded that you can use to video text
7 people, regular text messaging that you type out a
8 message, that kind of thing?

9 THE WITNESS: Right. It is a social app
10 where you can talk and meet people, and you can also
11 talk to friends, meet friends and send texts and
12 video.

13 THE FBI: Who was it that you were talking
14 to go on Glide that day?

15 THE WITNESS: I was talking to ,
16 .

17 THE FBI: Can you spell that for me?

18 THE WITNESS:

19 THE FBI: Do you know 's last name.

20 THE WITNESS: It is a name. So
21 it is .

22 THE FBI: .

23 THE WITNESS: .

24 THE FBI: .

25 THE WITNESS: .

1 THE FBI: .

2 THE WITNESS: Yeah.

3 THE FBI: So you were talking with
4 that day?

5 THE WITNESS: Yeah.

6 THE FBI: So you think about 12:35, 12:45
7 in that time period?

8 THE WITNESS: Yeah.

9 THE FBI: And can you tell me, what was it
10 prior to the recording that you played for us prior
11 to us starting this recorded interview, can you tell
12 us what was happening before you made that
13 recording?

14 THE WITNESS: In the house with me?

15 THE FBI: Yes.

16 THE WITNESS: I never left the room, I was
17 in the room most of the time. I was laying down on
18 my bed. Calls came in, I was just in my room. Just
19 really have the day, you know, just not doing
20 anything at that moment.

21 THE FBI: Okay.

22 THE WITNESS: But just in the room most of
23 the time laying down on the bed.

24 THE FBI: And prior to sending the video
25 messaging you already showed us, did you see or hear

1 anything prior to that relative to this case?

2 THE WITNESS: Just the shots that I
3 mentioned, and three shots before.

4 THE FBI: You think you heard three shots
5 before you sent the video?

6 THE WITNESS: About three shots.

7 THE FBI: Do you know how long that was
8 before you sent the video, before you made, I'm
9 sorry, made the video?

10 THE WITNESS: Maybe about, I don't know,
11 maybe about five, six seconds maybe.

12 THE FBI: Okay. You heard the shots and
13 you think you heard three shots?

14 THE WITNESS: Yes, it was loud.

15 THE FBI: Okay.

16 THE WITNESS: And I think, I said it to my
17 roommate, one of us mentioned that it was very loud,
18 and then I would need to send him a video. I didn't
19 when somebody talking to you (inaudible.) Then I
20 send the video, the video I heard more.

21 THE FBI: So about five seconds after you
22 heard the shots you started recording the video; is
23 that correct?

24 THE WITNESS: About then, yeah.

25 THE FBI: And then the video that you

1 showed us prior again to us starting this recording
2 has you creating a video message that has both audio
3 and video, correct?

4 THE WITNESS: Yes.

5 THE FBI: There is shots heard in that
6 message as well?

7 THE WITNESS: Yes.

8 THE FBI: And then do you hear anything
9 more after that, you stopped the video, did you hear
10 any more shots afterwards?

11 THE WITNESS: No.

12 THE FBI: Was there any time during that
13 time where you went outside of your apartment that
14 you would have seen anything?

15 THE WITNESS: No, I was inside the
16 apartment the whole time.

17 THE FBI: Okay. Can you give us your
18 roommate's name as well.

19 THE WITNESS: Uh, .

20 THE FBI: Can you spell that for me?

21 THE WITNESS: . .

22 THE FBI:

23 THE WITNESS: Yeah. I'm sorry, ,
24 her name is , . I'm sorry about
25 that.

1 THE FBI: . The , get
2 rid of that, that's not right.

3 THE WITNESS: Yeah.

4 THE FBI: and he's your
5 roommate there?

6 A She, it is a girl.

7 THE FBI: And she is your roommate at the
8 apartment. Do you have any other roommates?

9 THE WITNESS: Along with , a couple
10 people staying there, but you know, just at that
11 time it was three of us.

12 THE FBI: Okay. was there,
13 yourself, was there as well?

14 THE WITNESS: wasn't there, after
15 she moved in, he came after.

16 THE FBI: He came after.

17 THE WITNESS: Yes.

18 THE FBI: Can you spell his name for me?

19 THE WITNESS: , .

20 THE FBI: How much later did he come to
21 the apartment.

22 THE WITNESS: Um, after 1:00, maybe about
23 1:30.

24 THE FBI: All right. So definitely at the
25 apartment during the time of the shooting?

1 THE WITNESS: He wasn't there. And then I
2 remember him asking me is it okay to come in the
3 doors and he eventually came.

4 THE FBI: Okay. I think the other piece
5 of information that you wanted to tell us about was
6 a video recorder that was removed, video camera that
7 was removed. Can you tell me a little bit about
8 that?

9 THE WITNESS: That came into my mind when
10 I spoke, another eyewitness who was giving me
11 details of the entire thing.

12 THE FBI: Who was that that you are
13 talking to?

14 THE WITNESS: The eyewitness, was
15 telling me that.

16 THE FBI: Okay. And how do you spell
17 's name?

18 THE WITNESS: It is kind of a name,
19 I don't know how to. I think it is , ,
20 something it is .

21 THE FBI: Okay.

22 THE WITNESS: .

23 THE FBI: Do you know 's last name.

24 THE WITNESS: .

25 THE FBI: .

1 THE WITNESS: Yeah.

2 THE FBI: Okay. So you were talking with
3 about this incident, the shooting of Michael
4 Brown?

5 THE WITNESS: Yes.

6 THE FBI: And it sparked something in your
7 head about cameras or?

8 THE WITNESS: Well, I was just trying to
9 get information or details about what happened.

10 THE FBI: Okay.

11 THE WITNESS: Since I live in the
12 community I was just curious what happened.
13 (inaudible.)

14 THE FBI: So she's the one that told you
15 that this camera had been removed?

16 THE WITNESS: Yeah.

17 THE FBI: You didn't see the camera
18 removed?

19 THE WITNESS: No.

20 THE FBI: Okay. Do you know which camera
21 it was, did she tell you?

22 THE WITNESS: No.

23 THE FBI: Well, then that's something we
24 can follow-up with her since you don't have any
25 independent knowledge of that camera, it is

1 something that she has the knowledge of which camera
2 and who removed it from where it was?

3 THE WITNESS: Right.

4 THE FBI: Was there anything else in the
5 shooting of Michael Brown that would be helpful for
6 us?

7 THE WITNESS: No, I can't think of
8 anything.

9 THE FBI: I asked you before about whether
10 you would be willing to share the video that you
11 showed to us today, is that something you are
12 willing to share with us?

13 THE WITNESS: Yes.

14 THE FBI: We will go ahead and have you
15 sign a form that allows, you know, gives us
16 authorization to take that off your phone and take a
17 copy of that directly off your phone.

18 Okay. Anything else?

19 I don't want to get into what she told
20 you, what you talked with her. Do you have any
21 information, a way to contact her?

22 THE WITNESS: No.

23 THE FBI: You don't.

24 THE WITNESS: I mean, well, she has a
25 sister that I talk to, so her sister.

1 THE FBI: What's her sister's name? Is
2 there a cell phone number we can reach her at?

3 THE WITNESS: .

4 THE FBI: What's 's last name.

5 MS. WHIRLEY: I don't know her last name.

6 THE FBI: Okay. Do you have a number for
7 ? s sister is the one who supposedly
8 saw what happened?

9 THE WITNESS: 's sister is the one
10 who lives in the apartment complex. .

11 THE FBI: Do you know where she lives at
12 in the apartment complex?

13 THE WITNESS: doesn't live in
14 apartment complex, does. Okay.

15 THE FBI: Again, was the one
16 telling you about this camera?

17 THE WITNESS: Yeah.

18 THE FBI: Did you talk to, your other
19 roommate wasn't there, but your roommate
20 , did you talk to that roommate, did that
21 roommate, did she see anything, was she outside?

22 THE WITNESS: No, she was inside.

23 THE FBI: She was inside.

24 THE WITNESS: She was inside.

25 THE FBI: So she may have heard something,

1 she was not outside to be able to see anything.

2 THE WITNESS: Right.

3 THE FBI: Okay. Again, any other
4 questions?

5 Do you have s address?

6 THE WITNESS: No.

7 THE FBI: Okay. All right. The time is
8 now 7:26, we'll go ahead and stop the recording.

9 (End of the recorded interview.)

10 MS. WHIRLEY: Is that the only thing that
11 we're listening to?

12 MS. ALIZADEH: This is Kathi Alizadeh, we
13 just played off of Grand Jury Exhibit Number 49,
14 which is a disc, we just played a statement from
15 , which was recorded by the FBI
16 previously, previous to his testimony before this
17 grand jury.

18 Are there any other recorded statements
19 that I indicated to you that we have available?
20 Just for the record's sake, as well as for y'all to
21 know, on that list I should indicate what exhibit
22 the statements are on. So if at any time, even
23 during your deliberations you want to hear it, I can
24 play it for you.

25 Sheila and I talked about the fact that if

1 you want to listen to a witness' statement on a disc
2 where there are multiple statements, probably if you
3 can ask us to go ahead and cue it up. We can leave
4 the room if you want to be alone and talk while its
5 playing, there is a lot of people's statements on
6 there that didn't get played because they say they
7 didn't know anything or what have you.

8 And then, but I will tell you statements
9 that I did not have previously that I since have
10 gotten. This is the statement of which
11 was done, it is a two and a half hour statement that
12 was done the night before he testified, and I've
13 marked that as Grand Jury Exhibit Number 109.

14 This is a disc that has a statement of
15 that was done by the FBI on
16 September 2nd of 2014. I didn't have that
17 previously, that's Grand Jury Exhibit 108. And a
18 recorded statement of that was done
19 the day before she testified for you guys and that's
20 Grand Jury Exhibit 110.

21 So all of the statements that I've
22 indicated that you have not heard you either have
23 the transcripts for or I have them on disc for you
24 to listen to whenever you need to, all right.

25 With that being said. Any other

1 statements you want to listen to? You just let me
2 know.

3 At this point let's go ahead and take our
4 break for y'all to take a bathroom break if you want
5 and then reassemble here and then we will go look at
6 the evidence in the room, is that all right? And
7 then you guys can let us know what your decision is
8 about 's report.

9 (Recess)

10 MS. ALIZADEH: It is November 21st,
11 2:47 p.m.

12 MS. WHIRLEY: And my understanding is
13 you're ready to get instruction on the law so that
14 you can begin your deliberation. You've also made a
15 decision you asked us to check on the report,
16 autopsy report by . I checked on it, I
17 reported back and he said it was not ready, but he
18 could have it ready by noon, which is on the east
19 coast is my understanding, by noon on Monday. My
20 understanding is you have agreed that you will wait
21 for that report before turning in your decision; is
22 that correct? Yes. However, you want to begin your
23 deliberations now, correct?

24 (Jurors indicate yes.)

25 MS. WHIRLEY: We have prepared the law for

1 you, we have prepared the relevant statutes, and
2 Kathi is going to grab the indictments, they are
3 ready. We just need to bring them in here and I'll
4 pass this around.

5 We have kind of reduced down the statute
6 so that it is applicable to this case and easier to
7 understand and read. Of course, if you have any
8 questions along the way you can ask us by knocking
9 on the door or ringing the bell. I guess ringing
10 the bell would be better. And definitions that you
11 think are applicable to the statutes.

12 So we're going to the statutes, and will
13 give the foreperson the indictments and I will pick
14 up the extras.

15 MS. ALIZADEH: So the indictments that we
16 have prepared there is an indictment for murder in
17 the first degree, a Class A felony and armed
18 criminal action and unclassified felony, there is
19 two copies.

20 There is indictment for murder in the
21 second degree and armed criminal, two copies.

22 An indictment for voluntary manslaughter,
23 a Class B felony, and armed criminal action, two
24 copies.

25 An indictment for involuntary manslaughter

1 in the first degree and armed criminal action, two
2 copies.

3 And involuntary manslaughter in the second
4 degree and armed criminal action, two copies.

5 MS. WHIRLEY: The relevant statute it
6 pretty much lays out the elements of the crimes that
7 you have indictments for. It also has definitions
8 that might be applicable to the crimes that are laid
9 out in the statutes that you are looking at, it is
10 not a statute, it is an indictment.

11 The standard of proof is probable cause,
12 we did confirm that. So you guys, that is what you
13 have been working with probable cause all along
14 since you have been grand jurors and that doesn't
15 change. Even though this has been a very long,
16 arduous task going through this evidence. Your
17 standard of proof is still probable cause. You're
18 not here to determine guilt or not guilty, it is
19 probable cause, is it enough to go to trial.

20 Now, what makes this a little bit
21 different is that if you will look on page, the
22 first page, it talks about assault of a law
23 enforcement officer in the first degree. And that's
24 part of the indictment because the officer is saying
25 he was arresting him for assaulting him. So that's

1 what you would be considering in your deliberation
2 and we have provided you with definitions of assault
3 in the first degree, on the second page is assault
4 in the second degree and the third degree. And then
5 also a law enforcement officer's use of force in
6 making an arrest. An officer can use force in
7 making an arrest, got that laid out for you.

8 MS. ALIZADEH: Real quick, can I interrupt
9 about something?

10 MS. WHIRLEY: Sure.

11 MS. ALIZADEH: Previously in the very
12 beginning of this process I printed out a statute
13 for you that was, the statute in Missouri for the
14 use of force to affect an arrest.

15 So if you all want to get those out. What
16 we have discovered, and we have been going along
17 with this, doing our research, is that the statute
18 in the State of Missouri does not comply with the
19 case law.

20 This doesn't sound probably unfamiliar to
21 you that the law is codified in a written form in
22 books and they're called statutes, but courts'
23 interpret those statutes. And so the statute for
24 the use of force to affect an arrest in the State of
25 Missouri does not comply with Missouri Supreme, I'm

1 sorry, United States Supreme Court cases.

2 And so what Sheila has come up with is a
3 statement of the law as to when an officer can use
4 force to affect an arrest, that does track our
5 Missouri Statute, but also takes into consideration
6 what the Supreme Court says, okay.

7 So the statute I gave you, if you want to
8 fold that in half just so that you know don't
9 necessarily rely on that because there is a portion
10 of that that doesn't comply with the law. And then
11 the thing that Sheila is giving you, that statement
12 about use of force to affect an arrest, I don't know
13 is that what you called it, is that the title.

14 MS. WHIRLEY: Law enforcement officers use
15 of force in making an arrest, yes.

16 MS. ALIZADEH: That does correctly state
17 what the law is on when an officer can use force and
18 when he can use deadly force in affecting an arrest,
19 okay.

20 I don't want you to get confused and don't
21 rely on that copy or that print-out of the statute
22 that I've given you a long time ago.

23 MS. WHIRLEY: Did you have a question?

24 GRAND JUROR: So we're to disregard this.

25 MS. ALIZADEH: It is not entirely

1 incorrect or inaccurate, but there is something in
2 it that's not correct, ignore it totally.

3 GRAND JUROR: It is because of the
4 federal?

5 MS. WHIRLEY: Of a Supreme Court case and
6 we must follow Supreme Court of the United States.
7 It is Tennessee v. Garner, not that that matters
8 much to you.

9 GRAND JUROR: The Supreme Court, federal
10 Supreme Court overrides Missouri statutes.

11 MS. ALIZADEH: As far as you need to know,
12 just don't worry about that.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Just disregard that
15 statute.

16 MS. WHIRLEY: We don't want to get into a
17 law class.

18 That's that one and is that all you want
19 to say on that?

20 MS. ALIZADEH: Yeah, I wanted to point
21 that out.

22 MS. WHIRLEY: Use of force and defense of
23 a person, and we've added use of force and it is
24 actually, I'm sorry, we consider it a self-defense
25 instruction. So the first one is self-defense as it

1 relates to the information that you may have heard
2 regarding Michael Brown.

3 The second one is self-defense as it
4 relates to the law enforcement officer. As you
5 deliberate and looked at the indictment, if you have
6 questions about definitions, again, we have provided
7 definitions, so just refer to that sheet that you
8 have. And then also, probable cause is the
9 standard, but Kathi, something she added that, you
10 know, I need to tell you unless you want to do it, I
11 can do it.

12 MS. ALIZADEH: No, you do it.

13 MS. WHIRLEY: Is that in order to vote
14 true bill, you also must consider whether you
15 believe Darren Wilson, you find probable cause,
16 that's the standard to believe that Darren Wilson
17 committed the offense and the offenses are what is
18 in the indictment and you must find probable cause
19 to believe that Darren Wilson did not act in lawful
20 self-defense, and you've got the last sheet talks
21 about self-defense and talks about officer's use of
22 force, because then you must also have probable
23 cause to believe that Darren Wilson did not use
24 lawful force in making an arrest. So you are
25 considering self-defense and use of force in making

1 an arrest.

2 You have all the information you need in
3 those documents that we gave you to help in your
4 deliberation. But again, if you have additional
5 questions, we're here, we're not going anywhere, did
6 you have something?

7 GRAND JUROR: No.

8 MS. WHIRLEY: And that's enough to get you
9 started and hopefully this will clarify things for
10 you as you go through the indictments. And I think
11 we have already talked about, you'll decide how you
12 want to go through the indictments if you want to
13 look at them one at a time, but you must make a
14 decision whether it is true bill or no true bill for
15 each indictment.

16 MS. ALIZADEH: And as was brought up at
17 the very beginning of this and what we have
18 researched and discussed, the possibility of well,
19 what if there's, you know, five people want to
20 indict on murder first and five people that want to
21 indict on murder second, and two people that don't
22 want to indict. If you have nine people that vote
23 indict on anything, then there will be an
24 indictment. What that indictment is we will deal
25 with if that happens, but there was some question,

1 well, is it kind of like a hung jury if we all can't
2 agree on the charge. No.

3 If there are nine people to vote for an
4 indictment, regardless of what charge you are
5 indicting on, then know that there will be an
6 indictment and we will give you further instruction
7 on what that indictment, what offense it will be.

8 And the one thing that Sheila has
9 explained as far as what you must find and as she
10 said, it is kind of in Missouri it is kind of, the
11 State has to prove in a criminal trial, the State
12 has to prove that the person did not act in lawful
13 self-defense or did not use lawful force in making,
14 it is kind of like we have to prove the negative.

15 So in this case because we are talking
16 about probable cause, as we've discussed, you must
17 find probable cause to believe that he committed the
18 offense that you're considering and you must find
19 probable cause to believe that he did not act in
20 lawful self-defense. Not that he did, but that he
21 did not and that you find probable cause to believe
22 that he did not use lawful force in making the
23 arrest.

24 So if you guys need clarification on that
25 when you get down to discussing it, I can print that

1 out or something, you understand the difference, the
2 distinction, okay?

3 GRAND JUROR: Tell us those three again,
4 one is committed the offense?

5 MS. ALIZADEH: Probable cause to believe
6 that he committed the offense, which means that he
7 met all the elements of that offense. You remember
8 that from your grand jury days. And you must find
9 probable cause to believe that Darren Wilson did not
10 act in lawful self-defense and you must find
11 probable cause to believe that Darren Wilson did not
12 use lawful force in making an arrest. And only if
13 you find those things, which is kind of like finding
14 a negative, you cannot return an indictment on
15 anything or true bill unless you find both of those
16 things. Because both are complete defenses to any
17 offense and they both have been raised in his, in
18 the evidence. So any other questions about the law?

19 Okay. And then just one last thing is
20 that Sheila and I talked about making, we can't make
21 a closing argument to you and we're not going to,
22 but I wanted to say something and I asked Sheila if
23 she would, if we could prepare a statement together
24 to say and so I just wanted to first thank you. We
25 both wanted to thank you and how difficult this has

1 been and the sacrifice that we know you all have
2 family and jobs and we understand the burden it has
3 been for you to be here for now 24 days, 25 days
4 that you've actually been here.

5 We also want you to understand that your
6 decision, whatever it is, should be based on the
7 evidence that you heard in here and the law that
8 we've explained to you, not based upon what the
9 media says, not based upon public opinion, not based
10 upon your fears, you have to base it on the evidence
11 and the law.

12 And whatever that decision is, it will be
13 the correct decision and we will stand by that
14 100 percent, whatever your decision is.

15 And then finally I wanted to say, and
16 Sheila agrees, but we wanted to point out that if at
17 times it seemed like in our questions we were
18 somehow expressing our opinions either about what we
19 think the evidence is, or about the credibility of a
20 witness. We want you to understand as attorneys it
21 is our job to challenge witnesses' statements and
22 that sometimes, you know, you don't get to the truth
23 unless you challenge a witness statement.

24 We have not had any particular rhyme or
25 reason what witnesses we have taken, we have kind of

1 traded off just because we are sharing the workload,
2 but if at any time you felt that we were trying to
3 express our opinion to you, we certainly were not.

4 Sheila said, as attorneys either of us can
5 argue either point effectively and well because
6 that's what we do, but in challenging witnesses, and
7 I know that many of you have asked challenging
8 questions of the witnesses as well, it is up to you
9 to determine the facts and it is up to you to
10 determine the credibility of the witnesses that
11 testify and don't read into anything about what you
12 think our opinions are because really our opinions
13 don't matter, it is up to you and what you guys
14 think.

15 So with that being said, thank you, thank
16 you very much.

17 MS. WHIRLEY: Thank you very much. And I
18 just want to add, you know attorneys, they cannot
19 stop talking. I have to have the last word. That I
20 totally agree with that and we were trying to give
21 you a balanced presentation of the evidence. So you
22 might see us go back and forth because we are trying
23 to keep it balanced for you, and get to the truth
24 and hopefully that was accomplished.

25 And I think you are going to make the

1 right decision, I think you are very bright, I have
2 said that since I first met you many, many months,
3 ago it seems now. Do you work, if you need
4 anything, we will be out here. Thank you.

5 MS. ALIZADEH: Now, do you want to go on
6 record and say what time it is and that we are then
7 leaving the room.

8 I know I got the last word in, didn't I.

9 (Grand jury starts deliberations at 3:04
10 p.m.)

11 MS. ALIZADEH: It is approximately 5:55
12 p.m. and we are going to recess for the evening and
13 reconvene Monday morning at 9:00 a.m. We are
14 waiting on the autopsy report of and we
15 are hoping it will be here before noon Monday. So
16 with that, we are in recess for today.

17 (End of Grand Jury Hearing Volume XXIV.)
18
19
20
21
22
23
24
25

1

2

3

4

5 State of Missouri

6

SS.

7

County of St. Louis

8

9

10

11

12

13

14

15

I, Randy R. Dunn, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

16

17

18

19

20

21

22

23

24

25

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions

1 propounded by counsel and grand jurors thereto, and
2 is in all respects a full, true, correct and
3 complete transcript of the questions propounded to
4 and the answers given by said witness.

5 I further certify that the foregoing pages
6 contain a true and accurate reproduction of the
7 proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of the parties to said suit, not
10 related to nor interested in any of the parties or
11 their attorneys.

12
13 -----

14 Randy R. Dunn RPR, CRR, CCR No. 193
15
16
17
18
19
20
21
22
23
24
25